

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 944: Permitted term of airport contracts and leases; extend from 40 years to 75 years.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

29           (2) Except as may be limited by the terms and conditions of  
30 any grant, loan or agreement authorized by Section 61-3-25,  
31 Mississippi Code of 1972, an authority may, by contract, lease or  
32 other arrangements, upon a consideration fixed by it, grant to any  
33 qualified person for a term not to exceed fifty (50) years, the  
34 privilege of operating, as agent of the authority or otherwise,  
35 any airport owned or controlled by the authority. However, no  
36 person shall be granted any authority to operate an airport other  
37 than as a public airport or to enter into any contracts, leases or  
38 other arrangements in connection with the operation of the airport  
39 which the authority might not have undertaken under subsection (1)  
40 of this section.

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

54           (4) This section shall stand repealed from and after July 1,  
55 2010.

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

58           61-5-11. (1) In operating an airport or air navigation  
59 facility owned, leased or controlled by a municipality, such  
60 municipality may, except as may be limited by the terms and

61 conditions of any grant, loan or agreement pursuant to Section  
62 61-5-15, enter into contracts, leases and other arrangements for a  
63 term not exceeding fifty (50) years with any persons:

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

67 (b) Conferring the privilege of supplying goods,  
68 commodities, things, services or facilities at such airport or air  
69 navigation facility; or

70 (c) Making available services to be furnished by the  
71 municipality or its agents at such airport or air navigation  
72 facility.

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

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

91 (3) All contracts, leases and other arrangements entered  
92 into pursuant to this section are deemed to serve a public and

93 governmental purpose as a matter of public necessity; therefore,  
94 all such contracts, leases and other arrangements, and all  
95 structures, improvements and other facilities erected, installed,  
96 constructed or located in connection therewith on an airport or  
97 air navigation facility owned or controlled by a municipality, or  
98 any portion or facility thereof or space therein, shall be free  
99 and exempt from all state, county and municipal ad valorem taxes  
100 on real property and personal property for so long as may  
101 otherwise be lawful, and the charges, rentals and fees received by  
102 a municipality in connection with such contracts, leases and other  
103 arrangements shall be deemed to be in lieu of said taxes.

104 (4) This section shall stand repealed from and after July 1,  
105 2010.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 50  
3 YEARS THAT AIRPORT AUTHORITIES MAY ENTER INTO LEASE AGREEMENTS FOR  
4 CERTAIN PURPOSES AND TO ADD A REPEAL DATE OF JULY 1, 2010, TO THIS  
5 SECTION; TO AMEND SECTION 61-5-11, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Broomfield

X (SIGNED)  
Gollott

X (SIGNED)  
Fleming

X (SIGNED)  
Morgan

X (SIGNED)  
Hines

X (SIGNED)  
Hewes