

By: Representatives Broomfield, Bailey,
Burnett, Fleming, Guice, Hamilton (109th),
Hines, Johnson, Simpson, Wells-Smith

To: Ports, Harbors and
Airports

HOUSE BILL NO. 944

1 AN ACT TO AMEND SECTION 61-3-21, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MAXIMUM LEASE TERM AGREEMENTS FROM 40 YEARS TO 75
3 YEARS THAT AIRPORT AUTHORITIES MAY ENTER INTO LEASE AGREEMENTS FOR
4 CERTAIN PURPOSES; TO AMEND SECTION 61-5-11, MISSISSIPPI CODE OF
5 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 61-3-21, Mississippi Code of 1972, is
8 amended as follows:

9 61-3-21. (1) In connection with the operation of an airport
10 or air navigation facility owned or controlled by an authority,
11 the authority may enter into contracts, leases and other
12 arrangements for terms not to exceed seventy-five (75) years with
13 any persons: (a) granting the privilege of using or improving the
14 airport or air navigation facility or any portion or facility
15 thereof or space therein for commercial purposes; (b) conferring
16 the privilege of supplying goods, commodities, things, services or
17 facilities at the airport or air navigation facility; and (c)
18 making available services to be furnished by the authority or its
19 agents at the airport or air navigation facility.

20 In each case the authority may establish the terms and
21 conditions and fix the charges, rentals or fees for the privileges
22 or services, which shall be reasonable and uniform for the same
23 class of privilege or service and which shall be established with
24 due regard to the property and improvements used and the expenses
25 of operation to the authority. In no case shall the public be
26 deprived of its rightful, equal and uniform use of the airport,
27 air navigation facility or portion or facility thereof.

28 (2) Except as may be limited by the terms and conditions of
29 any grant, loan or agreement authorized by Section 61-3-25,
30 Mississippi Code of 1972, an authority may, by contract, lease or
31 other arrangements, upon a consideration fixed by it, grant to any
32 qualified person for a term not to exceed seventy-five (75) years,
33 the privilege of operating, as agent of the authority or
34 otherwise, any airport owned or controlled by the authority.
35 However, no person shall be granted any authority to operate an
36 airport other than as a public airport or to enter into any
37 contracts, leases or other arrangements in connection with the
38 operation of the airport which the authority might not have
39 undertaken under subsection (1) of this section.

40 (3) All contracts, leases and other arrangements entered
41 into pursuant to this section are deemed to serve a public and
42 governmental purpose as a matter of public necessity; therefore,
43 all such contracts, leases, and other arrangements and all
44 structures, improvements and other facilities erected, installed,
45 constructed or located in connection therewith on an airport or
46 air navigation facility owned or controlled by an authority, or
47 any portion of facility thereof or space therein, shall be free
48 and exempt from all state, county and municipal ad valorem taxes
49 on real property and personal property for so long as may
50 otherwise be lawful, and the charges, rentals and fees received by
51 an authority in connection with such contracts, leases and other
52 arrangements shall be deemed to be in lieu of said taxes.

53 **SECTION 2.** Section 61-5-11, Mississippi Code of 1972, is
54 amended as follows:

55 61-5-11. (1) In operating an airport or air navigation
56 facility owned, leased or controlled by a municipality, such
57 municipality may, except as may be limited by the terms and
58 conditions of any grant, loan or agreement pursuant to Section
59 61-5-15, enter into contracts, leases and other arrangements for a
60 term not exceeding seventy-five (75) years with any persons:

61 (a) Granting the privilege of using or improving such
62 airport or air navigation facility or any portion or facility
63 thereof, or space therein for commercial purposes; or

64 (b) Conferring the privilege of supplying goods,
65 commodities, things, services or facilities at such airport or air
66 navigation facility; or

67 (c) Making available services to be furnished by the
68 municipality or its agents at such airport or air navigation
69 facility.

70 In each case the municipality may establish the terms and
71 conditions and fix the charges, rentals or fees for the privileges
72 or services, which shall be reasonable and uniform for the same
73 class of privilege or service and shall be established with due
74 regard to the property and improvements used and the expenses of
75 operation to the municipality.

76 (2) Except as may be limited by the terms and conditions of
77 any grant, loan or agreement pursuant to Section 61-5-15, a
78 municipality may by contract, lease or other arrangement, upon a
79 consideration fixed by it, grant to any qualified person for a
80 term not to exceed seventy-five (75) years the privilege of
81 operating, as agent of the municipality or otherwise, any airport
82 owned or controlled by the municipality. However, no person shall
83 be granted any authority to operate an airport other than as a
84 public airport or to enter into any contracts, leases or other
85 arrangements in connection with the operation of the airport which
86 the municipality might not have undertaken under subsection (1) of
87 this section.

88 (3) All contracts, leases and other arrangements entered
89 into pursuant to this section are deemed to serve a public and
90 governmental purpose as a matter of public necessity; therefore,
91 all such contracts, leases and other arrangements, and all
92 structures, improvements and other facilities erected, installed,
93 constructed or located in connection therewith on an airport or

94 air navigation facility owned or controlled by a municipality, or
95 any portion or facility thereof or space therein, shall be free
96 and exempt from all state, county and municipal ad valorem taxes
97 on real property and personal property for so long as may
98 otherwise be lawful, and the charges, rentals and fees received by
99 a municipality in connection with such contracts, leases and other
100 arrangements shall be deemed to be in lieu of said taxes.

101 **SECTION 3.** This act shall take effect and be in force from
102 and after May 31, 2007.