SENATE BILL NO. 2176

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

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

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

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

(a) Office of Administrative Services.
(b) Office of Highways.
(c) Office of State Aid Road Construction.
(d) Office of Intermodal Planning.
(e) Office of Enforcement.

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

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

(4) The powers, duties and responsibilities of the State Highway Department with respect to the construction and...
maintenance of the state highway system are transferred to the Mississippi Department of Transportation.

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

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

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

(8) The powers, duties and responsibilities of the State Aid Engineer and the Office of State Aid Road Construction are transferred to the Mississippi Department of Transportation. The Mississippi Transportation Commission may perform any act and issue any rule, regulation or order which the commission is permitted to do by the Federal Railroad Safety Act of 1970 (45 USCS et seq.). A copy of any new rule, regulation or order passed by the Mississippi Transportation Commission shall be furnished to members of the Transportation Committees of the Mississippi House of Representatives and the Mississippi Senate. Individuals, corporations or companies affected by the order, rule or regulation shall be notified in accordance with the Mississippi Administrative Procedures Law.

(9) All records, personnel, property and unexpended balances of appropriations, allocation or other funds of all those agencies, boards, commissions, departments, offices, bureaus and
divisions that are transferred by Laws, 1992, Chapter 496 shall be
transferred to the Mississippi Department of Transportation. The
transfer of segregated or special funds shall be made in such a
manner that the relation between program and revenue source as
provided by law shall be retained.

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

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

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