

By: Representative Foster

To: Appropriations

HOUSE BILL NO. 800
(As Passed the House)

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, THE DEPARTMENT OF MARINE RESOURCES AND THE MISSISSIPPI
4 PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE, OWN AND OPERATE;
5 AND FOR RELATED PURPOSES.

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

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

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

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

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

61 State Fire Fighters Academy (station wagon) 1

62 Office of Capitol Facilities - Capitol Police..... 2

63 Office of Building, Grounds and Real Property..... 1

64 State Veterans Affairs Board..... 15

65 Employment Security Commission..... 1

66 Forest Product Utilization Lab..... 1

67 Mississippi Board of Nursing..... 3

68 Certified Development Company of Mississippi, Inc..... 1

69 State Board of Medical Licensure..... 4

70 Mississippi Public Employees' Retirement System..... 4

71 Mississippi Public Service Commission..... 42

72 Department of Human Services 2

73 Department of Rehabilitation Services..... 4

74 Real Estate Commission..... 2

75 Mississippi Library Commission - station wagons 5

76 Boswell Regional Center..... 1

77 Hudspeth Regional Center..... 1

78 North Mississippi State Hospital..... 1

79 South Mississippi State Hospital..... 1

80 Motor Vehicle Commission..... 1

81 Office of the State Auditor..... 20

82 Division of Medicaid, Office of the Governor..... 3

83 Department of Marine Resources..... 3

84 Central Mississippi Residential Center..... 1

85 Juvenile Rehabilitation Center..... 1

86 Department of Education..... 1

87 Department of Marine Resources..... 6

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

125 For purposes of this section, passenger vehicle shall be
126 defined as a vehicle which is designed to transport four (4) or

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

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

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

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

159 In addition to the motor vehicles authorized to be owned and

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

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

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

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

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

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

193 operating costs of such vehicle.

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