HOUSE BILL NO. 691


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

SECTION 1. Section 65-1-3, Mississippi Code of 1972, is amended as follows:

65-1-3. (1) There shall be a Mississippi Transportation Commission which, until July 1, 2004, shall consist of three (3) members, one (1) from each of the three (3) Supreme Court districts of the state. Until July 1, 2004, only qualified electors who are citizens of the Supreme Court district in which he or she offers for election shall be eligible for such office.

* * *

(2) The transportation commissioners who were elected for a term beginning on the first Monday of January in the year 2000, shall continue to hold office and serve for a term expiring on July 1, 2004.

(3) From and after July 1, 2004, the Mississippi Transportation Commission shall consist of Five (5) members appointed by the Governor, with the advice and consent of the Senate, one from each of the five congressional districts as such
districts existed on July 1, 2001. The initial appointments to the commission shall be as follows: One (1) member shall be appointed from the First Congressional District for a term of Five (5) years; one (1) member shall be appointed from the Second Congressional District for a term of Three (3) years; one (1) member shall be appointed from the Third Congressional District for a term of Four (4) years; one (1) member shall be appointed from the Fourth Congressional District for a term of Three (3) years; and one (1) member shall be appointed from the Fifth Congressional District for a term of Six (6) years. After expiration of the initial terms of the members of the commission, all subsequent appointments shall be made for terms of Six (6) years from the expiration date of the previous term.

(4) If any one or more of the transportation commissioners elected or appointed under the provisions of this chapter shall die, resign or be removed from office, the Governor shall fill the vacancy by appointment for the unexpired term * * *.

(5) Each of the transportation commissioners, before entering upon the discharge of the duties of his office, shall take and subscribe the oath of office required of other state officials and shall execute bond in the sum of Fifty Thousand Dollars ($50,000.00), with some surety company authorized to do business in this state as surety, conditioned for the faithful performance of the duties of his office and for the faithful and true accounting of all funds or monies or property coming into his hands by virtue of his office, and conditioned further that all such funds, monies and property will be expended and used by him only for purposes authorized by law, said bond to be approved by the Governor or Attorney General and to be filed in the office of the Secretary of State. The premium on such bonds shall be paid out of the funds of the Mississippi Department of Transportation.
From and after July 1, 1992, the State Highway Commission shall be the Mississippi Transportation Commission and the members thereof shall be the Mississippi transportation commissioners.

SECTION 2. Section 25-3-33, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2004, this section shall read as follows:]

25-3-33. The annual salaries of the following appointive state and district officials and employees are fixed as follows:

Deputy Attorney General, not to exceed........... $72,800.00

Assistant Attorneys General shall each receive annual salaries in an amount to be fixed by the Attorney General but not to exceed......................... 68,400.00

Military Department--National Guard:

Adjutant General.............................. 80,000.00

Department of Banking and Consumer Finance:

Commissioner.................................. 85,000.00

Chairman of the State Tax Commission

(Commissioner of Revenue)...................... 91,000.00

Associate Commissioners, each................. 42,000.00

Director of Emergency Management Agency........ 65,000.00

Department of Public Safety:

Commissioner of Public Safety................. 80,000.00

Director, Office of Mississippi Highway Safety Patrol, or

his successor................................. 70,000.00

Director, Office of Support Services,

or his successor............................. 70,000.00

Department of Human Services:

Director, not to exceed......................... 85,000.00

Workers' Compensation Commission:

Chairman..................................... 80,000.00

Members, each............................... 78,000.00
Executive Director............................ 75,000.00
Administrative Judge, each.................... 75,000.00

Archives and History:
Director, not to exceed.......................... 70,000.00
State Forester.................................. 70,000.00

State Oil and Gas Board:
Secretary-Supervisor............................ 70,000.00

Educational Television Authority:
Executive Director............................... 70,000.00

Director, Mississippi Library Commission,
not to exceed...................................... 70,000.00

Executive Secretary, Public Service
Commission......................................... 65,000.00

Parole Board:
Chairman........................................... 50,000.00
Administrative Assistant for
Parole Matters...................................... 42,000.00
Members, each.................................... 44,000.00

Governor's State Bond Advisory Division:
Director............................................ 55,000.00

Employment Security Commission:
Executive Director, not to exceed............... 70,000.00

Executive Director, Department of
Mental Health, to be determined by the
State Board of Mental Health, not
to exceed.......................................... 85,000.00

Director, Division of Medicaid,
not to exceed...................................... 85,000.00

Director, State Department of Transportation,
not to exceed...................................... 85,000.00

State Entomologist................................. 65,000.00

Clerk of the Supreme Court........................ 60,000.00

State Aid Engineer, Division of State
<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
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</thead>
<tbody>
<tr>
<td>Aid Road Construction</td>
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<tr>
<td>Executive Director, Judicial Performance Commission</td>
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Executive Secretary, State Veterans Affairs ........................................ 55,000.00
Executive Officer, Veterans' Home Purchase Board .................................. 65,000.00
Chief Administrative Officer, Motor Vehicle Commission .......................... 55,000.00
Stadium Manager, Mississippi Veterans Memorial Stadium ......................... 55,000.00
Executive Director, Mississippi Arts Commission .................................... 55,000.00
Director, Mississippi Board of Nursing .............................................. 60,000.00
Director, State Board of Pharmacy ................................................. 60,000.00
Director, State Board of Public Contractors ...................................... 50,000.00
Director, Real Estate Commission ...................................................... 55,000.00
Director of Support Services, Department of Rehabilitation Services .......... 80,000.00
Executive Director, State Fire Academy ............................................. 55,000.00
Executive Director, Law Enforcement Officers Training Academy ................ 50,000.00
Executive Director, State Board of Accountancy .................................. 60,000.00
Executive Director, Mississippi Gaming Commission ................................ 90,000.00
Executive Director, Mississippi Department of Marine Resources ............... 70,000.00
Executive Director, State Board of Registration for Professional Engineers and Land Surveyors .......................... 55,000.00
Executive Director, Public Utilities Staff ........................................... 85,000.00
State Law Librarian ........................................................................... 60,000.00
State Personnel Director .................................................................... 75,000.00
Manager, Farmers Central Market,
Department of Agriculture and Commerce........................................ 40,000.00
State Veterinarian.................................................. 70,000.00
Executive Director, Mississippi Ethics Commission............................... 70,000.00

[From and after July 1, 2004, this section shall read as follows:]

25-3-33. The annual salaries of the following appointive state and district officials and employees are fixed as follows:
Deputy Attorney General, not to exceed............ $72,800.00
Assistant Attorneys General shall each receive annual salaries in an amount to be fixed by the Attorney General but not to exceed............... 68,400.00
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Associate Commissioners, each.................. 42,000.00
Director of Emergency Management Agency........ 65,000.00
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Section 3. Section 25-3-31, Mississippi Code of 1972, is amended as follows:

Until July 1, 2004, this section shall read as follows:

25-3-31. The annual salaries of the following elected state and district officers are fixed as follows:

- Governor: $101,800.00
- Attorney General: $90,800.00
- Secretary of State: $75,000.00
- Commissioner of Insurance: $75,000.00
- State Treasurer: $75,000.00
- State Auditor of Public Accounts: $75,000.00
- Commissioner of Agriculture and Commerce: $75,000.00
- Transportation Commissioners: $65,000.00
- Public Service Commissioners: $65,000.00

The above fixed salary of the Governor shall be the reference amount utilized in computing average compensation and earned compensation pursuant to Section 25-11-103(f) and Section 25-11-103(k) and to related sections which require such computations.

From and after July 1, 2004, this section shall read as follows:

25-3-31. The annual salaries of the following elected state and district officers are fixed as follows:

- Governor: $101,800.00
- Attorney General: $90,800.00
- Secretary of State: $75,000.00
Commissioner of Insurance........................................ 75,000.00
State Treasurer...................................................... 75,000.00
State Auditor of Public Accounts.............................. 75,000.00
Commissioner of Agriculture and Commerce............... 75,000.00

* * *

Public Service Commissioners................................. 65,000.00

The above fixed salary of the Governor shall be the reference
amount utilized in computing average compensation and earned
compensation pursuant to Section 25-11-103(f) and Section
25-11-103(k) and to related sections which require such
computations.

SECTION 4. Section 23-15-193, Mississippi Code of 1972, is
amended as follows:

23-15-193. At the election in 2003, and every four (4) years
thereafter, there shall be elected a Governor, Lieutenant
Governor, Secretary of State, Auditor of Public Accounts, State
Treasurer, Attorney General, three (3) public service
commissioners, * * * Commissioner of Insurance, Commissioner of
Agriculture and Commerce, Senators and members of the House of
Representatives in the Legislature, district attorneys for the
several districts, clerks of the circuit and chancery courts of
the several counties, as well as sheriffs, coroners, assessors,
surveyors and members of the boards of supervisors, justice court
judges and constables, and all other officers to be elected by the
people at the general state election. All such officers shall
hold their offices for a term of four (4) years, and until their
successors are elected and qualified. The state officers shall be
elected in the manner prescribed in Section 140 of the
Constitution.

SECTION 5. Section 23-15-297, Mississippi Code of 1972, is
amended as follows:

23-15-297. All candidates upon entering the race for party
nominations for office shall first pay to the proper officer as
provided for in Section 23-15-299 for each primary election the
following amounts:

(a) Candidates for Governor not to exceed Three Hundred
Dollars ($300.00).

(b) Candidates for Lieutenant Governor, Attorney
General, Secretary of State, State Treasurer, Auditor of Public
Accounts, Commissioner of Insurance, Commissioner of Agriculture
and Commerce ** and State Public Service Commissioner, not to
exceed Two Hundred Dollars ($200.00).

(c) Candidates for district attorney, not to exceed One
Hundred Dollars ($100.00).

(d) Candidates for State Senator, State Representative,
sheriff, chancery clerk, circuit clerk, tax assessor, tax
collector, county attorney, county superintendent of education and
board of supervisors, not to exceed Fifteen Dollars ($15.00).

(e) Candidates for county surveyor, county coroner,
justice court judge and constable, not to exceed Ten Dollars
($10.00).

(f) Candidates for United States Senator, not to exceed
Three Hundred Dollars ($300.00).

(g) Candidates for United States Representative, not to
exceed Two Hundred Dollars ($200.00).

amended as follows:

23-15-881. It shall be unlawful for the * * * board of
supervisors of any county or any member of the board of
supervisors of such county, to employ, during the months of May,
June, July and August of any year in which a general primary
election is held for the nomination and election of members of
the * * * boards of supervisors, a greater number of persons to
work and maintain the * * * public roads in any supervisors
district of the county * * * than the average number of persons
employed for similar purposes in such * * * supervisors district,
as the case may be, during the months of May, June, July and August of the three (3) years immediately preceding the year in which such general primary election is held. It shall be unlawful for the State Highway Commission, or the board of supervisors of any county, to expend out of the state highway funds, or the road funds of the county or any supervisors district thereof, * * * in the payment of wages or other compensation for labor performed in working and maintaining the * * * public roads of any supervisors district of the county * * * during the months of May, June, July and August of such election year, a total amount in excess of the average total amount expended for such labor, in such * * * supervisors district * * * during the corresponding four (4) months' period of the three (3) years immediately preceding.

It shall be the duty of the * * * board of supervisors of each county, respectively, to keep sufficient records of the numbers of employees and expenditures made for labor on the * * * public roads of each supervisors district, for the months of May, June, July and August of each year, to show the number of persons employed for such work in each * * * supervisors district * * * during said four (4) months' period, and the total amount expended in the payment of salaries and other compensation to such employees, so that it may be ascertained, from an examination of such records, whether or not the provisions of this chapter have been violated.

It is provided, however, because of the abnormal conditions existing in certain counties of the state due to recent floods in which roads and bridges have been materially damaged or washed away and destroyed, if the board of supervisors in any county passes a resolution as provided in Section 19-9-11, Mississippi Code of 1972, for the emergency issuance of road and bridge bonds, the provisions of this section shall not be applicable to or in force concerning the board of supervisors during the calendar year 1955.
SECTION 7. Section 23-15-883, Mississippi Code of 1972, is amended as follows:

23-15-883. The restriction imposed upon the boards of supervisors of the several counties in the employment of labor to work and maintain the public roads of the several supervisors' districts of the county, as provided in Section 23-15-881, shall not apply to road contractors or bridge contractors engaged in the construction or maintenance of county roads under contracts awarded by the State Highway Commission, or the board of supervisors where such contracts shall have been awarded to the lowest responsible bidder, after legal advertisement, as provided by law; nor shall the restriction imposed in Section 23-15-881 apply to the labor employed by such road contractors or bridge contractors in carrying out such contracts. Nor shall the provisions of this chapter apply to the employment by the board of supervisors of extra labor employed to make repairs upon the county roads or bridges, in cases where such county roads or bridges, have been damaged or destroyed by severe storms, floods or other unforeseen disasters.

SECTION 8. Section 23-15-887, Mississippi Code of 1972, is amended as follows:

23-15-887. If any member of the board of supervisors, or the mayor or any member of the board of aldermen or other governing authority of any municipality, shall violate the provisions of this article, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 9. Section 65-1-5, Mississippi Code of 1972, is amended as follows:
65-1-5. When the transportation commissioners enter upon the
duties of their office, the transportation commission shall meet
and organize by the election of one (1) of its members to serve as
chairman of the commission for the four-year term for which the
commissioner shall have been chosen. The commission, a majority
of which shall constitute a quorum, shall meet in regular session
on the second Tuesday of each month at the office of the
commission in Jackson, Mississippi; and at such regular sessions
the commission may hear, continue and determine any and all
matters coming before it. The commission may hold special
sessions at the call of the executive director or the chairman at
such times and places in this state as either of them may deem
necessary. At such special sessions it may hear, continue,
consider and determine any and all matters coming before it,
provided that at least five (5) days' notice of such meetings
shall be given to all the members of the commission beforehand. A
special session may be called at any time without the foregoing
notice, or any notice, if by and with the unanimous consent of all
the members of the commission, but such unanimous consent shall be
spread at large on the minutes of the commission.

The Mississippi Transportation Commission shall act as a
legal entity, and shall only speak through its minutes, and in all
matters shall act as a unit. Any action on the part of any member
of the commission separately shall not bind the commission as a
unit, but such individual member only shall be liable personally
on his official bond.

The Mississippi Transportation Commission shall be a body
corporate and as such may sue and be sued, plead and be impleaded,
in any court of justice having jurisdiction of the subject matter
of any such suit. In any suit against the Mississippi
Transportation Commission service of process shall be had by
serving the secretary of the commission with such process; and a
copy of the declaration, petition or bill of complaint, or other
SECTION 10. Section 65-1-7, Mississippi Code of 1972, is amended as follows:

65-1-7. The commissioners chosen as herein provided, and their successors, shall each receive as compensation for their services salaries fixed by the legislature, and in addition shall be allowed all of their actual and necessary traveling and other expenses incurred in the performance of their respective official duties.

SECTION 11. Section 65-1-21, Mississippi Code of 1972, is amended as follows:

65-1-21. The permanent district offices for the Office of Highways of the Mississippi Department of Transportation and for the repair and housing of the equipment and vehicles of the department provided for in paragraph (m) of Section 65-1-8, Mississippi Code of 1972, shall be at such location as the commission may establish. The Department of Transportation shall erect and maintain appropriate signs or plaques designating such offices.

SECTION 12. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 13. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.