

By: Representatives Carpenter, Arnold, Boyd,
Bain, Sykes

To: Ports, Harbors and
Airports; Ways and Means

HOUSE BILL NO. 393

1 AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE INLAND
2 PORT AUTHORITY; TO AMEND SECTION 59-17-1, MISSISSIPPI CODE OF
3 1972, TO PROVIDE THAT THE WORD "BOARD" AS USED IN THE CHAPTER
4 SHALL MEAN THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO AMEND SECTION
5 59-17-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE INLAND
6 PORT AUTHORITY TO BORROW MONEY AND TO ENTER INTO A JOINT AGREEMENT
7 WITH A COUNTY OR MUNICIPALITY TO ISSUE REVENUE BONDS, AND TO
8 PROVIDE THAT ALL LEASES EXECUTED BY THE AUTHORITY MAY BE EXEMPT
9 FROM AD VALOREM TAXES IF SO STIPULATED IN THE LEASE; TO AMEND
10 SECTION 59-17-15, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
11 PREVIOUS SECTION; TO AMEND SECTION 59-17-29, MISSISSIPPI CODE OF
12 1972, TO AUTHORIZE THE BOARD TO GIVE PREFERENCE IN EMPLOYMENT
13 WHERE PRACTICAL TO RESIDENTS OF THE STATE OF MISSISSIPPI AND TO
14 QUALIFIED RESIDENTS OF THE CITY AND COUNTY IN WHICH THE PORT OR
15 HARBOR IS LOCATED; TO AMEND SECTION 59-17-31, MISSISSIPPI CODE OF
16 1972, TO REVISE THE PURCHASING POWERS OF THE AUTHORITY; TO AMEND
17 SECTION 59-17-41, MISSISSIPPI CODE OF 1972, TO REVISE THE PURPOSE
18 FOR WHICH BOND PROCEEDS MAY BE USED; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 59-17-1, Mississippi Code of 1972, is
21 amended as follows:

22 59-17-1. This chapter may be cited as the "State Inland
23 Ports Law."

24 As used in this chapter, the word "board" shall mean the
25 Mississippi * * * Development Authority.



26 **SECTION 2.** Section 59-17-13, Mississippi Code of 1972, is
27 amended as follows:

28 59-17-13. (1) The board shall have power to acquire,
29 purchase, install, lease, construct, own, hold, maintain, equip,
30 use, control, and operate ports, harbors, waterways, channels,
31 wharves, piers, docks, quays, elevators, tipples, compresses, bulk
32 loading and unloading facilities, warehouses, floating dry docks,
33 graving docks, marine railways, tugboats, machinery and equipment,
34 and water, air and rail terminals, and roadways and approaches
35 thereto, and other structures and facilities needful for the
36 convenient use of the same in the aid of commerce, including the
37 dredging, deepening, extending, widening, or enlarging of any
38 ports, harbors, rivers, channels, and waterways, the damming of
39 inland waterways, the establishment of water basins, the
40 acquisition and development of industrial sites and the reclaiming
41 of submerged lands.

42 (2) The State Inland Port Authority, subject to the approval
43 of the board, shall have the power to borrow money from any
44 source, public or private, for any of its corporate purposes and
45 to give such security as may be required in connection therewith
46 and to enter into a joint agreement with the boards of supervisors
47 of any county, or the governing authority of any municipality, or
48 both acting jointly, to issue revenue bonds of such county or
49 municipality, or both, acting jointly, as provided by Section
50 59-7-311 which bonds may be payable out of any revenues of the



51 authority, including grants or contributions from the federal
52 government or other sources. Such revenue bonds may be issued
53 without an election on resolution of the board of supervisors,
54 governing body of the municipality, or both acting jointly, and
55 shall not be subject to any limitation as to amount, and shall not
56 be included or computed in the statutory limitation of
57 indebtedness of any such county or municipality.

58 (3) All leases which are now in effect or which may
59 hereafter be executed by the State Inland Port Authority for port,
60 harbor, commercial or industrial improvements, and all structures
61 and all improvements and other permanent facilities erected,
62 installed or located by such lessees, or their successors or
63 assignees within the limits of any port, harbor or part thereof,
64 may be free and exempt from all state, county and municipal ad
65 valorem taxes if so stipulated in such lease, and for such period
66 as may be fixed in such lease, not to exceed such periods of time
67 as are now authorized or may be hereafter authorized by law.

68 **SECTION 3.** Section 59-17-15, Mississippi Code of 1972, is
69 amended as follows:

70 59-17-15. The board, in addition to the * * * monies which
71 may be received by it from the sale of bonds, the proceeds of a
72 loan, and from the collection of revenues, rents and earnings
73 derived under the provisions of this chapter, shall have the
74 authority to accept from any public or private agency, or from any
75 individual grants or loans for or in aid of the construction of



76 any planned development, or for the payment of bonds, and to
77 receive and accept contributions from any source, of money or
78 property or other things of value to be held, used and applied
79 only for the purposes for which such grants, loans or
80 contributions may be made.

81 **SECTION 4.** Section 59-17-29, Mississippi Code of 1972, is
82 amended as follows:

83 59-17-29. The board, acting jointly with the State Inland
84 Port Authority, is authorized to set aside, or lease all or
85 portions of any lands, roads, docks, sheds, warehouses, elevators,
86 compresses, floating dry docks, graving docks, marine railways,
87 tugboats, or any other necessary or useful improvements
88 constructed or acquired by it to individuals, firms, or
89 corporations, public or private, for port, harbor, commercial or
90 industrial purposes for a period not to exceed ninety-nine (99)
91 years, or to execute a conveyance of sale * * * on such terms and
92 conditions and with such safeguards as would best promote and
93 protect the public interest. Any industrial lease of lands or
94 conveyance of sale may be executed upon such terms and conditions
95 and for such monetary rental or other consideration as may be
96 found adequate and approved by the board in orders or resolutions
97 authorizing the same. Any covenants and agreements * * * of the
98 lessee or purchaser to make expenditures in determined amounts,
99 and within such time or times, for improvements to be erected upon
100 the land * * * by such lessee or purchaser and to conduct thereon



101 industrial and/or other operations in such aggregate payroll
102 amounts and for such period of time as may be determined and
103 defined in such lease * * * or conveyance, and to give preference
104 in employment where practical to residents of the State of
105 Mississippi and to qualified residents of the city and the county
106 in which such port or harbor is located, shall, if included in
107 such lease or conveyance, constitute and be deemed sufficient
108 consideration for the execution of any such lease or conveyance in
109 the absence of monetary rental or other considerations; any such
110 instrument may contain reasonable provisions giving the lessee the
111 right to remove its or his improvements upon the termination of
112 the lease.

113 **SECTION 5.** Section 59-17-31, Mississippi Code of 1972, is
114 amended as follows:

115 59-17-31. The board or the State Inland Port Authority, in
116 the performance of its duties, may employ such personnel and make
117 all contracts and purchases incidental to or necessary for the
118 advancement, promotion, development, establishment, insurance,
119 maintenance, repair, improvement and operation of any ports,
120 harbors, rivers, channels and waterways, including, if required
121 for its protection, retirement benefits, workers' compensation
122 insurance and other employee benefits for the benefit of any
123 employees of the board or State Inland Port Authority. The board
124 or State Inland Port Authority * * * shall make such contracts or
125 purchases * * * in accordance with state purchasing laws.



126 Contracts let for any port, harbor, river, channel or waterway
127 improvements shall be advertised as required by law for the
128 letting of public contracts, and such contracts shall be awarded
129 to the lowest and best bidder, who shall make such bond as shall
130 be required by the board or State Inland Port Authority,
131 conditioned for the faithful prosecution and completion of the
132 work according to such contract, such bond to be furnished by a
133 corporate surety company qualified to do business in this state.
134 However, the board may negotiate and enter into contracts with
135 responsible lessees for the construction of facilities by lessees,
136 such as those referred to in Section 59-17-13, Mississippi Code of
137 1972, and the acquisition thereof by the board upon such terms and
138 conditions and for such amounts as may be approved by the board.
139 Where the rentals provided in the lease will be sufficient to
140 fully repay the cost of the particular facility or where the
141 monetary consideration for a deed is sufficient to fully repay the
142 cost of land acquired for industrial operations described in the
143 deed, contracts for construction, repairs, maintenance and
144 operation of the facility or for the sale of the land may be
145 negotiated and consummated without the necessity of advertising
146 and obtaining competitive bids therefor.

147 The authority is granted the power to sue and be sued in its
148 own name.

149 **SECTION 6.** Section 59-17-41, Mississippi Code of 1972, is
150 amended as follows:



151 59-17-41. The bonds issued under the provisions of this
152 chapter shall be payable from the special fund provided therefor
153 as hereinafter set out and shall be the general obligations of the
154 State of Mississippi and backed by the full faith and credit of
155 the state, and, if the funds supplied by the board to the State
156 Treasurer from the sources prescribed by this chapter be
157 insufficient to fully pay at maturity any installment of interest
158 on said bonds or to pay at maturity the principal of said bonds,
159 then the deficiency shall be paid by the State Treasurer from any
160 funds in the State Treasury not otherwise appropriated, and all
161 such bonds shall contain recitals on their face substantially
162 covering the foregoing provisions of this section. The amount of
163 bonds issued for the acquisition and planned development of any
164 state inland ports, harbors or waterways shall not exceed the sum
165 of One Million Five Hundred Thousand Dollars (\$1,500,000.00). The
166 purpose of this One Million Five Hundred Thousand Dollar
167 (\$1,500,000.00) bond issue is to purchase industrial sites and
168 railroad right-of-way nearby the inland port.

169 From and after July 1, 1980, and contingent upon the tax levy
170 authorized in Section 59-17-19, an additional amount of bonds not
171 to exceed Two Million Dollars (\$2,000,000.00) may be issued
172 pursuant to the provisions of this chapter * * *. The proceeds of
173 such bonds may be used for * * * any activities associated with
174 carrying out the powers described in Section 59-17-13.



175 **SECTION 7.** This act shall take effect and be in force from
176 and after its passage.

