

By: Senator(s) Thames, Gordon, Clarke

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2398

1 AN ACT TO AMEND SECTION 25-1-77, MISSISSIPPI CODE OF 1972, TO
2 CREATE AN OFFICE OF FLEET MANAGEMENT WITHIN THE DEPARTMENT OF
3 FINANCE AND ADMINISTRATION AND TO PRESCRIBE ITS POWERS AND DUTIES;
4 TO AMEND SECTION 25-1-79, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
5 ADVANCE FUNDS FOR WORK-RELATED TRAVEL EXPENSES INCURRED WITHIN THE
6 STATE OF MISSISSIPPI; TO AMEND SECTION 25-1-81, MISSISSIPPI CODE
7 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-103-129,
8 MISSISSIPPI CODE OF 1972, TO REQUIRE AGENCIES TO SUBMIT A DETAILED
9 JUSTIFICATION FOR VEHICLE PURCHASES AS PART OF THEIR BUDGET
10 REQUESTS TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE
11 LEGISLATIVE BUDGET OFFICE; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 25-1-77, Mississippi Code of 1972, is
14 amended as follows:

15 25-1-77. (1) There is hereby created the Office of Fleet
16 Management within the Department of Finance and Administration for
17 the purposes of coordinating and promoting efficiency and economy
18 in the purchase, lease, rental, acquisition, use, maintenance and
19 disposal of vehicles by state agencies. The Executive Director of
20 the Department of Finance and Administration may employ a Fleet
21 Management Officer to manage the office and carry out its
22 purposes. The office may employ other suitable and competent
23 personnel as necessary.

24 (2) The Office of Fleet Management shall have the following
25 powers and duties:

26 (a) To hold title in the name of the State of
27 Mississippi to all vehicles currently in possession of state
28 agencies as defined in Section 25-9-107(d) and to assign vehicles
29 to such agencies for use;

30 (b) To establish rules and regulations for state agency
31 use of vehicles;

32 (c) To gather information and make recommendations to
33 state agencies on proper fleet management;

34 (d) To acquire fleet management software and require
35 agencies to provide necessary information for the office to
36 properly monitor the size, use, maintenance and disposal of the
37 state's fleet of vehicles; the office shall communicate regularly
38 with the fleet managers of each state agency to determine
39 strengths and weaknesses of the various fleet operations; the
40 office shall disseminate information to the agencies so that each
41 can take advantage of any beneficial practices being incorporated
42 at other entities; the office shall provide guidance concerning
43 the mileage reimbursement practices of each state agency;

44 (e) To carry out responsibilities relative to budget
45 recommendations as provided in Section 4 of Senate Bill No. 2398,
46 2006 Regular Session;

47 (f) To reassign vehicles in the possession of any state
48 agency if the office believes that another state agency can make
49 more efficient use of a vehicle;

50 (g) To investigate at any time the vehicle usage
51 practices of any state agency; and

52 (h) To require each agency to submit to the office a
53 vehicle acquisition/use/disposal plan on an annual basis. From
54 the plans received, the office shall evaluate the proposed plans
55 and shall submit a recommendation to the Legislature prior to
56 January 1 of each year.

57 (3) No state department, institution or agency shall
58 purchase, rent, lease or acquire any motor vehicle, regardless of
59 the source of funds from which the motor vehicle is to be
60 purchased, except under authority granted by the Department of
61 Finance and Administration. The Office of Fleet Management,
62 Department of Finance and Administration, shall promulgate rules
63 and regulations governing the purchase, rental, lease or
64 acquisition of any motor vehicle by a state department,

65 institution or agency with regard to the appropriateness of the
66 vehicle to its intended use. The Office of Fleet Management,
67 Department of Finance and Administration, shall not grant
68 authority to purchase, rent, lease or acquire a motor vehicle
69 which is not the most appropriate vehicle type for its intended
70 use unless specifically approved by the Legislature.

71 (4) * * * The department, institution or agency shall
72 maintain proper documentation * * * which provides the intended
73 use of the vehicle and the basis for choosing the vehicle. Such
74 documentation shall show that the department, institution or
75 agency made reasonable efforts to purchase, rent, lease or acquire
76 a vehicle that is economical and appropriate for its intended use.
77 Such documentation shall be updated as needed when the intended
78 use of the vehicle or any other facts concerning the vehicle are
79 changed. All such documentation shall be approved by the State
80 Fleet Officer prior to purchase, rental, lease or acquisition or
81 change in use of any vehicle and shall be maintained and made
82 available for review by the State Auditor and any other reviewing
83 agency.

84 (5) The State Auditor shall make on-site visits and conduct
85 audits necessary to ensure compliance with the provisions of this
86 section and all rules and regulations adopted hereunder. On or
87 before September 1 of each year, the State Auditor shall prepare
88 and deliver to the Senate and House Fees, Salaries and
89 Administration Committees and the Joint Legislative Budget
90 Committee a report containing any irregularities that he finds
91 concerning purchases of state-owned vehicles.

92 **SECTION 2.** Section 25-1-79, Mississippi Code of 1972, is
93 amended as follows:

94 25-1-79. It shall be unlawful for any officer, employee or
95 other person whatsoever to use or permit or authorize the use of
96 any automobile or any other motor vehicle owned by the State of
97 Mississippi or any department, agency or institution thereof for

98 any purpose other than upon the official business of the State of
99 Mississippi or any agency, department or institution thereof.
100 Further, it shall be unlawful for any such officer or employee to
101 be paid or to receive any sums whatsoever for travel expense until
102 the expenses for which payment is made, and each item thereof,
103 have been actually incurred by such officer or employee, and then
104 only upon the presentation of an itemized expense account which
105 shall be approved in writing by the head of the department,
106 agency, or institution on whose behalf such travel is performed.
107 However, it is expressly provided that any such officer or
108 employee traveling * * * on business for and in behalf of the
109 State of Mississippi may, strictly in the discretion of an agency,
110 institution or department head, receive in advance from state
111 funds for the purpose of such travel expense a sum to be specified
112 by such aforementioned superior. Further, strict account of any
113 sum so advanced must be kept in accord with Section 25-1-81.

114 **SECTION 3.** Section 25-1-81, Mississippi Code of 1972, is
115 amended as follows:

116 25-1-81. The Department of Finance and Administration shall
117 refuse to issue warrants upon requisitions drawn in violation of
118 the provisions hereof, and where any expense account is allowed
119 and paid in violation of the provisions of Sections 25-1-77
120 through 25-1-93, it shall be the duty of the Department of Finance
121 and Administration to withhold the payment of any further expense
122 accounts for the department, agency or institution involved until
123 the amount of the account or accounts illegally paid shall be
124 refunded and repaid to the State of Mississippi by the person
125 receiving or approving same. It is further provided that the
126 Department of Finance and Administration shall prescribe and
127 deliver to each agency, department or institution a uniform system
128 of expense accounts herein allowed, including a uniform system of
129 depreciation allowance. All expense accounts for lodging shall be
130 supported by receipted bills showing the payment thereof by such

131 officer or employee. It is incumbent upon each agency, department
132 or institution to abide by and utilize the method of uniform
133 system of expense accounts so prescribed and delivered by the
134 Department of Finance and Administration. Each agency, department
135 or institution, in rendering its annual report to the Office of
136 Fleet Management and the Legislature, shall show the number of
137 state-owned automobiles purchased and operated during the year,
138 the number purchased and operated out of funds appropriated by the
139 Legislature, the number purchased and operated out of any other
140 public funds, the miles traveled per automobile, the total miles
141 traveled, the average cost per mile, and depreciation estimate on
142 each automobile. The report shall also show the cost per mile and
143 total number of miles traveled in privately-owned automobiles for
144 which reimbursement is made out of state funds and any other
145 information requested by the Office of Fleet Management.

146 **SECTION 4.** Section 27-103-129, Mississippi Code of 1972, is
147 amended as follows:

148 27-103-129. (1) To enable the Legislative Budget Office to
149 prepare such budget, it shall have full and plenary power and
150 authority to require all general-fund and special-fund agencies
151 and the Mississippi Department of Transportation and the Division
152 of State Aid Road Construction of the Mississippi Department of
153 Transportation to file a budget request with such information and
154 in such form and in such detail as it may deem necessary and
155 advisable, and it shall have the further power and authority to
156 reduce or eliminate any item or items of requested appropriation
157 by any state agency in the Legislative Budget Office's recommended
158 budget to the Legislature. However, where any item of requested
159 appropriation shall be so reduced or eliminated, the head of the
160 agency involved shall have the right to appear before the
161 appropriate legislative committee to urge a revision of the budget
162 to restore the item reduced or eliminated. Beginning with the
163 1996 fiscal year, the budget requests shall include a definition

164 of the mission of the agency, a description of the duties and
165 responsibilities of the agency, financial data relative to the
166 various programs operated by the agency and performance measures
167 associated with each program of the agency. The performance
168 measures to be contained within the agency budget request shall be
169 developed by cooperative efforts of the Legislative Budget Office,
170 the Department of Finance and Administration and the agency itself
171 and shall be approved jointly by the Legislative Budget Office and
172 the Department of Finance and Administration prior to inclusion
173 within the agency budget request. Beginning with the 1996 fiscal
174 year, the budget requests shall also include in an addendum format
175 a five-year strategic plan for the agency which shall include, but
176 not be limited to, the following items of information: (a) a
177 comprehensive mission statement, (b) performance effectiveness
178 objectives for each program of the agency for each of the five (5)
179 years covered by the plan, (c) a description of significant
180 external factors which may affect the projected levels of
181 performance, (d) a description of the agency's internal management
182 system utilized to evaluate its performance achievements in
183 relationship to the targeted performance levels, (e) an evaluation
184 by the agency of the agency's performance achievements in
185 relationship to the targeted performance levels for the two (2)
186 preceding fiscal years for which accounting records have been
187 finalized.

188 (2) (a) In addition to any other information required by
189 law, each state agency, general-fund agency and special-fund
190 agency as defined in Section 27-103-103 that wishes to purchase
191 passenger vehicles or work vehicles as defined by this section
192 shall submit as part of its budget request to the Legislative
193 Budget Office and the Department of Finance and Administration a
194 detailed justification for the proposed purchase. The Legislative
195 Budget Office and the Department of Finance and Administration
196 shall jointly prescribe the forms and formats to be used by

197 agencies making the requests. Such forms shall require, at
198 minimum, the following information:

199 (i) The type of vehicle to be purchased;

200 (ii) The person to whom the vehicle is assigned
201 and the working responsibilities of that person which necessitates
202 a vehicle;

203 (iii) Whether the vehicle is a work vehicle or
204 passenger vehicle; and

205 (iv) If the vehicle is assigned to a pool and not
206 an individual, the purposes for which the pool vehicle is assigned
207 and the anticipated users of the pool vehicle.

208 (b) The Legislative Budget Office and the Department of
209 Finance and Administration shall offer a recommendation to the
210 Joint Legislative Budget Committee on all agency requests for
211 vehicles. In making the recommendations, the Legislative Budget
212 Office and the Department of Finance and Administration may
213 consider break-even analysis for the type of vehicle requested,
214 the travel patterns of the person for whom the vehicle is to be
215 acquired, and the possibility that surplus vehicles in the
216 possession of other agencies could be used as a substitute for a
217 new vehicle.

218 (c) If an agency determines an urgent need for a
219 vehicle when it is not feasible to obtain legislative approval,
220 the agency may make an emergency request to the Office of Fleet
221 Management. The emergency may be caused by the loss of a vehicle
222 from an accident or other extraordinary circumstances. The Office
223 of Fleet Management shall make a recommendation to the Executive
224 Director of the Department of Finance and Administration who shall
225 then have the authority to approve or disapprove the request. If
226 approved and if adequate funding is available, the agency may
227 purchase a specific vehicle to meet its specific needs. The
228 Office of Fleet Management shall report any emergency purchase to
229 the Legislative Budget Office.

230 (d) No agency shall have the authority to acquire a
231 sport utility vehicle (SUV) as a passenger vehicle, except when
232 specifically used for law enforcement or emergency response
233 purposes or when acquired for use by the Governor.

234 (e) For purposes of this subsection, the term
235 "passenger vehicle" shall mean a vehicle used primarily in
236 transporting individuals and their equipment from one location to
237 another. "Passenger vehicles" shall include, but not be limited
238 to, buses.

239 (f) For purposes of this subsection, the term "work
240 vehicle" shall mean a vehicle used primarily to perform a work
241 assignment or task while incidentally transporting individuals and
242 their equipment from one location to another. Any person whose
243 duties require the transportation of persons as a primary or
244 incidental task or assignment of work shall not be entitled to use
245 or possess a work vehicle.

246 (3) All state agencies, special-fund agencies and
247 general-fund agencies making budget requests under the authority
248 of this section shall include with their budget requests a report
249 of all passenger and work vehicles in their possession. Such
250 report shall detail the persons to whom the vehicles are assigned
251 and the purposes for the vehicles.

252 **SECTION 5.** This act shall take effect and be in force from
253 and after July 1, 2006.