

By: Representative Foster

To: Appropriations

HOUSE BILL NO. 800

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE NUMBER OF PASSENGER MOTOR VEHICLES THAT THE BUREAU OF  
3 NARCOTICS MAY PURCHASE, OWN AND OPERATE; AND FOR RELATED PURPOSES.

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

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

7 25-1-85. The following state departments, agencies or  
8 institutions are hereby allowed to purchase, own and operate, in  
9 strict accordance with the provisions hereof, passenger vehicles  
10 not to exceed the following numbers:

11	Office of the Attorney General . . . . .	10
12	Agriculture and Commerce.....	23
13	Department of Economic and Community Development.....	14
14	Experiment Stations.....	16
15	Extension Service.....	1
16	Forestry Commission.....	48
17	Department of Transportation.....	115
18	Military Department.....	5
19	Department of Corrections.....	13
20	Parole Board.....	2
21	Mississippi Department of Public Safety.....	600

22	Division of Plant Industry.....	23
23	State Board of Mental Health.....	2
24	East Mississippi State Hospital.....	1
25	Mississippi State Hospital.....	2
26	Alcoholic Beverage Control Division of the	
27	Mississippi State Tax Commission.....	30
28	Soil and Water Conservation Commission. . . . .	3
29	Ellisville State School.....	1
30	North Mississippi Retardation Center.....	1
31	South Mississippi Retardation Center.....	1
32	Board of Health.....	10
33	State Oil and Gas Board.....	3
34	Each institution of higher learning, for police	
35	purposes, provided each institution with	
36	more than 6,000 students may have 4.....	2
37	Wildlife, Fisheries and Parks.....	60
38	Surplus Property Procurement Commission.....	4
39	State Tax Commission-station wagons.....	2
40	State Tax Commission-automobiles.....	6
41	Mississippi Gaming Commission . . . . .	60
42	Department of Environmental Quality.....	12
43	Pearl River Valley Water Supply District.....	7
44	Pearl River Basin Development District.....	2
45	Pat Harrison Waterway District.....	1
46	Department of Transportation -	
47	Office of State Aid Road Construction.....	10
48	Tennessee-Tombigbee Waterway Development Authority.....	2
49	Fair Commission.....	1
50	State Civil Defense Office (including	
51	communications vehicle).....	4
52	Bureau of Narcotics.....	<u>183</u>

53	Mississippi State Port Authority at Gulfport.....	6
54	Tombigbee Water Supply District.....	3
55	Board of Pharmacy.....	4
56	Yellow Creek State Inland Port Authority.....	1
57	Boat and Water Safety Commission.....	2
58	Department of Archives and History.....	2
59	State Fire Fighters Academy (station wagon) . . . . .	1
60	Office of Capitol Facilities - Capitol Police.....	2
61	Office of Building, Grounds and Real Property.....	1
62	State Veterans Affairs Board.....	15
63	Employment Security Commission.....	1
64	Forest Product Utilization Lab.....	1
65	Mississippi Board of Nursing.....	3
66	Certified Development Company of Mississippi, Inc.....	1
67	State Board of Medical Licensure.....	4
68	Mississippi Public Employees' Retirement System.....	3
69	Mississippi Public Service Commission.....	42
70	Department of Human Services . . . . .	.2
71	Department of Rehabilitation Services.....	4
72	Real Estate Commission.....	2
73	Mississippi Library Commission - station wagons . . . . .	5
74	Boswell Regional Center.....	1
75	Hudspeth Regional Center.....	1
76	North Mississippi State Hospital.....	1
77	South Mississippi State Hospital.....	1
78	Motor Vehicle Commission.....	1
79	Office of the State Auditor.....	20
80	Division of Medicaid, Office of the Governor.....	3

81 Department of Marine Resources..... 3  
82 Central Mississippi Residential Center..... 1  
83 Juvenile Rehabilitation Center..... 1  
84 Department of Education..... 1

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

90 All new passenger vehicles purchased by any state department,  
91 institution, agency, university, community or junior college, or  
92 local governing authority, except vehicles purchased to be used  
93 for law enforcement purposes by the law enforcement departments of  
94 the Mississippi Highway Safety Patrol, Mississippi Department of  
95 Transportation, Public Service Commission, Mississippi  
96 Agricultural and Livestock Theft Bureau within the Department of  
97 Agriculture and Commerce, Tax Commission, State Institutions of  
98 Higher Learning, Attorney General, and Department of Wildlife,  
99 Fisheries & Parks, and vehicles used for law enforcement purposes  
100 or for emergency response purposes by local governing authorities,  
101 shall be of a fuel-efficient model which meets the needs of the  
102 using entity. No such new passenger vehicles purchased shall be  
103 luxury vehicles, utility, carryall or full-size vehicles as  
104 defined by the industry, unless the executive head of the  
105 purchasing entity first declares that a special need exists and/or  
106 special circumstances exist which require transportation of  
107 passengers in conditions requiring a luxury, utility, carryall or  
108 full-size vehicle. Upon receipt of such declaration, the Public

109 Procurement Review Board created under Section 27-104-7 shall  
110 disallow the purchase by state agencies if adequate justification  
111 is not provided. Approval from the Public Procurement Review  
112 Board is not required for purchases by local governing  
113 authorities. Furthermore, power windows, power door locks and  
114 power seats may not be added as options to any vehicle purchased  
115 by any state agency unless adequate justification is provided. It  
116 is the intent of the Legislature that each such passenger vehicle  
117 purchased be the most prudent possible and still adequately meet  
118 the needs for which the vehicle is purchased. The term "passenger  
119 vehicle" shall not be construed to mean trucks or motor-driven  
120 equipment whose primary use is not the transportation of  
121 passengers.

122 For purposes of this section, passenger vehicle shall be  
123 defined as a vehicle which is designed to transport four (4) or  
124 more persons and/or provides adequate seating for at least four  
125 (4) persons. The terms "luxury vehicle," "full-size vehicle,"  
126 "utility vehicle" and "carryall vehicle" shall be as defined by  
127 the industry.

128 Prior to January 1, 1996, the Department of Finance and  
129 Administration, Office of Purchasing and Travel, in cooperation  
130 with the Office of the Auditor, Property Control Division, shall  
131 prepare an inventory of vehicles owned by all state departments,  
132 agencies or institutions. The inventory shall include, but is not  
133 limited to, the name of the agency or institution and the quantity  
134 and primary use of vehicles in each of the following categories:  
135 subcompact, compact sedan, mid-size sedan, full-size sedan,  
136 utility vehicle, carryall vehicle, compact pick-up, mid-size

137 pick-up, one-half ton pick-up, three-quarter ton pick-up, one ton  
138 pick-up, passenger van, cargo van, bus, other. This inventory  
139 shall be used by the 1996 Legislature to determine the need for  
140 limitations on the quantities of vehicles in each category for  
141 each entity.

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

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

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

160 Of the motor vehicles authorized to be owned and operated by  
161 the Mississippi Highway Safety Patrol, no more than twenty-one  
162 (21) vehicles may be kept for use by administrative personnel of  
163 the patrol whose principal duties are performed at the Highway  
164 Safety Patrol Headquarters Building and the Drivers' License

165 Examining Station in Hinds County to commute to and from the  
166 residence of said personnel to the office at which such duties are  
167 regularly performed.

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

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

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

185 Any state officer, employee or board member who violates any  
186 of the foregoing provisions of Sections 25-1-77 through 25-1-85  
187 shall be liable on his or her official bond for the total amount  
188 of the purchase price of the passenger vehicle, plus the total  
189 amount of funds expended in violation of said sections for the  
190 operating costs of such vehicle.

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