

## Senate Amendments to House Bill No. 944

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

6           **SECTION 1.** Section 61-3-21, Mississippi Code of 1972, is  
7 amended as follows:  
8           61-3-21. (1) In connection with the operation of an airport  
9 or air navigation facility owned or controlled by an authority,  
10 the authority may enter into contracts, leases and other  
11 arrangements for terms not to exceed forty-one (41) years with any  
12 persons: (a) granting the privilege of using or improving the  
13 airport or air navigation facility or any portion or facility  
14 thereof or space therein for commercial purposes; (b) conferring  
15 the privilege of supplying goods, commodities, things, services or  
16 facilities at the airport or air navigation facility; and (c)  
17 making available services to be furnished by the authority or its  
18 agents at the airport or air navigation facility.

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

27           (2) Except as may be limited by the terms and conditions of  
28 any grant, loan or agreement authorized by Section 61-3-25,  
29 Mississippi Code of 1972, an authority may, by contract, lease or  
30 other arrangements, upon a consideration fixed by it, grant to any  
31 qualified person for a term not to exceed forty-one (41) years,

32 the privilege of operating, as agent of the authority or  
33 otherwise, any airport owned or controlled by the authority.  
34 However, no person shall be granted any authority to operate an  
35 airport other than as a public airport or to enter into any  
36 contracts, leases or other arrangements in connection with the  
37 operation of the airport which the authority might not have  
38 undertaken under subsection (1) of this section.

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

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

54 61-5-11. (1) In operating an airport or air navigation  
55 facility owned, leased or controlled by a municipality, such  
56 municipality may, except as may be limited by the terms and  
57 conditions of any grant, loan or agreement pursuant to Section  
58 61-5-15, enter into contracts, leases and other arrangements for a  
59 term not exceeding forty-one (41) years with any persons:

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

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

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

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

75           (2) Except as may be limited by the terms and conditions of  
76 any grant, loan or agreement pursuant to Section 61-5-15, a  
77 municipality may by contract, lease or other arrangement, upon a  
78 consideration fixed by it, grant to any qualified person for a  
79 term not to exceed forty-one (41) years the privilege of  
80 operating, as agent of the municipality or otherwise, any airport  
81 owned or controlled by the municipality. However, no person shall  
82 be granted any authority to operate an airport other than as a  
83 public airport or to enter into any contracts, leases or other  
84 arrangements in connection with the operation of the airport which  
85 the municipality might not have undertaken under subsection (1) of  
86 this section.

87           (3) All contracts, leases and other arrangements entered  
88 into pursuant to this section are deemed to serve a public and  
89 governmental purpose as a matter of public necessity; therefore,  
90 all such contracts, leases and other arrangements, and all  
91 structures, improvements and other facilities erected, installed,  
92 constructed or located in connection therewith on an airport or  
93 air navigation facility owned or controlled by a municipality, or  
94 any portion or facility thereof or space therein, shall be free  
95 and exempt from all state, county and municipal ad valorem taxes  
96 on real property and personal property for so long as may  
97 otherwise be lawful, and the charges, rentals and fees received by  
98 a municipality in connection with such contracts, leases and other  
99 arrangements shall be deemed to be in lieu of said taxes.

100           **SECTION 3.** This act shall take effect and be in force from  
101 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 FOR AIRPORT AUTHORITIES FOR  
3 CERTAIN PURPOSES; TO AMEND SECTION 61-5-11, MISSISSIPPI CODE OF  
4 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

SS01\HB944A.J

John O. Gilbert  
Secretary of the Senate