

By: Representative Miles

To: Transportation

## 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, or, not more than three (3)  
20 times each year, at such other location as may be set by the  
21 commission; and at such regular sessions the commission may hear,  
22 continue and determine any and all matters coming before it. The  
23 commission may hold special sessions at the call of the executive  
24 director or the chairman at such times and places in this state as  
25 either of them may deem necessary. At such special sessions it  
26 may hear, continue, consider and determine any and all matters  
27 coming before it, provided that at least five (5) days' notice of  
28 such meetings shall be given to all the members of the commission  
29 beforehand. A special session may be called at any time without  
30 the foregoing notice, or any notice, if by and with the unanimous

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

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

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

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