

By: Representative Ellington

To: Appropriations

HOUSE BILL NO. 1263

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO PURCHASE AND  
3 OPERATE SIX AUTOMOBILES; 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.....	120
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 Department of Marine Resources..... 6

86 Except as provided in Sections 25-1-77 through 25-1-93, no

87 state department, institution or agency shall purchase, operate or

88 maintain any passenger vehicle out of any funds available for the

89 use of such department, institution or agency, unless same has

90 been or may be donated.

91 All new passenger vehicles purchased by any state department,

92 institution, agency, university, community or junior college, or

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

123 For purposes of this section, passenger vehicle shall be  
124 defined as a vehicle which is designed to transport four (4) or  
125 more persons and/or provides adequate seating for at least four

126 (4) persons. The terms "luxury vehicle," "full-size vehicle,"  
127 "utility vehicle" and "carryall vehicle" shall be as defined by  
128 the industry.

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

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

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

157 In addition to the motor vehicles authorized to be owned and  
158 operated by the Mississippi Department of Public Safety, said

159 department is also authorized to receive, own and operate special  
160 purpose motor vehicles to be used solely in investigations.

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

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

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

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

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

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