

By: Gordon

To: Fees, Salaries and  
Administration;  
Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2506

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE NUMBER OF STATE-OWNED PASSENGER AUTOMOBILES  
3 AUTHORIZED FOR USE BY THE MISSISSIPPI BUREAU OF NARCOTICS AND THE  
4 MISSISSIPPI PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND FOR RELATED  
5 PURPOSES.

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

7 SECTION 1. Section 25-1-85, Mississippi Code of 1972, is  
8 amended as follows:[JMR1]

9 25-1-85. The following state departments, agencies or  
10 institutions are hereby allowed to purchase, own and operate, in  
11 strict accordance with the provisions hereof, passenger vehicles  
12 not to exceed the following numbers:

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

28	Alcoholic Beverage Control Division of the	
29	Mississippi State Tax Commission.....	30
30	Soil and Water Conservation Commission.....	3
31	Ellisville State School.....	1
32	North Mississippi Retardation Center.....	1
33	South Mississippi Retardation Center.....	1
34	Board of Health.....	10
35	State Oil and Gas Board.....	3
36	Each institution of higher learning, for police	
37	purposes, provided each institution with	
38	more than 6,000 students may have 4.....	2
39	Wildlife, Fisheries and Parks.....	60
40	Surplus Property Procurement Commission.....	4
41	State Tax Commission-station wagons.....	2
42	State Tax Commission-automobiles.....	6
43	Mississippi Gaming Commission.....	60
44	Department of Environmental Quality.....	12
45	Pearl River Valley Water Supply District.....	7
46	Pearl River Basin Development District.....	2
47	Pat Harrison Waterway District.....	1
48	Department of Transportation -	
49	Office of State Aid Road Construction.....	10
50	Tennessee-Tombigbee Waterway Development Authority.....	2
51	Fair Commission.....	1
52	State Civil Defense Office (including	
53	communications vehicle).....	4
54	Bureau of Narcotics.....	<u>167</u>
55	Mississippi State Port Authority at Gulfport.....	6
56	Tombigbee Water Supply District.....	3
57	Board of Pharmacy.....	4
58	Yellow Creek State Inland Port Authority.....	1
59	Boat and Water Safety Commission.....	2
60	Department of Archives and History.....	2

61 State Fire Fighters Academy (station wagon.....1

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

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

64 State Veterans Affairs Board.....15

65 Employment Security Commission.....1

66 Forest Product Utilization Lab.....1

67 Mississippi Board of Nursing.....3

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

69 State Board of Medical Licensure.....4

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

71 Mississippi Public Service Commission.....42

72 Department of Human Services.....2

73 Department of Rehabilitation Services.....4

74 Real Estate Commission.....2

75 Mississippi Library Commission - station wagons.....5

76 Boswell Regional Center.....1

77 Hudspeth Regional Center.....1

78 North Mississippi State Hospital.....1

79 South Mississippi State Hospital.....1

80 Motor Vehicle Commission.....1

81 Office of the State Auditor.....20

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

83 Department of Marine Resources.....3

84 Central Mississippi Residential Center.....1

85 Juvenile Rehabilitation Center.....1

86 Department of Education.....1

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

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

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

90 use of such department, institution or agency, unless same has

91 been or may be donated.

92 All new passenger vehicles purchased by any state department,

93 institution, agency, university, community or junior college, or

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

124 For purposes of this section, passenger vehicle shall be  
125 defined as a vehicle which is designed to transport four (4) or  
126 more persons and/or provides adequate seating for at least four

127 (4) persons. The terms "luxury vehicle," "full-size vehicle,"  
128 "utility vehicle" and "carryall vehicle" shall be as defined by  
129 the industry.

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

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

151 The superintendents of the Columbia Training School and Oakley  
152 Training School and the Commissioner of Corrections, or staff  
153 members designated by them, may use such passenger vehicles for  
154 other official functions and operations of those institutions at  
155 their discretion. Passenger vehicles or similar vehicles used for  
156 any other purposes shall be considered as automobiles and subject  
157 to the restrictions set forth in the aforesaid sections.

158 In addition to the motor vehicles authorized to be owned and  
159 operated by the Mississippi Department of Public Safety, said

160 department is also authorized to receive, own and operate special  
161 purpose motor vehicles to be used solely in investigations.

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

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

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

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

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

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