

By: Ellington

To: Appropriations

HOUSE BILL NO. 1087

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO PURCHASE, OWN AND
3 OPERATE TEN PASSENGER VEHICLES; 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	<u>Department of Marine Resources</u>	<u>10</u>
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 * * *

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