

By: Representative Miles

To: Transportation

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 767

1 AN ACT TO AMEND SECTION 65-1-5, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE TRANSPORTATION COMMISSION NOT MORE THAN THREE TIMES  
3 EACH YEAR TO MEET IN REGULAR SESSION AT LOCATIONS OTHER THAN ITS  
4 JACKSON, MISSISSIPPI, OFFICE; TO PROVIDE THAT IF ANY SESSION  
5 MEETING IS HELD AT A LOCATION OTHER THAN AT THE COMMISSION'S  
6 OFFICE IN JACKSON, MISSISSIPPI, THE COMMISSION MUST MAKE  
7 PROVISIONS TO ALLOW PUBLIC PARTICIPATION IN THE MEETING BY  
8 APPEARING AT THE JACKSON OFFICE; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 65-1-5, Mississippi Code of 1972, is  
11 amended as follows:

12 65-1-5. When the transportation commissioners enter upon the  
13 duties of their office, the Transportation Commission shall meet  
14 and organize by the election of one (1) of its members to serve as  
15 chairman of the commission for the four-year term for which the  
16 commissioner shall have been elected. The commission, a majority  
17 of which shall constitute a quorum, shall meet in regular session  
18 on the second Tuesday of each month at the office of the  
19 commission in Jackson, Mississippi; however, the commission may  
20 meet in regular session not more than three (3) times each year at  
21 such other location as may be set by the commission. At such  
22 regular sessions the commission may hear, continue and determine  
23 any and all matters coming before it. The commission may hold  
24 special sessions at the call of the executive director or the  
25 chairman at such times and places in this state as either of them  
26 may deem necessary. At such special sessions it may hear,  
27 continue, consider and determine any and all matters coming before  
28 it, provided that at least five (5) days' notice of such meetings  
29 shall be given to all the members of the commission beforehand. A  
30 special session may be called at any time without the foregoing

31 notice, or any notice, if by and with the unanimous consent of all  
32 the members of the commission, but such unanimous consent shall be  
33 spread at large on the minutes of the commission. If any session  
34 is held at a location other than at the commission's office in  
35 Jackson, Mississippi, the commission shall make provisions to  
36 allow public participation in the meeting by appearing at the  
37 Jackson office.

38 The Mississippi Transportation Commission shall act as a  
39 legal entity, and shall only speak through its minutes, and in all  
40 matters shall act as a unit. Any action on the part of any member  
41 of the commission separately shall not bind the commission as a  
42 unit, but such individual member only shall be liable personally  
43 on his official bond.

44 The Mississippi Transportation Commission shall be a body  
45 corporate and as such may sue and be sued, plead and be impleaded,  
46 in any court of justice having jurisdiction of the subject matter  
47 of any such suit. In any suit against the Mississippi  
48 Transportation Commission service of process shall be had by  
49 serving the secretary of the commission with such process; and a  
50 copy of the declaration, petition or bill of complaint, or other  
51 initial pleading shall be handed the secretary along with the  
52 process.

53 **SECTION 2.** This act shall take effect and be in force from  
54 and after its passage.