

By: Representative Stevens

To: Insurance;
Appropriations

HOUSE BILL NO. 7

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE OFFICE OF THE STATE FIRE MARSHAL IN THE DEPARTMENT
3 OF INSURANCE TO PURCHASE AND OPERATE A MAXIMUM OF FIFTEEN
4 PASSENGER AUTOMOBILES; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 25-1-85, Mississippi Code of 1972, is
7 amended as follows:

8 25-1-85. The following state departments, agencies or
9 institutions are hereby allowed to purchase, own and operate, in
10 strict accordance with the provisions hereof, passenger vehicles
11 not to exceed the following numbers:

12	Office of the Attorney General	10
13	Agriculture and Commerce.....	23
14	Department of Economic and Community Development.....	14
15	Experiment Stations.....	16
16	Extension Service.....	1
17	Forestry Commission.....	48
18	Department of Transportation.....	115
19	Military Department.....	5
20	Department of Corrections.....	13
21	Parole Board.....	2
22	Mississippi Department of Public Safety.....	600
23	Division of Plant Industry.....	23
24	State Board of Mental Health.....	2
25	East Mississippi State Hospital.....	1
26	Mississippi State Hospital.....	2
27	Alcoholic Beverage Control Division of the	

28	Mississippi State Tax Commission.....	30
29	Soil and Water Conservation Commission.	3
30	Ellisville State School.....	1
31	North Mississippi Retardation Center.....	1
32	South Mississippi Retardation Center.....	1
33	Board of Health.....	10
34	State Oil and Gas Board.....	3
35	Each institution of higher learning, for police	
36	purposes, provided each institution with	
37	more than 6,000 students may have 4.....	2
38	Wildlife, Fisheries and Parks.....	60
39	Surplus Property Procurement Commission.....	4
40	State Tax Commission-station wagons.....	2
41	State Tax Commission-automobiles.....	6
42	Mississippi Gaming Commission	60
43	Department of Environmental Quality.....	12
44	Pearl River Valley Water Supply District.....	7
45	Pearl River Basin Development District.....	2
46	Pat Harrison Waterway District.....	1
47	Department of Transportation -	
48	Office of State Aid Road Construction.....	10
49	Tennessee-Tombigbee Waterway Development Authority.....	2
50	Fair Commission.....	1
51	State Civil Defense Office (including	
52	communications vehicle).....	4
53	Bureau of Narcotics.....	120
54	Mississippi State Port Authority at Gulfport.....	6
55	Tombigbee Water Supply District.....	3
56	Board of Pharmacy.....	4
57	Yellow Creek State Inland Port Authority.....	1
58	Boat and Water Safety Commission.....	2
59	Department of Archives and History.....	2
60	State Fire Fighters Academy (station wagon)	1

61	Office of Capitol Facilities - Capitol Police.....	2
62	Office of Building, Grounds and Real Property.....	1
63	State Veterans Affairs Board.....	15
64	Employment Security Commission.....	1
65	Forest Product Utilization Lab.....	1
66	Mississippi Board of Nursing.....	3
67	Certified Development Company of Mississippi, Inc.....	1
68	State Board of Medical Licensure.....	4
69	Mississippi Public Employees' Retirement System.....	3
70	Mississippi Public Service Commission.....	42
71	Department of Human Services.....	2
72	Department of Rehabilitation Services.....	4
73	Real Estate Commission.....	2
74	Mississippi Library Commission - station wagons.....	5
75	Boswell Regional Center.....	1
76	Hudspeth Regional Center.....	1
77	North Mississippi State Hospital.....	1
78	South Mississippi State Hospital.....	1
79	Motor Vehicle Commission.....	1
80	Office of the State Auditor.....	20
81	Division of Medicaid, Office of the Governor.....	3
82	Department of Marine Resources.....	3
83	Central Mississippi Residential Center.....	1
84	Juvenile Rehabilitation Center.....	1
85	Department of Education.....	1
86	<u>Office of the State Fire Marshall</u>	
87	<u>in the Department of Insurance.....</u>	<u>15</u>

88 Except as provided in Sections 25-1-77 through 25-1-93, no
89 state department, institution or agency shall purchase, operate or
90 maintain any passenger vehicle out of any funds available for the
91 use of such department, institution or agency, unless same has
92 been or may be donated.

93 All new passenger vehicles purchased by any state department,

94 institution, agency, university, community or junior college, or
95 local governing authority, except vehicles purchased to be used
96 for law enforcement purposes by the law enforcement departments of
97 the Mississippi Highway Safety Patrol, Mississippi Department of
98 Transportation, Public Service Commission, Mississippi
99 Agricultural and Livestock Theft Bureau within the Department of
100 Agriculture and Commerce, Office of the State Fire Marshal in the
101 Department of Insurance, Tax Commission, State Institutions of
102 Higher Learning, Attorney General, and Department of Wildlife,
103 Fisheries & Parks, and vehicles used for law enforcement purposes
104 or for emergency response purposes by local governing authorities,
105 shall be of a fuel-efficient model which meets the needs of the
106 using entity. No such new passenger vehicles purchased shall be
107 luxury vehicles, utility, carryall or full-size vehicles as
108 defined by the industry, unless the executive head of the
109 purchasing entity first declares that a special need exists and/or
110 special circumstances exist which require transportation of
111 passengers in conditions requiring a luxury, utility, carryall or
112 full-size vehicle. Upon receipt of such declaration, the Public
113 Procurement Review Board created under Section 27-104-7 shall
114 disallow the purchase by state agencies if adequate justification
115 is not provided. Approval from the Public Procurement Review
116 Board is not required for purchases by local governing
117 authorities. Furthermore, power windows, power door locks and
118 power seats may not be added as options to any vehicle purchased
119 by any state agency unless adequate justification is provided. It
120 is the intent of the Legislature that each such passenger vehicle
121 purchased be the most prudent possible and still adequately meet
122 the needs for which the vehicle is purchased. The term "passenger
123 vehicle" shall not be construed to mean trucks or motor-driven
124 equipment whose primary use is not the transportation of
125 passengers.

126 For purposes of this section, passenger vehicle shall be

127 defined as a vehicle which is designed to transport four (4) or
128 more persons and/or provides adequate seating for at least four
129 (4) persons. The terms "luxury vehicle," "full-size vehicle,"
130 "utility vehicle" and "carryall vehicle" shall be as defined by
131 the industry.

132 Prior to January 1, 1996, the Department of Finance and
133 Administration, Office of Purchasing and Travel, in cooperation
134 with the Office of the Auditor, Property Control Division, shall
135 prepare an inventory of vehicles owned by all state departments,
136 agencies or institutions. The inventory shall include, but is not
137 limited to, the name of the agency or institution and the quantity
138 and primary use of vehicles in each of the following categories:
139 subcompact, compact sedan, mid-size sedan, full-size sedan,
140 utility vehicle, carryall vehicle, compact pick-up, mid-size
141 pick-up, one-half ton pick-up, three-quarter ton pick-up, one ton
142 pick-up, passenger van, cargo van, bus, other. This inventory
143 shall be used by the 1996 Legislature to determine the need for
144 limitations on the quantities of vehicles in each category for
145 each entity.

146 Nothing in Sections 25-1-77 through 25-1-93 shall be
147 construed to prohibit agencies, departments and institutions from
148 purchasing and operating passenger vehicles when used exclusively
149 to transport patients, prisoners, students, faculty or staff of
150 state institutions, blind and sighted employees essential to
151 operate blind training programs or material, products and
152 client-trainees in the sheltered workshop program, or bookmobiles.

153 The superintendents of the Columbia Training School and Oakley
154 Training School and the Commissioner of Corrections, or staff
155 members designated by them, may use such passenger vehicles for
156 other official functions and operations of those institutions at
157 their discretion. Passenger vehicles or similar vehicles used for
158 any other purposes shall be considered as automobiles and subject
159 to the restrictions set forth in the aforesaid sections.

160 In addition to the motor vehicles authorized to be owned and
161 operated by the Mississippi Department of Public Safety, said
162 department is also authorized to receive, own and operate special
163 purpose motor vehicles to be used solely in investigations.

164 Of the motor vehicles authorized to be owned and operated by
165 the Mississippi Highway Safety Patrol, no more than twenty-one
166 (21) vehicles may be kept for use by administrative personnel of
167 the patrol whose principal duties are performed at the Highway
168 Safety Patrol Headquarters Building and the Drivers' License
169 Examining Station in Hinds County to commute to and from the
170 residence of said personnel to the office at which such duties are
171 regularly performed.

172 Of the motor vehicles authorized to be owned and operated by
173 the Mississippi Department of Transportation, not more than five
174 (5) vehicles may be kept for use by administrative personnel of
175 the department to commute between their residences and the offices
176 at which their duties are regularly performed. The executive
177 director of the department is authorized to allow additional
178 department personnel to commute to and from their residences in
179 department vehicles due to the nature of their job and for the
180 safety of the traveling public.

181 Of the motor vehicles authorized to be owned and operated by
182 the State Tax Commission, no more than four (4) vehicles may be
183 kept for use by administrative personnel whose principal duties
184 are performed at State Tax Commission offices in Hinds County to
185 commute to and from the residence of said personnel to the office
186 at which such duties are regularly performed.

187 The provisions of Chapter 226, Laws of 1964, remain in force
188 and are not affected by this section.

189 Any state officer, employee or board member who violates any
190 of the foregoing provisions of Sections 25-1-77 through 25-1-85
191 shall be liable on his or her official bond for the total amount
192 of the purchase price of the passenger vehicle, plus the total

193 amount of funds expended in violation of said sections for the
194 operating costs of such vehicle.

195 SECTION 2. This act shall take effect and be in force from
196 and after July 1, 1999.