

By: Senator(s) Hewes, Gollott

To: Highways and
Transportation

SENATE BILL NO. 3047

1 AN ACT TO AMEND SECTIONS 61-3-21 AND 61-5-11, MISSISSIPPI
2 CODE OF 1972, TO INCREASE THE MAXIMUM TERM OF A LEASE FOR
3 OPERATION OF AN AIRPORT; AND FOR RELATED PURPOSES.

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

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

7 61-3-21. (1) In connection with the operation of an airport
8 or air navigation facility owned or controlled by an authority,
9 the authority may enter into contracts, leases and other
10 arrangements for terms not to exceed fifty (50) years with any
11 persons: (a) granting the privilege of using or improving the
12 airport or air navigation facility or any portion or facility
13 thereof or space therein for commercial purposes; (b) conferring
14 the privilege of supplying goods, commodities, things, services or
15 facilities at the airport or air navigation facility; and (c)
16 making available services to be furnished by the authority or its
17 agents at the airport or air navigation facility.

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

26 (2) Except as may be limited by the terms and conditions of
27 any grant, loan or agreement authorized by Section 61-3-25,

28 Mississippi Code of 1972, an authority may, by contract, lease or
29 other arrangements, upon a consideration fixed by it, grant to any
30 qualified person for a term not to exceed fifty (50) years, the
31 privilege of operating, as agent of the authority or otherwise,
32 any airport owned or controlled by the authority. However, no
33 person shall be granted any authority to operate an airport other
34 than as a public airport or to enter into any contracts, leases or
35 other arrangements in connection with the operation of the airport
36 which the authority might not have undertaken under subsection (1)
37 of this section.

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

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

53 61-5-11. (1) In operating an airport or air navigation
54 facility owned, leased or controlled by a municipality, such
55 municipality may, except as may be limited by the terms and
56 conditions of any grant, loan or agreement pursuant to Section
57 61-5-15, enter into contracts, leases and other arrangements for a
58 term not exceeding fifty (50) years with any persons:

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

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

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

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

74 (2) Except as may be limited by the terms and conditions of
75 any grant, loan or agreement pursuant to Section 61-5-15, a
76 municipality may by contract, lease or other arrangement, upon a
77 consideration fixed by it, grant to any qualified person for a
78 term not to exceed fifty (50) years the privilege of operating, as
79 agent of the municipality or otherwise, any airport owned or
80 controlled by the municipality. However, no person shall be
81 granted any authority to operate an airport other than as a public
82 airport or to enter into any contracts, leases or other
83 arrangements in connection with the operation of the airport which
84 the municipality might not have undertaken under subsection (1) of
85 this section.

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

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

99 **SECTION 3.** This act shall take effect and be in force from
100 and after its passage.