HOUSE BILL NO. 1506


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

SECTION 1. Section 25-3-31, Mississippi Code of 1972, is amended 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............... 66,000.00
- 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 2. Section 65-1-3, Mississippi Code of 1972, is brought forward as follows:

65-1-3. There shall be a State Highway Commission which shall consist of three (3) members, one (1) from each of the three (3) Supreme Court districts of the state. 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.

On Tuesday after the first Monday in November of the year 1951, and every four (4) years thereafter, state highway commissioners shall be elected at the same time and in the same manner as the Governor is chosen; and the laws governing primary elections and the holding of general elections in this state shall apply to and govern the nomination and election of state highway commissioners. The state highway commissioners so elected shall enter upon the discharge of the duties of their respective offices on the first Monday of January in the year next succeeding the date of their election, and they shall serve for a term of four (4) years and until their successors shall have been duly elected and qualified.

If any one or more of the state highway commissioners elected 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, provided such unexpired term shall not exceed twelve (12) months. If such unexpired term shall exceed twelve (12) months, the Governor shall, within fifteen (15) days from the date of such vacancy, by proclamation duly made, call an election in the Supreme Court district in which such vacancy exists, to be held within sixty (60) days from the date of the issuance of such proclamation, at which election a state highway commissioner shall be elected to fill such vacancy for the remaining portion of such unexpired term. Such special election shall be held in the manner provided for holding general elections in this state, as far as practicable.
Each of said state highway 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 3. Section 65-1-5, Mississippi Code of 1972, is brought forward 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 elected. 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 initial pleading shall be handed the secretary along with the process.

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

23-15-193. At the election in 1995, 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, three (3) Mississippi Transportation 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 brought forward 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, State Highway Commissioner 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).
SECTION 6. Section 23-15-881, Mississippi Code of 1972, is brought forward as follows:

23-15-881. It shall be unlawful for the State Highway Commission or any member of the State Highway Commission, or 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 State Highway Commission and members of the boards of supervisors, a greater number of persons to work and maintain the state highways, in any highway district, or the public roads, in any supervisors district of the county, as the case may be, than the average number of persons employed for similar purposes in such highway district or 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, as the case may be, in the payment of wages or other compensation for labor performed in working and maintaining the highways of any highway district, or the public roads of any supervisors district of the county, as the case may be, 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 highway district or supervisors district, as the case may be, during the corresponding four (4) months' period of the three (3) years immediately preceding.

It shall be the duty of the State Highway Commission and the board of supervisors of each county, respectively, to keep sufficient records of the numbers of employees and expenditures made for labor on the state highways of each highway district, and...
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 highway district and each
supervisors district, as the case may be, 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. 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 8. This act shall take effect and be in force from
and after July 1, 2001, if it is effectuated on or before that
date under Section 5 of the Voting Rights Act of 1965, as amended
and extended. If it is effectuated under Section 5 of the Voting
Rights Act of 1965, as amended and extended, after July 1, 2001,
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.