

By: Representative Horne

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3

1 AN ACT TO PROHIBIT THE MAKING AND ACCEPTING OF CAMPAIGN
2 CONTRIBUTIONS BETWEEN HIGHWAY CONTRACTORS AND TRANSPORTATION
3 COMMISSIONERS; TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF; AND
4 FOR RELATED PURPOSES.

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

6 SECTION 1. The following shall be codified in Chapter 15,
7 Title 23, Mississippi Code of 1972:

8 (1) It shall be unlawful for any Transportation
9 Commissioner, any candidate for Transportation Commissioner, or
10 any employee of the Department of Transportation to knowingly
11 accept any gift, pass, money, campaign contribution or any
12 emolument or other pecuniary benefit whatsoever, either directly
13 or indirectly, from any person acting in any respect for such
14 owner, agent or representative of any owner, agent or
15 representative, in the business of contracting or subcontracting
16 to build or maintain roads or in the business of the manufacture,
17 sale, distribution or purchase of any kind of road building
18 machinery or equipment, or of any kind of material for
19 constructing or maintaining roads, or in the business of writing
20 surety bonds for contractors engaged in road building. Any person
21 found guilty of violating the provisions of this subsection shall
22 immediately forfeit his or her office or position and shall be
23 fined not less than Five Thousand Dollars (\$5,000.00), or
24 imprisoned in the State Penitentiary for not less than one (1)
25 year nor more than three (3) years, or both.

26 (2) It shall be unlawful for any person interested as owner,
27 agent or representative, or any person acting in any respect for

28 such owner, agent or representative of any person or entity in the
29 business of contracting or subcontracting to build or maintain
30 roads or in the business of the manufacture, sale, distribution or
31 purchase of any kind of road building machinery or equipment, or
32 of any kind of material for constructing or maintaining roads, or
33 in the business of writing surety bonds for contractors engaged in
34 road building. Any person found guilty of violating the
35 provisions of this subsection shall be fined not less than Five
36 Thousand Dollars (\$5,000.00), or imprisoned in the State
37 Penitentiary for not less than one (1) year or more than three (3)
38 years, or both.

39 (3) For the purposes of this section the term "emolument"
40 shall include salary, donations, contributions, loans, stock tips,
41 vacations, trips, honorarium, directorships or consulting posts.
42 Expenses associated with social occasions afforded public servants
43 shall not be deemed a gift, emolument or other pecuniary benefit
44 as defined in Section 25-4-103(k).

45 SECTION 2. The Attorney General of the State of Mississippi
46 shall submit this act, immediately upon approval by the Governor,
47 or upon approval by the Legislature subsequent to a veto, to the
48 Attorney General of the United States or to the United States
49 District Court for the District of Columbia in accordance with the
50 provisions of the Voting Rights Act of 1965, as amended and
51 extended.

52 SECTION 3. This act shall take effect and be in force from
53 and after the date it is effectuated under Section 5 of the Voting
54 Rights Act of 1965, as amended and extended.