

By: Stevens

To: Appropriations

HOUSE BILL NO. 1057

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE OFFICE OF THE STATE FIRE MARSHAL IN THE DEPARTMENT  
3 OF INSURANCE TO PURCHASE AND OPERATE A MAXIMUM OF FIFTEEN  
4 PASSENGER AUTOMOBILES; TO AUTHORIZE THE LIQUEFIED COMPRESSED GAS  
5 DIVISION IN THE DEPARTMENT OF INSURANCE TO PURCHASE AND OPERATE A  
6 MAXIMUM OF TEN PASSENGER AUTOMOBILES; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 25-1-85, Mississippi Code of 1972, is  
9 amended as follows:[BD1]

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

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

29	Alcoholic Beverage Control Division of the	
30	Mississippi State Tax Commission.....	30
31	Soil and Water Conservation Commission.....	3
32	Ellisville State School.....	1
33	North Mississippi Retardation Center.....	1
34	South Mississippi Retardation Center.....	1
35	Board of Health.....	10
36	State Oil and Gas Board.....	3
37	Each institution of higher learning, for police	
38	purposes, provided each institution with	
39	more than 6,000 students may have 4.....	2
40	Wildlife, Fisheries and Parks.....	60
41	Surplus Property Procurement Commission.....	4
42	State Tax Commission-station wagons.....	2
43	State Tax Commission-automobiles.....	6
44	Mississippi Gaming Commission.....	60
45	Department of Environmental Quality.....	12
46	Pearl River Valley Water Supply District.....	7
47	Pearl River Basin Development District.....	2
48	Pat Harrison Waterway District.....	1
49	Department of Transportation -	
50	Office of State Aid Road Construction.....	10
51	Tennessee-Tombigbee Waterway Development Authority.....	2
52	Fair Commission.....	1
53	State Civil Defense Office (including	
54	communications vehicle).....	4
55	Bureau of Narcotics.....	120
56	Mississippi State Port Authority at Gulfport.....	6
57	Tombigbee Water Supply District.....	3
58	Board of Pharmacy.....	4
59	Yellow Creek State Inland Port Authority.....	1
60	Boat and Water Safety Commission.....	2
61	Department of Archives and History.....	2

62	State Fire Fighters Academy (station wagon).....	1
63	Office of Capitol Facilities - Capitol Police.....	2
64	Office of Building, Grounds and Real Property.....	1
65	State Veterans Affairs Board.....	15
66	Employment Security Commission.....	1
67	Forest Product Utilization Lab.....	1
68	Mississippi Board of Nursing.....	3
69	Certified Development Company of Mississippi, Inc.....	1
70	State Board of Medical Licensure.....	4
71	Mississippi Public Employees' Retirement System.....	3
72	Mississippi Public Service Commission.....	42
73	Department of Human Services.....	2
74	Department of Rehabilitation Services.....	4
75	Real Estate Commission.....	2
76	Mississippi Library Commission - station wagons.....	5
77	Boswell Regional Center.....	1
78	Hudspeth Regional Center.....	1
79	North Mississippi State Hospital.....	1
80	South Mississippi State Hospital.....	1
81	Motor Vehicle Commission.....	1
82	Office of the State Auditor.....	20
83	Division of Medicaid, Office of the Governor.....	3
84	Department of Marine Resources.....	3
85	Central Mississippi Residential Center.....	1
86	Juvenile Rehabilitation Center.....	1
87	Department of Education.....	1
88	<u>Office of the State Fire Marshal</u> .....	<u>15</u>
89	<u>Liquefied Compressed Gas Division of</u>	
90	<u>The Department of Insurance</u> .....	<u>10</u>

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

128 equipment whose primary use is not the transportation of  
129 passengers.

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

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

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

157 The superintendents of the Columbia Training School and Oakley  
158 Training School and the Commissioner of Corrections, or staff  
159 members designated by them, may use such passenger vehicles for  
160 other official functions and operations of those institutions at

161 their discretion. Passenger vehicles or similar vehicles used for  
162 any other purposes shall be considered as automobiles and subject  
163 to the restrictions set forth in the aforesaid sections.

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

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

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

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

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

193 Any state officer, employee or board member who violates any

194 of the foregoing provisions of Sections 25-1-77 through 25-1-85  
195 shall be liable on his or her official bond for the total amount  
196 of the purchase price of the passenger vehicle, plus the total  
197 amount of funds expended in violation of said sections for the  
198 operating costs of such vehicle.

199 SECTION 2. This act shall take effect and be in force from  
200 and after July 1, 2000.