

By: Senator(s) Dearing

To: Fees, Salaries and Administration

SENATE BILL NO. 2176

1 AN ACT TO AMEND SECTION 65-1-2, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FROM STATE
3 PERSONNEL BOARD PROCEDURES FROM JULY 1, 2002, TO JULY 1, 2003; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 65-1-2, Mississippi Code of 1972, is
7 amended as follows:

8 65-1-2. (1) There is hereby created the Mississippi
9 Department of Transportation, which shall include the following
10 offices:

- 11 (a) Office of Administrative Services.
- 12 (b) Office of Highways.
- 13 (c) Office of State Aid Road Construction.
- 14 (d) Office of Intermodal Planning.
- 15 (e) Office of Enforcement.

16 (2) Each office shall be composed of such bureaus as deemed
17 necessary by the executive director of the department.

18 (3) The department is designated as the single state agency
19 to receive and expend any funds made available by the United
20 States Department of Transportation or any agency of the federal
21 government for transportation purposes and to cooperate with
22 federal, state, interstate and local agencies, organizations and
23 persons performing activities relating to transportation. This
24 subsection shall not apply to motor carrier safety assistance
25 program funds made available by the federal government to the
26 Public Service Commission.

27 (4) The powers, duties and responsibilities of the State
28 Highway Department with respect to the construction and



29 maintenance of the state highway system are transferred to the
30 Mississippi Department of Transportation.

31 (5) The powers, duties and responsibilities of the
32 Mississippi Development Authority with respect to aeronautics are
33 transferred to the Mississippi Department of Transportation.

34 (6) The powers, duties and responsibilities of the State Tax
35 Commission with respect to the weighing of motor vehicles along
36 the highways of this state at inspection stations and by means of
37 portable scales are transferred to the Mississippi Department of
38 Transportation.

39 (7) The powers, duties and responsibilities of the
40 Mississippi Development Authority with respect to transportation
41 matters, except with respect to ports, are transferred to the
42 Mississippi Department of Transportation.

43 (8) The powers, duties and responsibilities of the State Aid
44 Engineer and the Office of State Aid Road Construction are
45 transferred to the Mississippi Department of Transportation.

46 (9) All powers, duties and responsibilities of the Public
47 Service Commission with regard to railroads, except rate-making
48 authority, are transferred to the Mississippi Department of
49 Transportation. The Mississippi Transportation Commission may
50 perform any act and issue any rule, regulation or order which the
51 commission is permitted to do by the Federal Railroad Safety Act
52 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
53 order passed by the Mississippi Transportation Commission shall be
54 furnished to members of the Transportation Committees of the
55 Mississippi House of Representatives and the Mississippi Senate.
56 Individuals, corporations or companies affected by the order, rule
57 or regulation shall be notified in accordance with the Mississippi
58 Administrative Procedures Law.

59 (10) All records, personnel, property and unexpended
60 balances of appropriations, allocation or other funds of all those
61 agencies, boards, commissions, departments, offices, bureaus and



62 divisions that are transferred by Laws, 1992, Chapter 496 shall be
63 transferred to the Mississippi Department of Transportation. The
64 transfer of segregated or special funds shall be made in such a
65 manner that the relation between program and revenue source as
66 provided by law shall be retained.

67 (11) From and after January 1, 1993, and until January 1,
68 1994, the Mississippi Department of Transportation and the
69 Mississippi Transportation Commission shall be exempt from State
70 Personnel Board procedures for the purpose of the employment,
71 promotion, realignment, demotion, reprimand, suspension,
72 termination, reallocation, reassignment, transfer, moving or
73 relocation of personnel of all those agencies, boards,
74 commissions, departments, offices, bureaus and divisions whose
75 duties and responsibilities are transferred by Laws, 1992, Chapter
76 496 to the Mississippi Department of Transportation.

77 (12) From and after July 1, 2002, and until July 1, 2003,
78 the Mississippi Department of Transportation and the Mississippi
79 Transportation Commission shall be exempt from State Personnel
80 Board procedures for the purpose of the employment, promotion,
81 realignment, demotion, reprimand, suspension, termination,
82 reallocation, reassignment, transfer, moving or relocation of
83 personnel of all employees of the Mississippi Department of
84 Transportation.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2002.

