MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Banks

To: Ports, Harbors and Airports

HOUSE BILL NO. 648

AN ACT TO REPEAL SECTION 61-3-6, MISSISSIPPI CODE OF 1972, WHICH CREATES THE JACKSON METROPOLITAN AREA AIRPORT AUTHORITY; TO AMEND SECTIONS 61-3-3 AND 61-3-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 61-3-6, Mississippi Code of 1972, which creates the Jackson Metropolitan Area Airport Authority, is repealed.

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

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

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

areas and areas for airport-compatible development, together with all buildings and facilities located thereon.

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

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

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

(c) "Airport authority" or "authority" means any regional airport or municipal airport authority created pursuant to the provisions of this chapter.

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

(e) "Air navigation facility" means any facility other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or

devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(f) "Clerk" means the custodian of the official records of a municipality.

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

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

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

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

(* * *k) "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.

(* * *l) "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.

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. Section 61-3-5, Mississippi Code of 1972, is amended as follows:

61-3-5. Any municipality or a state-supported institution of higher learning or a public community or junior college, by resolution, may create a public body, corporate and politic, to be known as a municipal airport authority, which shall be authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality or of the state-supported institution of higher learning or other public community or junior college, pursuant to the resolution, shall appoint five (5) persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Thereafter, each commissioner shall be appointed for a term of

five (5) years, except that vacancies occurring otherwise than by the expiration of term shall be filled for the unexpired term in the same manner as the original appointments. * * *

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.