

By: Senator(s) Dearing

To: Highways and  
Transportation;  
Appropriations

SENATE BILL NO. 2744

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI TRANSPORTATION  
2 COMMISSION, UPON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR, MAY  
3 APPOINT AN ADDITIONAL DEPUTY EXECUTIVE DIRECTOR; TO PROVIDE THAT  
4 THE POWERS AND DUTIES OF THE DEPUTY EXECUTIVE DIRECTOR SHALL BE  
5 SPECIFIED BY THE COMMISSION AND SHALL INCLUDE, BUT NOT BE LIMITED  
6 TO, THE EXECUTION ON BEHALF OF THE EXECUTIVE DIRECTOR OF CONTRACTS  
7 APPROVED BY THE COMMISSION AND OTHER DOCUMENTS; TO AUTHORIZE THE  
8 MISSISSIPPI TRANSPORTATION COMMISSION TO ISSUE POWERS OF ATTORNEY  
9 TO INDIVIDUALS AS MAY BE RECOMMENDED BY THE EXECUTIVE DIRECTOR TO  
10 EXECUTE ANY DOCUMENTS ON BEHALF OF THE COMMISSION AND THE  
11 EXECUTIVE DIRECTOR AS THE COMMISSION CONSIDERS APPROPRIATE TO  
12 FACILITATE THE EFFICIENT IMPLEMENTATION OF ITS DUTIES AND  
13 RESPONSIBILITIES; TO PROHIBIT THE EXECUTION OF CERTAIN DOCUMENTS  
14 BY PERSONS ISSUED SUCH POWERS OF ATTORNEY; TO PROVIDE FOR THE  
15 DURATION OF SUCH POWERS OF ATTORNEY; TO PROVIDE THAT POWERS OF  
16 ATTORNEY MAY BE REVOKED BY THE COMMISSION AT ANY TIME; TO AMEND  
17 SECTION 65-1-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES OF  
18 THE CHIEF ENGINEER WITH REGARD TO HIS POSITION AS A DEPUTY  
19 EXECUTIVE DIRECTOR; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) The commission, upon the recommendation of  
22 the executive director, may appoint one (1) deputy executive  
23 director in addition to the deputy executive director provided for  
24 in Section 65-1-11. The powers and duties of the deputy executive  
25 director appointed pursuant to this subsection shall be specified  
26 by the commission and shall include, but not be limited to, the  
27 execution on behalf of the executive director of contracts  
28 approved by the commission and other documents. The appointment  
29 of such deputy executive director and the powers specified by the  
30 commission must be spread upon the minutes of the commission to  
31 become effective.

32 (2) The commission may issue powers of attorney to  
33 individuals as may be recommended by the executive director to  
34 execute any documents on behalf of the commission and the  
35 executive director as the commission considers appropriate to



36 facilitate the efficient implementation of its duties and  
37 responsibilities; however, a power of attorney issued under this  
38 subsection shall not authorize the execution of contracts approved  
39 by the commission. Powers of attorney issued under this  
40 subsection shall specify the limits of the authority to execute  
41 documents granted by them. The duration of such powers of  
42 attorney shall be for the term of office of the commission that  
43 issued them. Such powers of attorney may be revoked by the  
44 commission at any time.

45 **SECTION 2.** Section 65-1-11, Mississippi Code of 1972, is  
46 amended as follows:

47 65-1-11. The executive director, subject to the approval of  
48 the commission, shall employ a chief engineer who shall be a  
49 registered civil engineer, a graduate of a recognized school of  
50 engineering, and who shall have had not less than five (5) years'  
51 actual professional experience in highway construction. The chief  
52 engineer shall also be a deputy executive director of the \* \* \*  
53 department with such powers and duties as may be prescribed by the  
54 commission. \* \* \* The chief engineer shall give bond in the sum  
55 of Fifty Thousand Dollars (\$50,000.00) in some surety company  
56 authorized to do business in this state, which bond shall be  
57 conditioned upon the faithful performance and discharge of his  
58 duties. The principal and surety on such bond shall be liable  
59 thereunder to the State of Mississippi for double the amount of  
60 the value of any money or property which the state may lose, if  
61 any, by reason of any wrongful or criminal act of such engineer.  
62 The term of office of the chief engineer shall be for a period of  
63 four (4) years, unless sooner removed as hereinafter provided, and  
64 he shall be eligible for reappointment. The first term of office,  
65 however, shall extend from the date of appointment until the first  
66 Monday of January 1952.

67 **SECTION 3.** This act shall take effect and be in force from  
68 and after July 1, 2003.

