

By: Representative Perry

To: Appropriations

HOUSE BILL NO. 1274

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE MISSISSIPPI PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO
3 PURCHASE AND OPERATE AN ADDITIONAL AUTOMOBILE; AND FOR RELATED
4 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 |

Offic

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..... 4

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.