

By: Representatives Smith, Powell, Miles,
Haney, Dixon

To: Ways and Means

HOUSE BILL NO. 1162
(As Passed the House)

1 AN ACT TO AMEND SECTION 61-3-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "AIRPORT" UNDER THE AIRPORT
3 AUTHORITIES LAW; TO BRING FORWARD SECTION 61-3-21, MISSISSIPPI
4 CODE OF 1972, WHICH AUTHORIZES AIRPORT AUTHORITIES TO ENTER
5 CERTAIN CONTRACTS, LEASES AND OTHER ARRANGEMENTS IN CONNECTION
6 WITH THE OPERATION OF AIRPORTS AND AIR NAVIGATION FACILITIES UNDER
7 THE AIRPORT AUTHORITIES LAW, FOR THE PURPOSES OF POSSIBLE
8 AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 61-3-3, Mississippi Code of 1972, is
11 amended as follows:

12 61-3-3. The following words or terms, whenever used or
13 referred to in this chapter, shall have the following respective
14 meanings unless different meanings clearly appear from the
15 context:

16 (a) "Airport" means any area of land or water which is
17 used, or intended for use, for the landing and taking off of
18 aircraft, and any appurtenant areas which are used, or intended
19 for use, for airport buildings or other airport facilities or
20 rights-of-way, or for other appropriate purposes, including buffer



21 areas and areas for direct airport compatible development,
22 together with all buildings and facilities located thereon.

23 (b) "Airport authority" or "authority" means any
24 airport authority created pursuant to the provisions of this
25 chapter.

26 (c) "Airport hazard" means any structure, object or
27 natural growth, or use of land which obstructs the airspace
28 required for the flight of aircraft in landing or taking off at an
29 airport, or is otherwise hazardous to such landing or taking off
30 of aircraft.

31 (d) "Air navigation facility" means any facility other
32 than one owned and operated by the United States, used in,
33 available for use in, or designed for use in aid of air
34 navigation, including any structures, mechanisms, lights, beacons,
35 markers, communicating systems, or other instrumentalities, or
36 devices used or useful as an aid, or constituting an advantage or
37 convenience, to the safe taking off, navigation and landing of
38 aircraft, or the safe and efficient operation or maintenance of an
39 airport, and any combination of any or all of such facilities.

40 (e) "Bonds" means any bonds, notes, interim
41 certificates, debentures or similar obligations issued by an
42 authority pursuant to this chapter.

43 (f) "Governing body" means the official or officials
44 authorized by law to exercise ordinance or other lawmaking powers
45 of a municipality.



(g) "Local government" means any local governmental unit as defined in Section 17-13-5.

(h) "Municipal airport authority" or "municipal authority" means a municipal airport authority created pursuant to the provisions of Section 61-3-5 or 61-3-6.

(i) "Municipality" means any county, supervisors district or supervisors districts, or all that portion of the county lying outside the territorial boundaries of any named city, town or village, and a city, town and village of this state or any state-supported institution of higher learning or any public community or junior college.

(j) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(k) "Regional airport authority" or "regional authority" means a regional airport authority created pursuant to the provisions of Section 61-3-7.

SECTION 2. Section 61-3-21, Mississippi Code of 1972, is brought forward as follows:

61-3-21. (1) In connection with the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases and other arrangements for terms not to exceed fifty (50) years with any persons: (a) granting the privilege of using or improving the



71 airport or air navigation facility or any portion or facility
72 thereof or space therein for commercial purposes; (b) conferring
73 the privilege of supplying goods, commodities, things, services or
74 facilities at the airport or air navigation facility; and (c)
75 making available services to be furnished by the authority or its
76 agents at the airport or air navigation facility.

77 In each case the authority may establish the terms and
78 conditions and fix the charges, rentals or fees for the privileges
79 or services, which shall be reasonable and uniform for the same
80 class of privilege or service and which shall be established with
81 due regard to the property and improvements used and the expenses
82 of operation to the authority. In no case shall the public be
83 deprived of its rightful, equal and uniform use of the airport,
84 air navigation facility or portion or facility thereof.

85 (2) Except as may be limited by the terms and conditions of
86 any grant, loan or agreement authorized by Section 61-3-25,
87 Mississippi Code of 1972, an authority may, by contract, lease or
88 other arrangements, upon a consideration fixed by it, grant to any
89 qualified person for a term not to exceed fifty (50) years, the
90 privilege of operating, as agent of the authority or otherwise,
91 any airport owned or controlled by the authority. However, no
92 person shall be granted any authority to operate an airport other
93 than as a public airport or to enter into any contracts, leases or
94 other arrangements in connection with the operation of the airport



95 which the authority might not have undertaken under subsection (1)
96 of this section.

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

110 **SECTION 3.** This act shall take effect and be in force from
111 and after July 1, 2019, and shall stand repealed from and after
112 June 30, 2019.

