

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2802

BY: Senator(s) Younger, Harkins

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

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

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

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



21 rights-of-way, or for other appropriate purposes, including buffer
22 areas and areas for airport compatible development, together with
23 all buildings and facilities located thereon.

24 (b) "Airport-related contracts, leases and other
25 arrangements" means any leases, contracts or other arrangements
26 entered into by an authority in accordance with Section 61-3-21
27 other than any:

28 (i) Unrelated contracts, leases and other
29 arrangements, as defined in this section; and

30 (ii) Leases, contracts or other arrangements
31 related primarily to buffer areas or other such areas for airport
32 compatible development and any buildings or facilities located
33 thereon.

34 (* * *c) "Airport authority" or "authority" means any
35 airport authority created pursuant to the provisions of this
36 chapter.

37 (* * *d) "Airport hazard" means any structure, object
38 or natural growth, or use of land which obstructs the airspace
39 required for the flight of aircraft in landing or taking off at an
40 airport, or is otherwise hazardous to such landing or taking off
41 of aircraft.

42 (* * *e) "Air navigation facility" means any facility
43 other than one owned and operated by the United States, used in,
44 available for use in, or designed for use in aid of air
45 navigation, including any structures, mechanisms, lights, beacons,



46 markers, communicating systems, or other instrumentalities, or
47 devices used or useful as an aid, or constituting an advantage or
48 convenience, to the safe taking off, navigation and landing of
49 aircraft, or the safe and efficient operation or maintenance of an
50 airport, and any combination of any or all of such facilities.

51 (* * *f) "Bonds" means any bonds, notes, interim
52 certificates, debentures or similar obligations issued by an
53 authority pursuant to this chapter.

54 (* * *g) "Governing body" means the official or
55 officials authorized by law to exercise ordinance or other
56 lawmaking powers of a municipality.

57 (* * *h) "Local government" means any local
58 governmental unit as defined in Section 17-13-5.

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

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

68 (* * *k) "Person" means any individual, firm,
69 partnership, corporation, company, association, joint-stock



70 association or body politic, and includes any trustee, receiver,
71 assignee or other similar representative thereof.

72 (* * *1) "Regional airport authority" or "regional
73 authority" means a regional airport authority created pursuant to
74 the provisions of Section 61-3-7.

75 (m) "Unrelated contracts, leases and other
76 arrangements" means any lease, contract or other arrangement
77 entered into by the authority in accordance with Section 61-3-21
78 pursuant to which the current, primary use of the structures,
79 improvements or other facilities erected, installed, constructed
80 or located in connection therewith are substantially unrelated to
81 the support of the following airport-related activities:

82 (i) The taking off and landing of commercial and
83 private aircraft at the airport or air navigation facility;

84 (ii) The maintenance or repair of commercial or
85 private aircraft taking off and landing at the airport or air
86 navigation facility;

87 (iii) The storage, via hanger or otherwise, of
88 commercial or private aircraft taking off and landing at the
89 airport or air navigation facility;

90 (iv) The shipping or transporting of freight by
91 aircraft at the airport or air navigation facility;

92 (v) The provision of ground and air transportation
93 services to commercial or private aircraft passengers;



94 (vi) The supplying of goods, commodities, things,
95 services or facilities primarily:

96 1. To commercial and private aircraft taking
97 off and landing at the airport or air navigation facility; or

98 2. Within the airport terminal building to
99 commercial or private aircraft passengers in the process of
100 traveling on such aircraft.

101 (vii) Any fixed base operator activities providing
102 aviation services at the airport or air navigation facility.

103 **SECTION 2.** Section 61-3-21, Mississippi Code of 1972, is
104 amended as follows:

105 61-3-21. (1) In connection with the operation of an airport
106 or air navigation facility owned or controlled by an authority,
107 the authority may enter into contracts, leases and other
108 arrangements for terms not to exceed fifty (50) years with any
109 persons:

110 (a) Granting the privilege of using or improving the
111 airport or air navigation facility or any portion or facility
112 thereof or space therein for commercial purposes;

113 (b) Conferring the privilege of supplying goods,
114 commodities, things, services or facilities at the airport or air
115 navigation facility; and

116 (c) Making available services to be furnished by the
117 authority or its agents at the airport or air navigation facility.



118 In each case the authority may establish the terms and
119 conditions and fix the charges, rentals or fees for the privileges
120 or services, which shall be reasonable and uniform for the same
121 class of privilege or service and which shall be established with
122 due regard to the property and improvements used and the expenses
123 of operation to the authority. In no case shall the public be
124 deprived of its rightful, equal and uniform use of the airport,
125 air navigation facility or portion or facility thereof.

126 (2) Except as may be limited by the terms and conditions of
127 any grant, loan or agreement authorized by Section 61-3-25,
128 Mississippi Code of 1972, an authority may, by contract, lease or
129 other arrangements, upon a consideration fixed by it, grant to any
130 qualified person for a term not to exceed fifty (50) years, the
131 privilege of operating, as agent of the authority or otherwise,
132 any airport owned or controlled by the authority. However, no
133 person shall be granted any authority to operate an airport other
134 than as a public airport or to enter into any contracts, leases or
135 other arrangements in connection with the operation of the airport
136 which the authority might not have undertaken under subsection (1)
137 of this section.

138 (3) All airport-related contracts, leases and other
139 arrangements entered into pursuant to this section are deemed to
140 serve a public and governmental purpose as a matter of public
141 necessity; therefore, all * * * airport-related contracts, leases,
142 and other arrangements and all structures, improvements and other



143 facilities erected, installed, constructed or located in
144 connection therewith on an airport or air navigation facility
145 owned or controlled by an authority, or any portion of facility
146 thereof or space therein, shall be free and exempt from all state,
147 county and municipal ad valorem taxes on real property and
148 personal property for so long as may otherwise be lawful, and the
149 charges, rentals and fees received by an authority in connection
150 with * * * airport-related contracts, leases and other
151 arrangements shall be deemed to be in lieu of said taxes.

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

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

1 AN ACT TO AMEND SECTIONS 61-3-3 AND 61-3-21, MISSISSIPPI CODE
2 OF 1972, TO LIMIT THE AD VALOREM TAX EXEMPTION FOR CONTRACTS,
3 LEASES, AND OTHER ARRANGEMENTS AND STRUCTURES, IMPROVEMENTS AND
4 OTHER FACILITIES ERECTED, INSTALLED, CONSTRUCTED OR LOCATED IN
5 CONNECTION THEREWITH ON AN AIRPORT OR AIR NAVIGATION FACILITY
6 OWNED OR CONTROLLED BY AN AIRPORT AUTHORITY TO AIRPORT-RELATED
7 CONTRACTS, LEASES AND OTHER ARRANGEMENTS AND ALL STRUCTURES,
8 IMPROVEMENTS AND OTHER FACILITIES ERECTED, CONSTRUCTED OR LOCATED
9 IN CONNECTION THEREWITH; AND FOR RELATED PURPOSES.

