

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1368**

**By Senator(s) Committee**

9        **Amend by striking all after the enacting clause and inserting**  
10 **in lieu thereof the following:**

11

12        SECTION 1. Section 25-1-85, Mississippi Code of 1972, is  
13 amended as follows:

14        25-1-85. The following state departments, agencies or  
15 institutions are hereby allowed to purchase, own and operate, in  
16 strict accordance with the provisions hereof, passenger vehicles  
17 not to exceed the following numbers:

18	Office of the Attorney General.....	10
19	Agriculture and Commerce.....	23
20	Department of Economic and Community Development.....	14
21	Experiment Stations.....	16
22	Extension Service.....	1
23	Forestry Commission.....	48
24	Department of Transportation.....	115
25	Military Department.....	5
26	Department of Corrections.....	13
27	Parole Board.....	2
28	Mississippi Department of Public Safety.....	600
29	Division of Plant Industry.....	23
30	State Board of Mental Health.....	<u>4</u>
31	East Mississippi State Hospital.....	1

32	Mississippi State Hospital.....	2
33	Alcoholic Beverage Control Division of the	
34	Mississippi State Tax Commission.....	30
35	Soil and Water Conservation Commission.....	<u>5</u>
36	Ellisville State School.....	1
37	North Mississippi Retardation Center.....	1
38	South Mississippi Retardation Center.....	1
39	Board of Health.....	10
40	State Oil and Gas Board.....	3
41	Each institution of higher learning, for police	
42	purposes, provided each institution with	
43	more than 6,000 students may have 4.....	2
44	Wildlife, Fisheries and Parks.....	60
45	Surplus Property Procurement Commission.....	4
46	State Tax Commission-station wagons.....	2
47	State Tax Commission-automobiles.....	6
48	Mississippi Gaming Commission.....	60
49	Department of Environmental Quality.....	12
50	Pearl River Valley Water Supply District.....	7
51	Pearl River Basin Development District.....	2
52	Pat Harrison Waterway District.....	1
53	Department of Transportation -	
54	Office of State Aid Road Construction.....	10
55	Tennessee-Tombigbee Waterway Development Authority.....	2
56	Fair Commission.....	1
57	State Civil Defense Office (including	
58	communications vehicle).....	4
59	Bureau of Narcotics.....	<u>167</u>
60	Mississippi State Port Authority at Gulfport.....	6
61	Tombigbee Water Supply District.....	3
62	Board of Pharmacy.....	4
63	Yellow Creek State Inland Port Authority.....	1
64	Boat and Water Safety Commission.....	2
65	Department of Archives and History.....	2
66	State Fire Fighters Academy (station wagon.....	1

67 Office of Capitol Facilities - Capitol Police.....5

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

69 State Veterans Affairs Board.....15

70 Employment Security Commission.....1

71 Forest Product Utilization Lab.....1

72 Mississippi Board of Nursing.....3

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

74 State Board of Medical Licensure.....4

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

76 Mississippi Public Service Commission.....42

77 Department of Human Services.....2

78 Department of Rehabilitation Services.....4

79 Real Estate Commission.....2

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

81 Boswell Regional Center.....1

82 Hudspeth Regional Center.....1

83 North Mississippi State Hospital.....1

84 South Mississippi State Hospital.....1

85 Motor Vehicle Commission.....1

86 Office of the State Auditor.....20

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

88 Department of Marine Resources.....3

89 Central Mississippi Residential Center.....1

90 Juvenile Rehabilitation Center.....1

91 Department of Education.....1

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

93 Liquefied Compressed Gas Division.....10

94 Except as provided in Sections 25-1-77 through 25-1-93, no  
95 state department, institution or agency shall purchase, operate or  
96 maintain any passenger vehicle out of any funds available for the  
97 use of such department, institution or agency, unless same has  
98 been or may be donated.

99 All new passenger vehicles purchased by any state department,  
100 institution, agency, university, community or junior college, or  
101 local governing authority, except vehicles purchased to be used

102for law enforcement purposes by the law enforcement departments of  
103the Mississippi Highway Safety Patrol, Mississippi Department of  
104Transportation, Public Service Commission, Mississippi  
105Agricultural and Livestock Theft Bureau within the Department of  
106Agriculture and Commerce, Tax Commission, State Institutions of  
107Higher Learning, Attorney General, and Department of Wildlife,  
108Fisheries & Parks, and vehicles used for law enforcement purposes  
109or for emergency response purposes by local governing authorities,  
110shall be of a fuel-efficient model which meets the needs of the  
111using entity. No such new passenger vehicles purchased shall be  
112luxury vehicles, utility, carryall or full-size vehicles as  
113defined by the industry, unless the executive head of the  
114purchasing entity first declares that a special need exists and/or  
115special circumstances exist which require transportation of  
116passengers in conditions requiring a luxury, utility, carryall or  
117full-size vehicle. Upon receipt of such declaration, the Public  
118Procurement Review Board created under Section 27-104-7 shall  
119disallow the purchase by state agencies if adequate justification  
120is not provided. Approval from the Public Procurement Review  
121Board is not required for purchases by local governing  
122authorities. Furthermore, power windows, power door locks and  
123power seats may not be added as options to any vehicle purchased  
124by any state agency unless adequate justification is provided. It  
125is the intent of the Legislature that each such passenger vehicle  
126purchased be the most prudent possible and still adequately meet  
127the needs for which the vehicle is purchased. The term "passenger  
128vehicle" shall not be construed to mean trucks or motor-driven  
129equipment whose primary use is not the transportation of  
130passengers.

131 For purposes of this section, passenger vehicle shall be  
132defined as a vehicle which is designed to transport four (4) or  
133more persons and/or provides adequate seating for at least four  
134(4) persons. The terms "luxury vehicle," "full-size vehicle,"  
135"utility vehicle" and "carryall vehicle" shall be as defined by  
136the industry.

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

151 Nothing in Sections 25-1-77 through 25-1-93 shall be  
152 construed to prohibit agencies, departments and institutions from  
153 purchasing and operating passenger vehicles when used exclusively  
154 to transport patients, prisoners, students, faculty or staff of  
155 state institutions, blind and sighted employees essential to  
156 operate blind training programs or material, products and  
157 client-trainees in the sheltered workshop program, or bookmobiles.  
158 The superintendents of the Columbia Training School and Oakley  
159 Training School and the Commissioner of Corrections, or staff  
160 members designated by them, may use such passenger vehicles for  
161 other official functions and operations of those institutions at  
162 their discretion. Passenger vehicles or similar vehicles used for  
163 any other purposes shall be considered as automobiles and subject  
164 to the restrictions set forth in the aforesaid sections.

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

169 Of the motor vehicles authorized to be owned and operated by  
170 the Mississippi Highway Safety Patrol, no more than twenty-one  
171 (21) vehicles may be kept for use by administrative personnel of

172the patrol whose principal duties are performed at the Highway  
173Safety Patrol Headquarters Building and the Drivers' License  
174Examining Station in Hinds County to commute to and from the  
175residence of said personnel to the office at which such duties are  
176regularly performed.

177 Of the motor vehicles authorized to be owned and operated by  
178the Mississippi Department of Transportation, not more than five  
179(5) vehicles may be kept for use by administrative personnel of  
180the department to commute between their residences and the offices  
181at which their duties are regularly performed. The executive  
182director of the department is authorized to allow additional  
183department personnel to commute to and from their residences in  
184department vehicles due to the nature of their job and for the  
185safety of the traveling public.

186 Of the motor vehicles authorized to be owned and operated by  
187the State Tax Commission, no more than four (4) vehicles may be  
188kept for use by administrative personnel whose principal duties  
189are performed at State Tax Commission offices in Hinds County to  
190commute to and from the residence of said personnel to the office  
191at which such duties are regularly performed.

192 The provisions of Chapter 226, Laws of 1964, remain in force  
193and are not affected by this section.

194 Any state officer, employee or board member who violates any  
195of the foregoing provisions of Sections 25-1-77 through 25-1-85  
196shall be liable on his or her official bond for the total amount  
197of the purchase price of the passenger vehicle, plus the total  
198amount of funds expended in violation of said sections for the  
199operating costs of such vehicle.

200 SECTION 2. This act shall take effect and be in force from  
201and after July 1, 2000.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 STATE SOIL AND WATER CONSERVATION COMMISSION, STATE BOARD OF  
5 MENTAL HEALTH, THE MISSISSIPPI PUBLIC EMPLOYEES' RETIREMENT  
6 SYSTEM, THE CAPITOL POLICE, THE STATE FIRE MARSHAL AND THE  
7 LIQUEFIED COMPRESSED GAS DIVISION; AND FOR RELATED PURPOSES.