

By: Representatives Reeves, Chism,  
Fillingane, Smith (39th), Wells-Smith

To: Transportation

HOUSE BILL NO. 1506

1 AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE SALARY OF TRANSPORTATION COMMISSIONERS; TO BRING  
3 FORWARD SECTION 65-1-3, MISSISSIPPI CODE OF 1972, WHICH  
4 ESTABLISHES THE MISSISSIPPI TRANSPORTATION COMMISSION AND PROVIDES  
5 FOR THE ELECTION OF TRANSPORTATION COMMISSIONERS; TO BRING FORWARD  
6 SECTION 65-1-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
7 ORGANIZATION OF THE TRANSPORTATION COMMISSION; TO BRING FORWARD  
8 SECTIONS 23-15-193, 23-15-297 AND 23-15-881, MISSISSIPPI CODE OF  
9 1972, WHICH RELATE TO THE ELECTION OF TRANSPORTATION COMMISSIONERS  
10 AND OTHER ELECTED OFFICIALS; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 25-3-31, Mississippi Code of 1972, is  
13 amended as follows:

14 25-3-31. The annual salaries of the following elected state  
15 and district officers are fixed as follows:

16	Governor.....	\$101,800.00
17	Attorney General.....	90,800.00
18	Secretary of State.....	75,000.00
19	Commissioner of Insurance.....	75,000.00
20	State Treasurer.....	75,000.00
21	State Auditor of Public Accounts.....	75,000.00
22	Commissioner of Agriculture and Commerce.....	75,000.00
23	Transportation Commissioners.....	<u>66,000.00</u>
24	Public Service Commissioners.....	65,000.00

25 The above fixed salary of the Governor shall be the reference  
26 amount utilized in computing average compensation and earned  
27 compensation pursuant to Section 25-11-103(f) and Section  
28 25-11-103(k) and to related sections which require such  
29 computations.

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

32 65-1-3. There shall be a State Highway Commission which  
33 shall consist of three (3) members, one (1) from each of the three  
34 (3) Supreme Court districts of the state. Only qualified electors  
35 who are citizens of the Supreme Court district in which he or she  
36 offers for election shall be eligible for such office.

37 On Tuesday after the first Monday in November of the year  
38 1951, and every four (4) years thereafter, state highway  
39 commissioners shall be elected at the same time and in the same  
40 manner as the Governor is chosen; and the laws governing primary  
41 elections and the holding of general elections in this state shall  
42 apply to and govern the nomination and election of state highway  
43 commissioners. The state highway commissioners so elected shall  
44 enter upon the discharge of the duties of their respective offices  
45 on the first Monday of January in the year next succeeding the  
46 date of their election, and they shall serve for a term of four  
47 (4) years and until their successors shall have been duly elected  
48 and qualified.

49 If any one or more of the state highway commissioners elected  
50 under the provisions of this chapter shall die, resign or be  
51 removed from office, the Governor shall fill the vacancy by  
52 appointment for the unexpired term, provided such unexpired term  
53 shall not exceed twelve (12) months. If such unexpired term shall  
54 exceed twelve (12) months, the Governor shall, within fifteen (15)  
55 days from the date of such vacancy, by proclamation duly made,  
56 call an election in the Supreme Court district in which such  
57 vacancy exists, to be held within sixty (60) days from the date of  
58 the issuance of such proclamation, at which election a state  
59 highway commissioner shall be elected to fill such vacancy for the  
60 remaining portion of such unexpired term. Such special election  
61 shall be held in the manner provided for holding general elections  
62 in this state, as far as practicable.

63           Each of said state highway commissioners, before entering  
64 upon the discharge of the duties of his office, shall take and  
65 subscribe the oath of office required of other state officials and  
66 shall execute bond in the sum of Fifty Thousand Dollars  
67 (\$50,000.00), with some surety company authorized to do business  
68 in this state as surety, conditioned for the faithful performance  
69 of the duties of his office and for the faithful and true  
70 accounting of all funds or monies or property coming into his  
71 hands by virtue of his office, and conditioned further that all  
72 such funds, monies and property will be expended and used by him  
73 only for purposes authorized by law, said bond to be approved by  
74 the Governor or Attorney General and to be filed in the Office of  
75 the Secretary of State. The premium on such bonds shall be paid  
76 out of the funds of the Mississippi Department of Transportation.

77           From and after July 1, 1992, the State Highway Commission  
78 shall be the Mississippi Transportation Commission and the members  
79 thereof shall be the Mississippi transportation commissioners.

80           SECTION 3. Section 65-1-5, Mississippi Code of 1972, is  
81 brought forward as follows:

82           65-1-5. When the transportation commissioners enter upon the  
83 duties of their office, the Transportation Commission shall meet  
84 and organize by the election of one (1) of its members to serve as  
85 chairman of the commission for the four-year term for which the  
86 commissioner shall have been elected. The commission, a majority  
87 of which shall constitute a quorum, shall meet in regular session  
88 on the second Tuesday of each month at the office of the  
89 commission in Jackson, Mississippi; and at such regular sessions  
90 the commission may hear, continue and determine any and all  
91 matters coming before it. The commission may hold special  
92 sessions at the call of the executive director or the chairman at  
93 such times and places in this state as either of them may deem  
94 necessary. At such special sessions it may hear, continue,  
95 consider and determine any and all matters coming before it,

96 provided that at least five (5) days' notice of such meetings  
97 shall be given to all the members of the commission beforehand. A  
98 special session may be called at any time without the foregoing  
99 notice, or any notice, if by and with the unanimous consent of all  
100 the members of the commission, but such unanimous consent shall be  
101 spread at large on the minutes of the commission.

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

108 The Mississippi Transportation Commission shall be a body  
109 corporate and as such may sue and be sued, plead and be impleaded,  
110 in any court of justice having jurisdiction of the subject matter  
111 of any such suit. In any suit against the Mississippi  
112 Transportation Commission service of process shall be had by  
113 serving the secretary of the commission with such process; and a  
114 copy of the declaration, petition or bill of complaint, or other  
115 initial pleading shall be handed the secretary along with the  
116 process.

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

119 23-15-193. At the election in 1995, and every four (4) years  
120 thereafter, there shall be elected a Governor, Lieutenant  
121 Governor, Secretary of State, Auditor of Public Accounts, State  
122 Treasurer, Attorney General, three (3) public service  
123 commissioners, three (3) Mississippi Transportation commissioners,  
124 Commissioner of Insurance, Commissioner of Agriculture and  
125 Commerce, Senators and members of the House of Representatives in  
126 the Legislature, district attorneys for the several districts,  
127 clerks of the circuit and chancery courts of the several counties,  
128 as well as sheriffs, coroners, assessors, surveyors and members of

129 the boards of supervisors, justice court judges and constables,  
130 and all other officers to be elected by the people at the general  
131 state election. All such officers shall hold their offices for a  
132 term of four (4) years, and until their successors are elected and  
133 qualified. The state officers shall be elected in the manner  
134 prescribed in Section 140 of the Constitution.

135 SECTION 5. Section 23-15-297, Mississippi Code of 1972, is  
136 brought forward as follows:

137 23-15-297. All candidates upon entering the race for party  
138 nominations for office shall first pay to the proper officer as  
139 provided for in Section 23-15-299 for each primary election the  
140 following amounts:

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

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

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

150 (d) Candidates for state senator, state representative,  
151 sheriff, chancery clerk, circuit clerk, tax assessor, tax  
152 collector, county attorney, county superintendent of education and  
153 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

154 (e) Candidates for county surveyor, county coroner,  
155 justice court judge and constable, not to exceed Ten Dollars  
156 (\$10.00).

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

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

161 SECTION 6. Section 23-15-881, Mississippi Code of 1972, is  
162 brought forward as follows:

163 23-15-881. It shall be unlawful for the State Highway  
164 Commission or any member of the State Highway Commission, or the  
165 board of supervisors of any county or any member of the board of  
166 supervisors of such county, to employ, during the months of May,  
167 June, July and August of any year in which a general primary  
168 election is held for the nomination and election of members of the  
169 State Highway Commission and members of the boards of supervisors,  
170 a greater number of persons to work and maintain the state  
171 highways, in any highway district, or the public roads, in any  
172 supervisors district of the county, as the case may be, than the  
173 average number of persons employed for similar purposes in such  
174 highway district or supervisors district, as the case may be,  
175 during the months of May, June, July and August of the three (3)  
176 years immediately preceding the year in which such general primary  
177 election is held. It shall be unlawful for the State Highway  
178 Commission, or the board of supervisors of any county, to expend  
179 out of the state highway funds, or the road funds of the county or  
180 any supervisors district thereof, as the case may be, in the  
181 payment of wages or other compensation for labor performed in  
182 working and maintaining the highways of any highway district, or  
183 the public roads of any supervisors district of the county, as the  
184 case may be, during the months of May, June, July and August of  
185 such election year, a total amount in excess of the average total  
186 amount expended for such labor, in such highway district or  
187 supervisors district, as the case may be, during the corresponding  
188 four (4) months' period of the three (3) years immediately  
189 preceding.

190 It shall be the duty of the State Highway Commission and the  
191 board of supervisors of each county, respectively, to keep  
192 sufficient records of the numbers of employees and expenditures  
193 made for labor on the state highways of each highway district, and

194 the public roads of each supervisors district, for the months of  
195 May, June, July and August of each year, to show the number of  
196 persons employed for such work in each highway district and each  
197 supervisors district, as the case may be, during said four (4)  
198 months' period, and the total amount expended in the payment of  
199 salaries and other compensation to such employees, so that it may  
200 be ascertained, from an examination of such records, whether or  
201 not the provisions of this chapter have been violated.

202 It is provided, however, because of the abnormal conditions  
203 existing in certain counties of the state due to recent floods in  
204 which roads and bridges have been materially damaged or washed  
205 away and destroyed, if the board of supervisors in any county  
206 passes a resolution as provided in Section 19-9-11, Mississippi  
207 Code of 1972, for the emergency issuance of road and bridge bonds,  
208 the provisions of this section shall not be applicable to or in  
209 force concerning the board of supervisors during the calendar year  
210 1955.

211 SECTION 7. The Attorney General of the State of Mississippi  
212 shall submit this act, immediately upon approval by the Governor,  
213 or upon approval by the Legislature subsequent to a veto, to the  
214 Attorney General of the United States or to the United States  
215 District Court for the District of Columbia in accordance with the  
216 provisions of the Voting Rights Act of 1965, as amended and  
217 extended.

218 SECTION 8. This act shall take effect and be in force from  
219 and after July 1, 2001, if it is effectuated on or before that  
220 date under Section 5 of the Voting Rights Act of 1965, as amended  
221 and extended. If it is effectuated under Section 5 of the Voting  
222 Rights Act of 1965, as amended and extended, after July 1, 2001,  
223 this act shall take effect and be in force from and after the date  
224 it is effectuated under Section 5 of the Voting Rights Act of  
225 1965, as amended and extended.