

*****Pending***
AMENDMENT No. 1 PROPOSED TO**

Senate Bill NO. 2102

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

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

30 Alcoholic Beverage Control Division of the

31 Mississippi State Tax Commission..... 30

32 Soil and Water Conservation Commission. 3

33 Ellisville State School..... 1

34 North Mississippi Retardation Center..... 1

35 South Mississippi Retardation Center..... 1

36 Board of Health..... 10

37 State Oil and Gas Board..... 3

38 Each institution of higher learning, for police

39 purposes, provided each institution with

40 more than 6,000 students may have 4..... 2

41 Wildlife, Fisheries and Parks..... 60

42 Surplus Property Procurement Commission..... 4

43 State Tax Commission-station wagons..... 2

44 State Tax Commission-automobiles..... 6

45 Mississippi Gaming Commission 60

46 Department of Environmental Quality..... 12

47 Pearl River Valley Water Supply District..... 7

48 Pearl River Basin Development District..... 2

49 Pat Harrison Waterway District..... 1

50 Department of Transportation -

51 Office of State Aid Road Construction..... 10

52 Tennessee-Tombigbee Waterway Development Authority..... 2

53 Fair Commission..... 1

54 State Civil Defense Office (including

55 communications vehicle)..... 4

56 Bureau of Narcotics..... 183

57 Mississippi State Port Authority at Gulfport..... 6

58 Tombigbee Water Supply District..... 3

59 Board of Pharmacy..... 4

60 Yellow Creek State Inland Port Authority..... 1

61 Boat and Water Safety Commission..... 2

62 Department of Archives and History..... 2

63 State Fire Fighters Academy (station wagon) 1

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

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

66 State Veterans Affairs Board..... 15

67 Employment Security Commission..... 1

68 Forest Product Utilization Lab..... 1

69 Mississippi Board of Nursing..... 3

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

71 State Board of Medical Licensure..... 4

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

73 Mississippi Public Service Commission..... 42

74 Department of Human Services 2

75 Department of Rehabilitation Services..... 4

76 Real Estate Commission..... 2

77 Mississippi Library Commission - station wagons 5

78 Boswell Regional Center..... 1

79 Hudspeth Regional Center..... 1

80 North Mississippi State Hospital..... 1

81 South Mississippi State Hospital..... 1

82 Motor Vehicle Commission..... 1

83 Office of the State Auditor..... 20

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

85 Department of Marine Resources..... 3

86 Central Mississippi Residential Center..... 1

87 Juvenile Rehabilitation Center..... 1

88 Department of Education..... 1

89 Department of Marine Resources..... 6

90 Mississippi Department of Insurance..... 4

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

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

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

94 use of such department, institution or agency, unless same has
95 been or may be donated.

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

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126 equipment whose primary use is not the transportation of
127 passengers.

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

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

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

155 The superintendents of the Columbia Training School and Oakley
156 Training School and the Commissioner of Corrections, or staff
157 members designated by them, may use such passenger vehicles for

158 other official functions and operations of those institutions at
159 their discretion. Passenger vehicles or similar vehicles used for
160 any other purposes shall be considered as automobiles and subject
161 to the restrictions set forth in the aforesaid sections.

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

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

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

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

189 The provisions of Chapter 226, Laws of 1964, remain in force

190 and are not affected by this section.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE NUMBER OF PASSENGER MOTOR VEHICLES THAT THE
3 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, THE BUREAU OF
4 NARCOTICS, THE DEPARTMENT OF MARINE RESOURCES, THE MISSISSIPPI
5 PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE MISSISSIPPI DEPARTMENT
6 OF INSURANCE MAY PURCHASE, OWN AND OPERATE; AND FOR RELATED
7 PURPOSES.