

By: Senator(s) Thames, Harvey

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2370

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

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

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

10 65-1-9. The commission shall appoint an Executive Director
11 of the Mississippi Department of Transportation for a term of
12 office beginning on April 1, 1993. The person serving as
13 Executive Director of the State Highway Department on June 30,
14 1992, shall serve until April 1, 1993, as the Executive Director
15 of the Mississippi Department of Transportation, and thereafter
16 shall be eligible for reappointment to the position of Executive
17 Director of the Mississippi Department of Transportation.
18 Succeeding terms shall expire on April 1 each four (4) years
19 thereafter. The executive director may be removed by a majority
20 of the commission pursuant to Section 25-9-101 et seq.,
21 Mississippi Code of 1972. All appointments by the commission
22 shall be with the advice and consent of the Senate. The
23 commission shall submit its appointment to the Senate not later
24 than March 1 of the year in which a term expires, and if such
25 submission is not made by March 1, the incumbent director shall be
26 deemed to have been reappointed for a four-year term. In the
27 event a vacancy occurs from resignation, death or removal from
28 office by the commission, the commission shall submit its
29 appointment for the unexpired term to the Senate not later than



30 the next March 1 after such vacancy occurs. If no appointment for
31 an unexpired term is submitted to the Senate, the Governor shall
32 make such appointment not later than April 1 of such year. The
33 commission shall fix the compensation of the executive director
34 based upon the qualifications of the executive director,
35 notwithstanding the provisions of Sections 25-3-33 and 25-3-39.

36 The executive director shall be eligible for reappointment. The
37 executive director shall have the following qualifications:

38 (a) Possess a wide knowledge of the transportation
39 system and needs of Mississippi;

40 (b) Possess a wide knowledge of the principles of
41 transportation organization and administration; and

42 (c) Possess selected training or expertise in the field
43 of transportation.

44 No person who is a member of the Mississippi Transportation
45 Commission, or who has been a member of the transportation
46 commission or of its predecessor, the State Highway Commission,
47 within two (2) years next preceding his appointment, shall be
48 eligible to be chosen as executive director of the department.
49 The executive director shall be the executive officer of the
50 commission and shall be subject to its orders and directions. The
51 executive director shall give his entire time to the duties of his
52 office. Before entering upon the duties of his office, the
53 executive director shall give bond to the State of Mississippi in
54 the sum of Fifty Thousand Dollars (\$50,000.00), conditioned upon
55 the faithful discharge and performance of his official duty. The
56 principal and surety on such bond shall be liable thereunder to
57 the state for double the amount of value of any money or property
58 which the state may lose, if any, by reason of any wrongful or
59 criminal act of the executive director. Such bond, when approved
60 by the commission, shall be filed with the Secretary of State, and
61 the premium thereon shall be paid from any funds available to the
62 commission.



63 **SECTION 2.** This act shall take effect and be in force from
64 and after July 1, 2003.

