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Chapter No. 448

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***SENATE BILL NO. 2783***

Originated in Senate

*Jemal Dugan*

Secretary

SENATE BILL NO. 2783

AN ACT TO AMEND SECTION 61-3-7, MISSISSIPPI CODE OF 1972, TO ALLOW MUNICIPALITIES TO SHARE A COMMISSIONER ON A REGIONAL AIRPORT AUTHORITY; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 61-3-7, Mississippi Code of 1972, is amended as follows:

61-3-7. (1) Two (2) or more municipalities or two (2) or more municipalities and any state-supported institution of higher learning or a public community or junior college, by resolution of each, may create a public body, corporate and politic, to be known as a regional airport authority which shall be authorized to exercise its functions upon the issuance by the Secretary of State of a certificate of incorporation. The governing body of each municipality, the institution of higher learning or the public community or junior college, pursuant to its resolution, shall appoint one (1) person as a commissioner of the authority. However, \* \* \* if the regional airport authority consists of an even number of participants, which include two (2) or more municipalities or two (2) or more municipalities and a state institution of higher learning or a public community or junior college, an additional commissioner shall be appointed by the Governor. Such additional commissioner shall be a resident of a county other than the counties of the participating municipalities but contiguous to at least one (1) of such counties.

(2) A regional airport authority may be increased from time to time to serve one or more additional municipalities if each additional municipality and each of the municipalities and the

institution of higher learning or the public community or junior college then included in the regional authority and the commissioners of the regional authority, respectively, adopt a resolution consenting thereto. If a municipal airport authority for any municipality seeking to be included in the regional authority is then in existence, the commissioners of the municipal authority shall consent to the inclusion of the municipality, institution of higher learning or the public community or junior college in the regional authority, and if the municipal authority has any bonds outstanding, unless the holders of fifty-one percent (51%) or more in amount of the bonds consent, in writing, to the inclusion of the municipality in the regional authority, no such inclusion shall be effected. Upon the inclusion of any municipality, institution of higher learning or the public community or junior college in the regional authority, all rights, contracts, obligations and property, real and personal, of the municipal authority shall be in the name of and vest in the regional authority.

(3) A regional airport authority may be decreased if each of the municipalities and the institution of higher learning or the public community or junior college then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provision for the retention or disposition of its assets and liabilities. However, if the regional authority has any bonds outstanding, no decrease shall be effected unless seventy-five percent (75%) or more of the holders of the bonds consent thereto in writing.

(4) If a municipality so elects, it may share its commissioner position with another municipality that is not then a participant in the regional authority. In order to do so, the initiating and participating municipalities, and the joining municipality, all other municipalities participating at that time, and the commissioners of the regional authority, must adopt

resolutions consenting to the sharing of the position. The initiating municipality and the joining municipality must reach an agreement to jointly determine the method for the appointment of their joint commissioner. Upon the adoption of the resolutions of authorization and the execution of the agreement between the participating and joining municipalities, the joint commissioner shall have the same powers, authority, duties and obligations otherwise vested in commissioners of the regional authority.

(5) A municipality, institution of higher learning or public community or junior college shall not adopt any resolution authorized by this section without a public hearing thereon. Notice thereof shall be given at least ten (10) days before the hearing in a newspaper published in the municipality, in the institution of higher learning or in the public community or junior college, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality, in the institution of higher learning or in the public community or junior college.

(6) At the expiration of the term of all commissioners serving as of January 1, 1978, the airport authority shall effect staggered terms by the drawing of lots and reporting thereon to appointing authorities. The commissioners shall be designated to serve for terms of one (1) year, two (2) years, three (3) years, four (4) years and so forth depending upon the number of participating appointing authorities. Thereafter, each commissioner shall be appointed for a term of five (5) years except that vacancies occurring otherwise than by expiration of terms shall be filled for the unexpired term in the same manner as the original appointment.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE  
February 9, 2010

  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 8, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
GOVERNOR

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