

By: Nunnelee

To: Insurance;
Appropriations

SENATE BILL NO. 2693

1 AN ACT TO AMEND SECTION 25-1-85, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE OFFICE OF THE STATE FIRE MARSHAL WITHIN THE
3 DEPARTMENT OF INSURANCE TO PURCHASE AND OPERATE A MAXIMUM OF
4 FIFTEEN PASSENGER AUTOMOBILES; TO AUTHORIZE THE LIQUEFIED
5 COMPRESSED GAS DIVISION WITHIN THE DEPARTMENT OF INSURANCE TO
6 PURCHASE AND OPERATE A MAXIMUM OF TEN PASSENGER AUTOMOBILES; AND
7 FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-1-85, Mississippi Code of 1972, is
10 amended as follows:[CRG1]

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

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

29	Mississippi State Hospital.....	2
30	Alcoholic Beverage Control Division of the	
31	Mississippi State Tax Commission.....	30
32	Soil and Water Conservation Commission.....	3
33	Ellisville State School.....	1
34	North Mississippi Retardation Center.....	1
35	South Mississippi Retardation Center.....	1
36	Board of Health.....	10
37	State Oil and Gas Board.....	3
38	Each institution of higher learning, for police	
39	purposes, provided each institution with	
40	more than 6,000 students may have 4.....	2
41	Wildlife, Fisheries and Parks.....	60
42	Surplus Property Procurement Commission.....	4
43	State Tax Commission-station wagons.....	2
44	State Tax Commission-automobiles.....	6
45	Mississippi Gaming Commission.....	60
46	Department of Environmental Quality.....	12
47	Pearl River Valley Water Supply District.....	7
48	Pearl River Basin Development District.....	2
49	Pat Harrison Waterway District.....	1
50	Department of Transportation -	
51	Office of State Aid Road Construction.....	10
52	Tennessee-Tombigbee Waterway Development Authority.....	2
53	Fair Commission.....	1
54	State Civil Defense Office (including	
55	communications vehicle).....	4
56	Bureau of Narcotics.....	120
57	Mississippi State Port Authority at Gulfport.....	6
58	Tombigbee Water Supply District.....	3
59	Board of Pharmacy.....	4
60	Yellow Creek State Inland Port Authority.....	1
61	Boat and Water Safety Commission.....	2

62	Department of Archives and History.....	2
63	State Fire Fighters Academy (station wagon.....)	1
64	Office of Capitol Facilities - Capitol Police.....	2
65	Office of Building, Grounds and Real Property.....	1
66	State Veterans Affairs Board.....	15
67	Employment Security Commission.....	1
68	Forest Product Utilization Lab.....	1
69	Mississippi Board of Nursing.....	3
70	Certified Development Company of Mississippi, Inc.....	1
71	State Board of Medical Licensure.....	4
72	Mississippi Public Employees' Retirement System.....	3
73	Mississippi Public Service Commission.....	42
74	Department of Human Services.....	2
75	Department of Rehabilitation Services.....	4
76	Real Estate Commission.....	2
77	Mississippi Library Commission - station wagons.....	5
78	Boswell Regional Center.....	1
79	Hudspeth Regional Center.....	1
80	North Mississippi State Hospital.....	1
81	South Mississippi State Hospital.....	1
82	Motor Vehicle Commission.....	1
83	Office of the State Auditor.....	20
84	Division of Medicaid, Office of the Governor.....	3
85	Department of Marine Resources.....	3
86	Central Mississippi Residential Center.....	1
87	Juvenile Rehabilitation Center.....	1
88	Department of Education.....	1
89	<u>Office of the State Fire Marshal.....</u>	<u>15</u>
90	<u>Liquefied Compressed Gas Division.....</u>	<u>10</u>

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

95 been or may be donated.

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

128 the transportation of passengers.

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

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

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

156 The superintendents of the Columbia Training School and Oakley
157 Training School and the Commissioner of Corrections, or staff
158 members designated by them, may use such passenger vehicles for
159 other official functions and operations of those institutions at
160 their discretion. Passenger vehicles or similar vehicles used for

161 any other purposes shall be considered as automobiles and subject
162 to the restrictions set forth in the aforesaid sections.

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

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

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

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

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

192 Any state officer, employee or board member who violates any
193 of the foregoing provisions of Sections 25-1-77 through 25-1-85

194 shall be liable on his or her official bond for the total amount
195 of the purchase price of the passenger vehicle, plus the total
196 amount of funds expended in violation of said sections for the
197 operating costs of such vehicle.

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