

By: Representative Read

To: Appropriations

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
56 purpose.

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

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

61 25-3-41. (1) Subject to the provisions of subsection (10)
62 of this section, when any officer or employee of the State of
63 Mississippi, or any department, agency or institution thereof,
64 after first being duly authorized, is required to travel in the
65 performance of his official duties, the officer or employee shall
66 receive as expenses for each mile actually and necessarily
67 traveled, when the travel is done by a privately owned automobile
68 or other privately owned motor vehicle, the mileage reimbursement
69 rate allowable to federal employees for the use of a privately
70 owned vehicle while on official travel.

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



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

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

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



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

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



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

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

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



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

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

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



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

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



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

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

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

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

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



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

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

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

235 25-1-77. (1) There is created the Bureau of Fleet
236 Management within the Office of Purchasing, Travel and Fleet
237 Management, Department of Finance and Administration, for the
238 purposes of coordinating and promoting efficiency and economy in
239 the purchase, lease, rental, acquisition, use, maintenance and
240 disposal of vehicles by state agencies. The Executive Director of
241 the Department of Finance and Administration may employ a Fleet
242 Management Officer to manage the bureau and carry out its
243 purposes. The bureau may employ other suitable and competent
244 personnel as necessary. The bureau shall encourage the use of
245 fuel efficient or hybrid vehicles appropriate for the state
246 agency's intended purpose and, when feasible, the use of
247 alternative fuels or energy sources, including, but not limited
248 to, ethanol, biodiesel, natural gas or electric power. The bureau
249 shall prepare a fiscal analysis of the cost-effectiveness of using
250 alternative fuel or energy source vehicles by state agencies, and



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

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

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

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

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

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



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

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

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

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

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

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



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

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



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

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

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

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



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

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

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

