MISSISSIPPI LEGISLATURE REGULAR SESSION 1999

By: Senator(s) Ross

To: Fees, Salaries and Administration

SENATE BILL NO. 2568

AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF STATE-OWNED AUTOMOBILES AUTHORIZED FOR THE OFFICE OF THE STATE AUDITOR; AND FOR RELATED PURPOSES.

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

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

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

Office of the Attorney General	10
Agriculture and Commerce	23
Department of Economic and Community Development	14
Experiment Stations	16
Extension Service	1
Forestry Commission	48
Department of Transportation	115
Military Department	5
Department of Corrections	13
Parole Board	2
Mississippi Department of Public Safety	600
Division of Plant Industry	23
State Board of Mental Health	2
East Mississippi State Hospital	1
Mississippi State Hospital	2
Alcoholic Beverage Control Division of the	

Mississippi State Tax Commission	30
Soil and Water Conservation Commission	3
Ellisville State School	1
North Mississippi Retardation Center	1
South Mississippi Retardation Center	1
Board of Health	10
State Oil and Gas Board	3
Each institution of higher learning, for police purposes, provided each institution with more than 6,000 students may have 4	2
Wildlife, Fisheries and Parks	60
Surplus Property Procurement Commission	4
State Tax Commission - station wagons	2
State Tax Commission - automobiles	6
Mississippi Gaming Commission	60
Department of Environmental Quality	12
Pearl River Valley Water Supply District	7
Pearl River Basin Development District	2
Pat Harrison Waterway District	1
Department of Transportation - Office of State Aid Road Construction	10
Tennessee-Tombigbee Waterway Development Authority	2
Fair Commission	1
State Civil Defense Office (including communications vehicle)	4
Bureau of Narcotics	120
Mississippi State Port Authority at Gulfport	6
Tombigbee Water Supply District	3
Board of Pharmacy	4
Yellow Creek State Inland Port Authority	1
Boat and Water Safety Commission	2
Department of Archives and History	2
State Fire Fighters Academy (station wagon)	1

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

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

State Veterans Affairs Board..... 15

Employment Security Commission..... 1

Forest Product Utilization Lab..... 1

Mississippi Board of Nursing..... 3

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

State Board of Medical Licensure..... 4

Mississippi Public Employees' Retirement System..... 3

Mississippi Public Service Commission..... 42

Department of Human Services..... 2

Department of Rehabilitation Services..... 4

Real Estate Commission..... 2

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

Boswell Regional Center..... 1

Hudspeth Regional Center..... 1

North Mississippi State Hospital..... 1

South Mississippi State Hospital..... 1

Motor Vehicle Commission..... 1

Office of the State Auditor..... 32

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

Department of Marine Resources..... 3

Central Mississippi Residential Center..... 1

Juvenile Rehabilitation Center..... 1

Department of Education..... 1

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

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

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

For purposes of this section, passenger vehicle shall be defined as a vehicle which is designed to transport four (4) or more persons and/or provides adequate seating for at least four (4) persons. The terms "luxury vehicle," "full-size vehicle,"

"utility vehicle" and "carryall vehicle" shall be as defined by the industry.

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

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

In addition to the motor vehicles authorized to be owned and operated by the Mississippi Department of Public Safety, said department is also authorized to receive, own and operate special

purpose motor vehicles to be used solely in investigations.

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

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

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

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

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

SECTION 2. This act shall take effect and be in force from

and after July 1, 1999.