

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.