

By: Senator(s) Thames

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2799

1 AN ACT TO AMEND SECTION 25-1-77, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE OFFICE OF FLEET MANAGEMENT WITHIN THE DEPARTMENT OF
3 FINANCE AND ADMINISTRATION FOR THE PURPOSES OF COORDINATING AND
4 PROMOTING EFFICIENCY AND ECONOMY IN THE PURCHASE, LEASE, RENTAL,
5 USE, MAINTENANCE AND DISPOSAL OF VEHICLES BY STATE AGENCIES; TO
6 AMEND SECTIONS 25-1-79 AND 25-1-81, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

11 25-1-77. (1) There is hereby created within the Department
12 of Finance and Administration the Office of Fleet Management for
13 the purposes of coordinating and promoting efficiency and economy
14 in the purchase, lease, rental, use, maintenance and disposal of
15 vehicles by state agencies. The Executive Director of the
16 Department of Finance and Administration may employ a Fleet
17 Management Officer to manage the office and carry out its
18 purposes. The office may employ other suitable and competent
19 personnel as necessary.

20 (2) The Office of Fleet Management shall gather information
21 and provide recommendations to the various agencies and
22 institutions to assist in proper fleet management.

23 (3) The Office of Fleet Management may obtain applicable
24 fleet management software and require the agencies and
25 institutions to provide necessary information to allow the office
26 to properly monitor the size, use, maintenance and disposal of the
27 state's fleet of vehicles. The office shall communicate regularly
28 with the fleet managers from each agency and institution to
29 determine strengths and weaknesses of the various fleet

30 operations. The office shall disseminate information to the
31 agencies and institutions so that each can take advantage of any
32 beneficial practices being incorporated at other entities. The
33 office shall also provide guidance concerning the mileage
34 reimbursement practices of each state agency.

35 (4) The Office of Fleet Management may request from any
36 agency a vehicle acquisition/use/disposal plan on an annual basis.
37 From the plans received, the office shall evaluate the proposed
38 plans and shall submit a recommendation to the Legislature prior
39 to January 1 of each year.

40 (5) No state department, institution or agency shall
41 purchase any motor vehicle, regardless of the source of funds from
42 which the motor vehicle is to be purchased, except under authority
43 granted by the Department of Finance and Administration. The
44 Office of Fleet Management, Department of Finance and
45 Administration, shall promulgate rules and regulations governing
46 the purchase of any motor vehicle by a state department,
47 institution or agency with regard to the appropriateness of the
48 vehicle to its intended use. The Office of Fleet Management,
49 Department of Finance and Administration, shall not grant
50 authority to purchase a motor vehicle which is not the most
51 appropriate vehicle type for its intended use unless specifically
52 approved by the Legislature.

53 (6) It is not the intent of the Legislature for the Office
54 of Fleet Management, Department of Finance and Administration, to
55 determine the sufficient number of motor vehicles needed by each
56 state department, institution or agency, but to regulate the
57 purchase so that the vehicle is the most appropriate type for its
58 intended use. Further, it is the intent of the Legislature that
59 any motor vehicle purchased shall be made with due concern for
60 economical and efficient use, but shall also meet the needs of the
61 department, institution or agency. The department, institution or
62 agency shall maintain proper documentation * * * which provides

63 the intended use of the vehicle and the basis for choosing the
64 vehicle. Such documentation shall show that the department,
65 institution or agency made reasonable efforts to purchase a
66 vehicle that is economical and appropriate for its intended use.
67 Such documentation shall be updated as needed when the intended
68 use of the vehicle or any other facts concerning the vehicle are
69 changed. All such documentation shall be approved by the State
70 Fleet Officer prior to purchase or change in use of any vehicle
71 and shall be maintained and made available for review by the State
72 Auditor and any other reviewing agency.

73 (7) The State Auditor shall make on-site visits and conduct
74 audits necessary to ensure the intent of this section. On or
75 before September 1 of each year, the State Auditor shall prepare
76 and deliver to the Senate and House Fees, Salaries and
77 Administration Committees and the Joint Legislative Budget
78 Committee a report containing any irregularities that he finds
79 concerning purchases of state-owned vehicles.

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

82 25-1-79. It shall be unlawful for any officer, employee or
83 other person whatsoever to use or permit or authorize the use of
84 any automobile or any other motor vehicle owned by the State of
85 Mississippi or any department, agency or institution thereof for
86 any purpose other than upon the official business of the State of
87 Mississippi or any agency, department or institution thereof.
88 Further, it shall be unlawful for any such officer or employee to
89 be paid or to receive any sums whatsoever for travel expense until
90 the expenses for which payment is made, and each item thereof,
91 have been actually incurred by such officer or employee, and then
92 only upon the presentation of an itemized expense account which
93 shall be approved in writing by the head of the department, agency
94 or institution on whose behalf such travel is performed. However,
95 it is expressly provided that any such officer or employee

96 traveling * * * on business for and in behalf of the State of
97 Mississippi may, strictly in the discretion of an agency,
98 institution or department head, receive in advance from state
99 funds for the purpose of such travel expense a sum to be specified
100 by such aforementioned superior. Further, strict account of any
101 sum so advanced must be kept in accord with Section 25-1-81.

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

104 25-1-81. The Department of Finance and Administration shall
105 refuse to issue warrants upon requisitions drawn in violation of
106 the provisions hereof, and where any expense account is allowed
107 and paid in violation of the provisions of Sections 25-1-77
108 through 25-1-93, it shall be the duty of said auditor to withhold
109 the payment of any further expense accounts for the department,
110 agency or institution involved until the amount of the account or
111 accounts illegally paid shall be refunded and repaid to the State
112 of Mississippi by the person receiving or approving same. It is
113 further provided that the Department of Finance and Administration
114 shall prescribe and deliver to each agency, department or
115 institution a uniform system of expense accounts herein allowed,
116 including a uniform system of depreciation allowance. All expense
117 accounts for lodging shall be supported by receipted bills showing
118 the payment thereof by such officer or employee. It is incumbent
119 upon each agency, department or institution to abide by and
120 utilize the method of uniform system of expense accounts so
121 prescribed and delivered by the State Auditor. Each agency,
122 department or institution, in rendering its annual report to the
123 Office of Fleet Management and the Legislature, shall show the
124 number of state-owned automobiles purchased and operated during
125 the year, the number purchased and operated out of funds
126 appropriated by the Legislature, the number purchased and operated
127 out of any other public funds, the miles traveled per automobile,
128 the total miles traveled, the average cost per mile and the

129 depreciation estimate on each automobile. Such report shall also
130 show the cost per mile and total number of miles traveled in
131 privately owned automobiles for which reimbursement is made out of
132 state funds and any other information requested by the Office of
133 Fleet Management.

134 **SECTION 4.** This act shall take effect and be in force from
135 and after July 1, 2005.