

By: Representative Franks

To: Appropriations

HOUSE BILL NO. 1063

1 AN ACT TO AMEND SECTION 25-1-77, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT THE TOMBIGBEE RIVER VALLEY WATER MANAGEMENT DISTRICT FROM  
3 THE PROVISIONS OF LAW REQUIRING THE BUREAU OF FLEET MANAGEMENT TO  
4 REGULATE THE ACQUISITION, OPERATION AND DISPOSAL OF STATE AGENCY  
5 MOTOR VEHICLES; AND FOR RELATED PURPOSES.

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

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

9 25-1-77. (1) There is hereby created the Bureau of Fleet  
10 Management within the Office of Purchasing, Travel and Fleet  
11 Management, Department of Finance and Administration, for the  
12 purposes of coordinating and promoting efficiency and economy in  
13 the purchase, lease, rental, acquisition, use, maintenance and  
14 disposal of vehicles by state agencies. The Executive Director of  
15 the Department of Finance and Administration may employ a Fleet  
16 Management Officer to manage the bureau and carry out its  
17 purposes. The bureau may employ other suitable and competent  
18 personnel as necessary. The bureau shall encourage the use of  
19 fuel efficient or hybrid vehicles appropriate for the state  
20 agency's intended purpose and, when feasible, the use of  
21 alternative fuels, including, but not limited to, ethanol or  
22 biodiesel.

23 (2) The Bureau of Fleet Management shall perform the  
24 following duties:

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

29 agency or agency vehicles from the provisions of this paragraph  
30 (a) if it determines that state or federal law requires that title  
31 be vested only in the agency;

32 (b) To establish rules and regulations for state agency  
33 use of vehicles;

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

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

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

49 (f) To reassign vehicles in the possession of any state  
50 agency if the bureau believes that another state agency can make  
51 more efficient use of a vehicle; provided, however, that the state  
52 agency receiving the reassigned vehicle shall pay to the previous  
53 agency's special fund, or if no special fund exists to the State  
54 General Fund, the National Automobile Dealers Association (NADA)  
55 wholesale value for the vehicle or the estimated amount for which  
56 the vehicle would have sold at auction, as shall be determined by  
57 the bureau, whichever is less;

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

60 (h) To require each agency to submit to the bureau a  
61 vehicle acquisition/use/disposal plan on an annual basis. From

62 the plans received, the bureau shall evaluate the proposed plans  
63 and shall submit a recommendation to the Legislature prior to  
64 January 1 of each year.

65 (3) No state department, institution or agency shall  
66 purchase, rent, lease or acquire any motor vehicle, regardless of  
67 the source of funds from which the motor vehicle is to be  
68 purchased, except under authority granted by the Department of  
69 Finance and Administration. The Bureau of Fleet Management,  
70 Department of Finance and Administration, shall promulgate rules  
71 and regulations governing the purchase, rental, lease or  
72 acquisition of any motor vehicle by a state department,  
73 institution or agency with regard to the appropriateness of the  
74 vehicle to its intended use. The Bureau of Fleet Management,  
75 Department of Finance and Administration, shall only grant  
76 authority to purchase, rent, lease or acquire a motor vehicle  
77 which is the lowest cost vehicle to carry out its intended use.  
78 Before the disposal or sale of any vehicle, the Bureau of Fleet  
79 Management shall make a determination that the lifetime use and  
80 mileage of the vehicle has been maximized and that it would not be  
81 feasible for another state agency to use the vehicle.

82 (4) The department, institution or agency shall maintain  
83 proper documentation which provides the intended use of the  
84 vehicle and the basis for choosing the vehicle. Such  
85 documentation shall show that the department, institution or  
86 agency made diligent efforts to purchase, rent, lease or acquire a  
87 vehicle that is the lowest cost vehicle for its intended use.  
88 Such documentation shall be updated as needed when the intended  
89 use of the vehicle or any other facts concerning the vehicle are  
90 changed. All such documentation shall be approved by the State  
91 Fleet Officer prior to purchase, rental, lease or acquisition or  
92 change in use of any vehicle and shall be maintained and made  
93 available for review by the State Auditor, any other reviewing  
94 agency and the Legislature.

95           (5) The State Auditor shall make on-site visits and conduct  
96 audits necessary to ensure compliance with the provisions of this  
97 section and all rules and regulations adopted hereunder. On or  
98 before September 1 of each year, the State Auditor shall prepare  
99 and deliver to the Senate and House Appropriations Committees and  
100 the Joint Legislative Budget Committee a report containing any  
101 irregularities that he finds concerning purchases of state-owned  
102 vehicles.

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

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

114           (8) The provisions of this section shall not apply to any  
115 state institution of higher learning or to the Tombigbee River  
116 Valley Water Management District.

117           **SECTION 2.** This act shall take effect and be in force from  
118 and after July 1, 2007.