

By: Representative Read

To: Appropriations

HOUSE BILL NO. 938
(As Sent to Governor)

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 A TRIP OPTIMIZER TYPE
 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 TYPE SYSTEM; TO AMEND SECTION
 17 25-1-77, MISSISSIPPI CODE OF 1972, TO REQUIRE AGENCIES MAKING
 18 REQUESTS FOR AUTHORITY TO PURCHASE, LEASE OR ACQUIRE VEHICLES TO
 19 SUBMIT THE LOWEST COST VEHICLE POSSIBLE TO CARRY OUT ITS INTENDED
 20 USE; TO PROVIDE THAT THE BUREAU OF FLEET MANAGEMENT SHALL ONLY
 21 APPROVE THE LOWEST COST VEHICLE, WHICH IN ITS ESTIMATION, WILL
 22 CARRY OUT THE INTENDED USE; TO PROHIBIT AGENCIES FROM PURCHASING
 23 ANY VEHICLE THAT THE BUREAU OF FLEET MANAGEMENT HAS DISAPPROVED AS
 24 BEING A HIGHER COST OPTION; AND FOR RELATED PURPOSES.

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

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

28 25-1-78. (1) For purposes of this section, the term "state
 29 agency" means any agency that is subject to oversight by the



30 Bureau of Fleet Management of the Department of Finance and
31 Administration under Section 25-1-77.

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

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

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



54 (a) A state agency's law enforcement or emergency
55 vehicles, upon demonstrating to the Bureau of Fleet Management a
56 justifiable need to be excluded from the provisions of subsections
57 (2) and (3) of this section.

58 (b) A state agency's vehicles that are acquired by the
59 use of grant monies that are specified to be used for that purpose
60 and for which no state matching funds from the State General Fund
61 are required, expended or used.

62 (c) Vehicles of the Department of Child Protection
63 Services.

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

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

76 (2) When any officer or employee of any county or
77 municipality, or of any agency, board or commission thereof, after
78 first being duly authorized, is required to travel in the



79 performance of his official duties, the officer or employee shall
80 receive as expenses Twenty Cents (20¢) for each mile actually and
81 necessarily traveled, when the travel is done by a privately owned
82 motor vehicle; provided, however, that the governing authorities
83 of a county or municipality may, in their discretion, authorize an
84 increase in the mileage reimbursement of officers and employees of
85 the county or municipality, or of any agency, board or commission
86 thereof, in an amount not to exceed the mileage reimbursement rate
87 authorized for officers and employees of the State of Mississippi
88 in subsection (1) of this section.

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

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



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

124 (5) Any officer or employee of a county or municipality, or
125 any department, board or commission thereof, who is required to
126 travel in the performance of his official duties, may receive
127 funds before the travel, in the discretion of the administrative
128 head of the county or municipal department, board or commission



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

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

151 (7) Where any officer or employee of the State of
152 Mississippi, or any department, agency or institution thereof, or
153 of any county or municipality, or of any agency, board or



154 commission thereof, is authorized to receive travel reimbursement
155 under any other provision of law, the reimbursement may be paid
156 under the provisions of this section or the other section, but not
157 under both.

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

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



179 of State Institutions of Higher Learning and the Executive
180 Director of the Department of Finance and Administration.

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

199 (c) Whenever any state officer or employee travels in
200 the performance of his official duties by airline or other public
201 carrier, he may have his travel arrangements handled by that
202 travel agency or agencies. The amount paid for airline
203 transportation for any state officer or employee, whether the



204 travel was arranged by that travel agency or agencies or was
205 arranged otherwise, shall not exceed the amount specified in the
206 state contract established by the Department of Finance and
207 Administration, Office of Purchasing and Travel, unless prior
208 approval is obtained from the office.

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

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

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

227 (d) The maximum authorized amount of travel
228 reimbursement related to motor vehicle usage shall be the lowest



229 cost option as determined by the trip optimizer type system. All
230 travel claims submitted for reimbursement shall include the
231 results of the trip optimizer type system indicating the lowest
232 cost option for travel by the state officer or employee.

233 (e) In providing a calculation of rates, the trip
234 optimizer type system shall account for the distance that an
235 officer or employee must travel to pick up a rental or state fleet
236 vehicle, and shall account for the long-term rate discounts
237 offered through the state purchasing contract for vehicle rentals.

238 (f) This subsection shall not apply to travel by state
239 officials in motor vehicles driven by the official or in vehicles
240 used for the transport of the official. The exemption in this
241 paragraph (f) applies only to the state official and not to the
242 staff or other employees of the state official. As used in this
243 paragraph (f), "state official" means statewide elected officials
244 and the elected members of the Public Service Commission.

245 **SECTION 3.** Section 25-1-77, Mississippi Code of 1972, is
246 amended as follows:

247 25-1-77. (1) There is created the Bureau of Fleet
248 Management within the Office of Purchasing, Travel and Fleet
249 Management, Department of Finance and Administration, for the
250 purposes of coordinating and promoting efficiency and economy in
251 the purchase, lease, rental, acquisition, use, maintenance and
252 disposal of vehicles by state agencies. The Executive Director of
253 the Department of Finance and Administration may employ a Fleet



254 Management Officer to manage the bureau and carry out its
255 purposes. The bureau may employ other suitable and competent
256 personnel as necessary. The bureau shall encourage the use of
257 fuel efficient or hybrid vehicles appropriate for the state
258 agency's intended purpose and, when feasible, the use of
259 alternative fuels or energy sources, including, but not limited
260 to, ethanol, biodiesel, natural gas or electric power. The bureau
261 shall prepare a fiscal analysis of the cost-effectiveness of using
262 alternative fuel or energy source vehicles by state agencies, and
263 submit a report of that fiscal analysis to the Legislature by
264 December 15, 2009. Not later than July 1, 2014, at least
265 seventy-five percent (75%) of all vehicles to which the bureau
266 holds title in the name of the state must have a fuel economy
267 estimate by the United States Environmental Protection Agency of
268 forty (40) miles per gallon or higher for highway driving.

269 (2) The Bureau of Fleet Management shall perform the
270 following duties:

271 (a) To hold title in the name of the State of
272 Mississippi to all vehicles currently in possession of state
273 agencies as defined in Section 25-9-107(d) and to assign vehicles
274 to such agencies for use; however, the bureau shall exempt any
275 agency or agency vehicles from the provisions of this paragraph
276 (a) if it determines that state or federal law requires that title
277 be vested only in the agency;



278 (b) To establish rules and regulations for state agency
279 use of vehicles;

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

282 (d) To acquire fleet management software and require
283 agencies to provide necessary information for the bureau to
284 properly monitor the size, use, maintenance and disposal of the
285 state's fleet of vehicles; the bureau shall communicate regularly
286 with the fleet managers of each state agency to determine
287 strengths and weaknesses of the various fleet operations; the
288 bureau shall disseminate information to the agencies so that each
289 can take advantage of any beneficial practices being incorporated
290 at other entities; the bureau shall promulgate rules and
291 regulations concerning the mileage reimbursement practices of each
292 state agency;

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

295 (f) To reassign vehicles in the possession of any state
296 agency if the bureau believes that another state agency can make
297 more efficient use of a vehicle; however, the state agency
298 receiving the reassigned vehicle shall pay to the previous
299 agency's special fund, or if no special fund exists to the State
300 General Fund, the National Automobile Dealers Association (NADA)
301 wholesale value for the vehicle or the estimated amount for which



302 the vehicle would have sold at auction, as shall be determined by
303 the bureau, whichever is less;

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

306 (h) To require each agency to submit to the bureau a
307 vehicle acquisition/use/disposal plan on an annual basis. From
308 the plans received, the bureau shall evaluate the proposed plans
309 and shall submit a recommendation to the Legislature prior to
310 January 1 of each year.

311 (3) No state department, institution or agency shall
312 purchase, rent, lease or acquire any motor vehicle, regardless of
313 the source of funds from which the motor vehicle is to be
314 purchased, except under authority granted by the Department of
315 Finance and Administration. The Bureau of Fleet Management,
316 Department of Finance and Administration, shall promulgate rules
317 and regulations governing the purchase, rental, lease or
318 acquisition of any motor vehicle by a state department,
319 institution or agency with regard to the appropriateness of the
320 vehicle to its intended use. The Bureau of Fleet Management,
321 Department of Finance and Administration, shall only grant
322 authority to purchase, rent, lease or acquire a motor vehicle
323 which is the lowest cost vehicle to carry out its intended use.
324 Before the disposal or sale of any vehicle, the Bureau of Fleet
325 Management shall make a determination that the lifetime use and



326 mileage of the vehicle has been maximized and that it would not be
327 feasible for another state agency to use the vehicle.

328 (4) The department, institution or agency shall maintain
329 proper documentation which provides the intended use of the
330 vehicle and the basis for choosing the vehicle. Such
331 documentation shall show that the department, institution or
332 agency made diligent efforts to purchase, rent, lease or acquire a
333 vehicle that is the lowest cost vehicle for its intended use.
334 Such documentation shall be updated as needed when the intended
335 use of the vehicle or any other facts concerning the vehicle are
336 changed. All such documentation shall be approved by the State
337 Fleet Officer prior to purchase, rental, lease or acquisition or
338 change in use of any vehicle and shall be maintained and made
339 available for review by the State Auditor, any other reviewing
340 agency and the Legislature. The Bureau of Fleet Management shall
341 immediately notify the department head of any agency that has a
342 vehicle found to be in violation of the bureau's rules and
343 regulations. At the same time, the bureau shall notify the
344 Speaker of the House of Representatives and the Lieutenant
345 Governor of its findings regarding any such vehicle. If the
346 violation is not rectified within five (5) days of the notice,
347 then the bureau may seize the vehicle and dispose of it as the
348 bureau deems to be in the best interest of the State of
349 Mississippi.



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

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

360 (7) The Bureau of Fleet Management, upon request, shall
361 grant an exemption from the provisions of this section for only
362 any vehicle assigned to a sworn officer of the Department of
363 Public Safety and used in undercover operations when the bureau
364 determines that compliance could jeopardize the life, health or
365 safety of the sworn officer.

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

368 (9) When making requests for authority to purchase, rent,
369 lease or acquire vehicles as provided in subsection (3) of this
370 section, agencies shall submit the lowest cost vehicle possible to
371 carry out its intended use. Any such request shall be in writing
372 from the agency head, certifying the vehicle requested is the
373 lowest cost option available and acknowledging that any request
374 contrary to this provision shall subject the agency head to



375 penalties as provided in Sections 25-1-91, 31-7-55 and 31-7-57,
376 where applicable. The Bureau of Fleet Management shall only
377 approve the lowest cost vehicle, which in its estimation, will
378 carry out the intended use. No agency may purchase any vehicle
379 that the Bureau of Fleet Management has disapproved as being a
380 higher cost option.

381 (10) No requests authorized under subsections (3) and (9) of
382 this section shall be approved by the Bureau of Fleet Management
383 if the requesting agency has not properly maintained in the
384 fleet/asset reporting system all information required by the
385 Bureau of Fleet Management. Agencies shall correct any
386 inadequacies or discrepancies in the system noted by the Bureau of
387 Fleet Management before the bureau may approve any requests.

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

