SENATE BILL NO. 2370

AN ACT TO AMEND SECTION 65-1-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TRANSPORTATION COMMISSION TO FIX THE COMPENSATION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION WITHOUT OBTAINING THE APPROVAL OF THE STATE PERSONNEL BOARD AND NOTWITHSTANDING CERTAIN SECTIONS OF THE MISSISSIPPI CODE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 65-1-9, Mississippi Code of 1972, is amended as follows:

65-1-9. The commission shall appoint an Executive Director of the Mississippi Department of Transportation for a term of office beginning on April 1, 1993. The person serving as Executive Director of the State Highway Department on June 30, 1992, shall serve until April 1, 1993, as the Executive Director of the Mississippi Department of Transportation, and thereafter shall be eligible for reappointment to the position of Executive Director of the Mississippi Department of Transportation. Succeeding terms shall expire on April 1 each four (4) years thereafter. The executive director may be removed by a majority of the commission pursuant to Section 25-9-101 et seq., Mississippi Code of 1972. All appointments by the commission shall be with the advice and consent of the Senate. The commission shall submit its appointment to the Senate not later than March 1 of the year in which a term expires, and if such submission is not made by March 1, the incumbent director shall be deemed to have been reappointed for a four-year term. In the event a vacancy occurs from resignation, death or removal from office by the commission, the commission shall submit its appointment for the unexpired term to the Senate not later than
the next March 1 after such vacancy occurs. If no appointment for
an unexpired term is submitted to the Senate, the Governor shall
make such appointment not later than April 1 of such year. The
commission shall fix the compensation of the executive director
based upon the qualifications of the executive director,
notwithstanding the provisions of Sections 25-3-33 and 25-3-39.
The executive director shall be eligible for reappointment. The
executive director shall have the following qualifications:

(a) Possess a wide knowledge of the transportation
system and needs of Mississippi;
(b) Possess a wide knowledge of the principles of
transportation organization and administration; and
(c) Possess selected training or expertise in the field
of transportation.

No person who is a member of the Mississippi Transportation
Commission, or who has been a member of the transportation
commission or of its predecessor, the State Highway Commission,
within two (2) years next preceding his appointment, shall be
eligible to be chosen as executive director of the department.
The executive director shall be the executive officer of the
commission and shall be subject to its orders and directions. The
executive director shall give his entire time to the duties of his
office. Before entering upon the duties of his office, the
executive director shall give bond to the State of Mississippi in
the sum of Fifty Thousand Dollars ($50,000.00), conditioned upon
the faithful discharge and performance of his official duty. The
principal and surety on such bond shall be liable thereunder to
the state for double the amount of value of any money or property
which the state may lose, if any, by reason of any wrongful or
criminal act of the executive director. Such bond, when approved
by the commission, shall be filed with the Secretary of State, and
the premium thereon shall be paid from any funds available to the
commission.
SECTION 2. This act shall take effect and be in force from and after July 1, 2003.