

By: Gordon

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2506
(As Passed the Senate)

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, THE
4 MISSISSIPPI PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE CAPITOL
5 POLICE, THE STATE FIRE MARSHAL AND THE LIQUEFIED COMPRESSED GAS
6 DIVISION; 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:[JMR1]

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.....	<u>167</u>
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.....5

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.....4

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 Office of the State Fire Marshal.....15

89 Liquefied Compressed Gas Division.....10

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

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

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

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

94 been or may be donated.

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

127 For purposes of this section, passenger vehicle shall be

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

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

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

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

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

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

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

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

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

190 Any state officer, employee or board member who violates any
191 of the foregoing provisions of Sections 25-1-77 through 25-1-85
192 shall be liable on his or her official bond for the total amount
193 of the purchase price of the passenger vehicle, plus the total

194 amount of funds expended in violation of said sections for the
195 operating costs of such vehicle.

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