

By: Representative Read

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 938

1 AN ACT TO AMEND SECTION 25-1-78, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FROM JULY 1, 2017, THROUGH JUNE 30, 2018, STATE
3 AGENCIES ARE PROHIBITED FROM PURCHASING, LEASING OR ACQUIRING ANY
4 MOTOR VEHICLE, REGARDLESS OF THE SOURCE OF FUNDS USED; TO EXEMPT
5 VEHICLES OF THE DEPARTMENT OF CHILD PROTECTION SERVICES FROM THE
6 PRECEDING PROVISIONS; TO AMEND SECTION 25-3-41, MISSISSIPPI CODE
7 OF 1972, TO REQUIRE STATE AGENCIES TO USE THE TRIP OPTIMIZER
8 SYSTEM DEVELOPED AND ADMINISTERED BY THE DEPARTMENT OF FINANCE AND
9 ADMINISTRATION IN COMPUTING THE OPTIMUM METHOD AND COST FOR TRAVEL
10 BY STATE OFFICERS AND EMPLOYEES USING A MOTOR VEHICLE WHERE THE
11 TRAVEL WILL EXCEED ONE HUNDRED MILES PER DAY AND THE OFFICER OR
12 EMPLOYEE IS NOT DRIVING A STATE-OWNED OR STATE-LEASED VEHICLE THAT
13 HAS BEEN DEDICATED OR ASSIGNED TO THE OFFICER OR EMPLOYEE; TO
14 PROVIDE THAT THE MAXIMUM AUTHORIZED AMOUNT OF TRAVEL REIMBURSEMENT
15 RELATED TO MOTOR VEHICLE USAGE SHALL BE THE LOWEST COST OPTION AS
16 DETERMINED BY THE TRIP OPTIMIZER SYSTEM; TO BRING FORWARD SECTION
17 25-1-77, MISSISSIPPI CODE OF 1972, WHICH CREATED THE BUREAU OF
18 FLEET MANAGEMENT WITHIN THE OFFICE OF PURCHASING, TRAVEL AND FLEET
19 MANAGEMENT IN THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR
20 THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 25-1-78, Mississippi Code of 1972, is
23 amended as follows:

24 25-1-78. (1) For purposes of this section, the term "state
25 agency" means any agency that is subject to oversight by the
26 Bureau of Fleet Management of the Department of Finance and
27 Administration under Section 25-1-77.



28 (2) Except as otherwise provided in this section, beginning
29 on July 1, * * * 2017, through June 30, * * * 2018, the Bureau of
30 Fleet Management, Department of Finance and Administration, shall
31 not approve the purchase, lease or acquisition of any motor
32 vehicle by a state agency, regardless of the source of funds used.
33 However, any agency that has a fleet of not more than fifty (50)
34 vehicles may replace a vehicle that has been wrecked and deemed a
35 total loss or any vehicle whose repair cost exceeds the cash value
36 of the vehicle as determined by the Bureau of Fleet Management.
37 Documentation of such loss or repair costs must be submitted to
38 the Bureau of Fleet Management prior to replacement of the
39 vehicle.

40 (3) Beginning July 1, 2012, any state agency with a fleet of
41 more than fifty (50) motor vehicles shall reduce the total number
42 of its motor vehicles by two percent (2%) each fiscal year until
43 June 30, 2016. The Bureau of Fleet Management and the State
44 Auditor shall work together to enforce the provisions of this
45 subsection.

46 (4) The provisions of subsections (2) and (3) of this
47 section, with regard to the purchase, lease or acquisition of
48 vehicles and to the mandatory reduction of the agency's fleet of
49 vehicles, shall not apply to:

50 (a) A state agency's law enforcement or emergency
51 vehicles, upon demonstrating to the Bureau of Fleet Management a



52 justifiable need to be excluded from the provisions of subsections
53 (2) and (3) of this section.

54 (b) A state agency's vehicles that are acquired by the
55 use of grant monies that are specified to be used for that purpose
56 and for which no state matching funds are required, expended or
57 used.

58 (c) Vehicles of the Department of Child Protection
59 Services.

60 **SECTION 2.** Section 25-3-41, Mississippi Code of 1972, is
61 amended as follows:

62 25-3-41. (1) Subject to the provisions of subsection (10)
63 of this section, when any officer or employee of the State of
64 Mississippi, or any department, agency or institution thereof,
65 after first being duly authorized, is required to travel in the
66 performance of his official duties, the officer or employee shall
67 receive as expenses for each mile actually and necessarily
68 traveled, when the travel is done by a privately owned automobile
69 or other privately owned motor vehicle, the mileage reimbursement
70 rate allowable to federal employees for the use of a privately
71 owned vehicle while on official travel.

72 (2) When any officer or employee of any county or
73 municipality, or of any agency, board or commission thereof, after
74 first being duly authorized, is required to travel in the
75 performance of his official duties, the officer or employee shall
76 receive as expenses Twenty Cents (20¢) for each mile actually and



77 necessarily traveled, when the travel is done by a privately owned
78 motor vehicle; provided, however, that the governing authorities
79 of a county or municipality may, in their discretion, authorize an
80 increase in the mileage reimbursement of officers and employees of
81 the county or municipality, or of any agency, board or commission
82 thereof, in an amount not to exceed the mileage reimbursement rate
83 authorized for officers and employees of the State of Mississippi
84 in subsection (1) of this section.

85 (3) Where two (2) or more officers or employees travel in
86 one (1) privately owned motor vehicle, only one (1) travel expense
87 allowance at the authorized rate per mile shall be allowed for any
88 one (1) trip. When the travel is done by means of a public
89 carrier or other means not involving a privately owned motor
90 vehicle, then the officer or employee shall receive as travel
91 expense the actual fare or other expenses incurred in such travel.

92 (4) In addition to the foregoing, a public officer or
93 employee shall be reimbursed for other actual expenses such as
94 meals, lodging and other necessary expenses incurred in the course
95 of the travel, subject to limitations placed on meals for
96 intrastate and interstate official travel by the Department of
97 Finance and Administration, provided, that the Legislative Budget
98 Office shall place any limitations for expenditures made on
99 matters under the jurisdiction of the Legislature. The Department
100 of Finance and Administration shall set a maximum daily
101 expenditure annually for such meals and shall notify officers and



102 employees of changes to these allowances immediately upon approval
103 of the changes. Travel by airline shall be at the tourist rate
104 unless that space was unavailable. The officer or employee shall
105 certify that tourist accommodations were not available if travel
106 is performed in first class airline accommodations. Itemized
107 expense accounts shall be submitted by those officers or employees
108 in such number as the department, agency or institution may
109 require; but in any case one (1) copy shall be furnished by state
110 departments, agencies or institutions to the Department of Finance
111 and Administration for preaudit or postaudit. The Department of
112 Finance and Administration shall promulgate and adopt reasonable
113 rules and regulations which it deems necessary and requisite to
114 effectuate economies for all expenses authorized and paid pursuant
115 to this section. Requisitions shall be made on the State Fiscal
116 Officer who shall issue his warrant on the State Treasurer.
117 Provided, however, that the provisions of this section shall not
118 include agencies financed entirely by federal funds and audited by
119 federal auditors.

120 (5) Any officer or employee of a county or municipality, or
121 any department, board or commission thereof, who is required to
122 travel in the performance of his official duties, may receive
123 funds before the travel, in the discretion of the administrative
124 head of the county or municipal department, board or commission
125 involved, for the purpose of paying necessary expenses incurred
126 during the travel. Upon return from the travel, the officer or



127 employee shall provide receipts of transportation, lodging, meals,
128 fees and any other expenses incurred during the travel. Any
129 portion of the funds advanced which is not expended during the
130 travel shall be returned by the officer or employee. The
131 Department of Audit shall adopt rules and regulations regarding
132 advance payment of travel expenses and submission of receipts to
133 ensure proper control and strict accountability for those payments
134 and expenses.

135 (6) No state or federal funds received from any source by
136 any arm or agency of the state shall be expended in traveling
137 outside of the continental limits of the United States until the
138 governing body or head of the agency makes a finding and
139 determination that the travel would be extremely beneficial to the
140 state agency and obtains a written concurrence thereof from the
141 Governor, or his designee, and the Department of Finance and
142 Administration. However, employees of state institutions of
143 higher learning may expend funds for travel outside of the
144 continental limits of the United States upon a written finding by
145 the president or head of the institution that the travel would be
146 extremely beneficial to the institution.

147 (7) Where any officer or employee of the State of
148 Mississippi, or any department, agency or institution thereof, or
149 of any county or municipality, or of any agency, board or
150 commission thereof, is authorized to receive travel reimbursement
151 under any other provision of law, the reimbursement may be paid



152 under the provisions of this section or the other section, but not
153 under both.

154 (8) When the Governor, Lieutenant Governor or Speaker of the
155 House of Representatives appoints a person to a board, commission
156 or other position that requires confirmation by the Senate, the
157 person may receive reimbursement for mileage and other actual
158 expenses incurred in the performance of official duties before the
159 appointment is confirmed by the Senate, as reimbursement for those
160 expenses is authorized under this section.

161 (9) (a) The Department of Finance and Administration may
162 contract with one or more commercial travel agencies, after
163 receiving competitive bids or proposals therefor, for that travel
164 agency or agencies to provide necessary travel services for state
165 officers and employees. Municipal and county officers and
166 municipal and county employees may also participate in the state
167 travel agency contract and utilize these travel services for
168 official municipal or county travel. However, the administrative
169 head of each state institution of higher learning may, in his
170 discretion, contract with a commercial travel agency to provide
171 necessary travel services for all academic officials and staff of
172 the university in lieu of participation in the state travel agency
173 contract. Any such decision by a university to contract with a
174 separate travel agency shall be approved by the Board of Trustees
175 of State Institutions of Higher Learning and the Executive
176 Director of the Department of Finance and Administration.



177 (b) Before executing a contract with one or more travel
178 agencies, the Department of Finance and Administration shall
179 advertise for competitive bids or proposals once a week for two
180 (2) consecutive weeks in a regular newspaper having a general
181 circulation throughout the State of Mississippi. If the
182 department determines that it should not contract with any of the
183 bidders initially submitting proposals, the department may reject
184 all those bids, advertise as provided in this paragraph and
185 receive new proposals before executing the contract or contracts.
186 The contract or contracts may be for a period not greater than
187 three (3) years, with an option for the travel agency or agencies
188 to renew the contract or contracts on a one-year basis on the same
189 terms as the original contract or contracts, for a maximum of two
190 (2) renewals. After the travel agency or agencies have renewed
191 the contract twice or have declined to renew the contract for the
192 maximum number of times, the Department of Finance and
193 Administration shall advertise for bids in the manner required by
194 this paragraph and execute a new contract or contracts.

195 (c) Whenever any state officer or employee travels in
196 the performance of his official duties by airline or other public
197 carrier, he may have his travel arrangements handled by that
198 travel agency or agencies. The amount paid for airline
199 transportation for any state officer or employee, whether the
200 travel was arranged by that travel agency or agencies or was
201 arranged otherwise, shall not exceed the amount specified in the



202 state contract established by the Department of Finance and
203 Administration, Office of Purchasing and Travel, unless prior
204 approval is obtained from the office.

205 (10) (a) For purposes of this subsection, the term "state
206 agency" means any agency that is subject to oversight by the
207 Bureau of Fleet Management of the Department of Finance and
208 Administration under Section 25-1-77.

209 (b) Each state agency shall use the Trip Optimizer
210 system developed and administered by the Department of Finance and
211 Administration in computing the optimum method and cost for travel
212 by state officers and employees using a motor vehicle where the
213 travel will exceed one hundred (100) miles per day and the officer
214 or employee is not driving a state-owned or state-leased vehicle
215 that has been dedicated or assigned to the officer or employee.

216 (c) The provisions of this subsection shall be used to
217 determine the most cost-effective method of travel by motor
218 vehicles, whether those vehicles are owned by the state agency,
219 leased by the state agency, or owned by the officer or employee,
220 and shall be applicable for purposes of determining the maximum
221 authorized amount of any travel reimbursement for officers and
222 employees of those agencies related to vehicle usage.

223 (d) The maximum authorized amount of travel
224 reimbursement related to motor vehicle usage shall be the lowest
225 cost option as determined by the Trip Optimizer system. All
226 travel claims submitted for reimbursement shall include the



227 results of the Trip Optimizer system indicating the lowest cost
228 option for travel by the state officer or employee.

229 (e) In providing a calculation of rates, the Trip
230 Optimizer system shall account for the distance that an officer or
231 employee must travel to pick up a rental or state fleet vehicle,
232 and shall account for the long-term rate discounts offered through
233 the state purchasing contract for vehicle rentals.

234 **SECTION 3.** Section 25-1-77, Mississippi Code of 1972, is
235 brought forward as follows:

236 25-1-77. (1) There is created the Bureau of Fleet
237 Management within the Office of Purchasing, Travel and Fleet
238 Management, Department of Finance and Administration, for the
239 purposes of coordinating and promoting efficiency and economy in
240 the purchase, lease, rental, acquisition, use, maintenance and
241 disposal of vehicles by state agencies. The Executive Director of
242 the Department of Finance and Administration may employ a Fleet
243 Management Officer to manage the bureau and carry out its
244 purposes. The bureau may employ other suitable and competent
245 personnel as necessary. The bureau shall encourage the use of
246 fuel efficient or hybrid vehicles appropriate for the state
247 agency's intended purpose and, when feasible, the use of
248 alternative fuels or energy sources, including, but not limited
249 to, ethanol, biodiesel, natural gas or electric power. The bureau
250 shall prepare a fiscal analysis of the cost-effectiveness of using
251 alternative fuel or energy source vehicles by state agencies, and



252 submit a report of that fiscal analysis to the Legislature by
253 December 15, 2009. Not later than July 1, 2014, at least
254 seventy-five percent (75%) of all vehicles to which the bureau
255 holds title in the name of the state must have a fuel economy
256 estimate by the United States Environmental Protection Agency of
257 forty (40) miles per gallon or higher for highway driving.

258 (2) The Bureau of Fleet Management shall perform the
259 following duties:

260 (a) To hold title in the name of the State of
261 Mississippi to all vehicles currently in possession of state
262 agencies as defined in Section 25-9-107(d) and to assign vehicles
263 to such agencies for use; however, the bureau shall exempt any
264 agency or agency vehicles from the provisions of this paragraph
265 (a) if it determines that state or federal law requires that title
266 be vested only in the agency;

267 (b) To establish rules and regulations for state agency
268 use of vehicles;

269 (c) To gather information and specify proper fleet
270 management practices for state agencies;

271 (d) To acquire fleet management software and require
272 agencies to provide necessary information for the bureau to
273 properly monitor the size, use, maintenance and disposal of the
274 state's fleet of vehicles; the bureau shall communicate regularly
275 with the fleet managers of each state agency to determine
276 strengths and weaknesses of the various fleet operations; the



277 bureau shall disseminate information to the agencies so that each
278 can take advantage of any beneficial practices being incorporated
279 at other entities; the bureau shall promulgate rules and
280 regulations concerning the mileage reimbursement practices of each
281 state agency;

282 (e) To carry out responsibilities relative to budget
283 recommendations as provided in Section 27-103-129;

284 (f) To reassign vehicles in the possession of any state
285 agency if the bureau believes that another state agency can make
286 more efficient use of a vehicle; however, the state agency
287 receiving the reassigned vehicle shall pay to the previous
288 agency's special fund, or if no special fund exists to the State
289 General Fund, the National Automobile Dealers Association (NADA)
290 wholesale value for the vehicle or the estimated amount for which
291 the vehicle would have sold at auction, as shall be determined by
292 the bureau, whichever is less;

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

295 (h) To require each agency to submit to the bureau a
296 vehicle acquisition/use/disposal plan on an annual basis. From
297 the plans received, the bureau shall evaluate the proposed plans
298 and shall submit a recommendation to the Legislature prior to
299 January 1 of each year.

300 (3) No state department, institution or agency shall
301 purchase, rent, lease or acquire any motor vehicle, regardless of



302 the source of funds from which the motor vehicle is to be
303 purchased, except under authority granted by the Department of
304 Finance and Administration. The Bureau of Fleet Management,
305 Department of Finance and Administration, shall promulgate rules
306 and regulations governing the purchase, rental, lease or
307 acquisition of any motor vehicle by a state department,
308 institution or agency with regard to the appropriateness of the
309 vehicle to its intended use. The Bureau of Fleet Management,
310 Department of Finance and Administration, shall only grant
311 authority to purchase, rent, lease or acquire a motor vehicle
312 which is the lowest cost vehicle to carry out its intended use.
313 Before the disposal or sale of any vehicle, the Bureau of Fleet
314 Management shall make a determination that the lifetime use and
315 mileage of the vehicle has been maximized and that it would not be
316 feasible for another state agency to use the vehicle.

317 (4) The department, institution or agency shall maintain
318 proper documentation which provides the intended use of the
319 vehicle and the basis for choosing the vehicle. Such
320 documentation shall show that the department, institution or
321 agency made diligent efforts to purchase, rent, lease or acquire a
322 vehicle that is the lowest cost vehicle for its intended use.
323 Such documentation shall be updated as needed when the intended
324 use of the vehicle or any other facts concerning the vehicle are
325 changed. All such documentation shall be approved by the State
326 Fleet Officer prior to purchase, rental, lease or acquisition or



327 change in use of any vehicle and shall be maintained and made
328 available for review by the State Auditor, any other reviewing
329 agency and the Legislature. The Bureau of Fleet Management shall
330 immediately notify the department head of any agency that has a
331 vehicle found to be in violation of the bureau's rules and
332 regulations. At the same time, the bureau shall notify the
333 Speaker of the House of Representatives and the Lieutenant
334 Governor of its findings regarding any such vehicle. If the
335 violation is not rectified within five (5) days of the notice,
336 then the bureau may seize the vehicle and dispose of it as the
337 bureau deems to be in the best interest of the State of
338 Mississippi.

339 (5) On or before September 1 of each year, the Bureau of
340 Fleet Management shall prepare and deliver to the Senate and House
341 Appropriations Committees and the Joint Legislative Budget
342 Committee a report containing any irregularities that it finds
343 concerning purchases of state-owned vehicles.

344 (6) The Department of Public Safety and the Department of
345 Wildlife, Fisheries and Parks may retain any vehicle seized
346 pursuant to the forfeiture laws of this state, and the total
347 number of vehicles assigned to each such agency shall not be
348 reduced by the number of seized vehicles which the agency retains.

349 (7) The Bureau of Fleet Management, upon request, shall
350 grant an exemption from the provisions of this section for only
351 any vehicle assigned to a sworn officer of the Department of



352 Public Safety and used in undercover operations when the bureau
353 determines that compliance could jeopardize the life, health or
354 safety of the sworn officer.

355 (8) The provisions of this section shall not apply to any
356 state institution of higher learning.

357 **SECTION 4.** This act shall take effect and be in force from
358 and after July 1, 2017.

