

By: Holland, Eaton, Stringer

To: Appropriations

HOUSE BILL NO. 731

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE SOIL AND WATER CONSERVATION COMMISSION TO
3 PURCHASE TWO ADDITIONAL PASSENGER VEHICLES; 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.....	5
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
61	Office of Capitol Facilities - Capitol Police.....	2
62	Office of Building, Grounds and Real Property.....	1
63	State Veterans Affairs Board.....	15
64	Employment Security Commission.....	1
65	Forest Product Utilization Lab.....	1
66	Mississippi Board of Nursing.....	3
67	Certified Development Company of Mississippi, Inc.....	1
68	State Board of Medical Licensure.....	4
69	Mississippi Public Employees' Retirement System.....	3
70	Mississippi Public Service Commission.....	42
71	Department of Human Services.....	2
72	Department of Rehabilitation Services.....	4
73	Real Estate Commission.....	2
74	Mississippi Library Commission - station wagons.....	5
75	Boswell Regional Center.....	1
76	Hudspeth Regional Center.....	1
77	North Mississippi State Hospital.....	1
78	South Mississippi State Hospital.....	1
79	Motor Vehicle Commission.....	1
80	Office of the State Auditor.....	20
81	Division of Medicaid, Office of the Governor.....	3

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

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, 2000.