

By: Representative Sanford

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 157

1 AN ACT TO DIRECT THE OFFICE OF PURCHASING AND TRAVEL OF THE  
 2 DEPARTMENT OF FINANCE AND ADMINISTRATION TO ADVERTISE FOR BIDS FOR  
 3 PROVIDING VEHICLE RENTAL SERVICES TO STATE AGENCIES; TO PROVIDE  
 4 THAT THE DEPARTMENT SHALL ENTER INTO A CONTRACT WITH ANY BIDDER  
 5 THAT MEETS THE SPECIFICATIONS OF THE OFFICE FOR VEHICLE RENTAL  
 6 SERVICES; TO PROVIDE THAT THE TERM OF THE CONTRACTS SHALL BE FROM  
 7 THE DATE ON WHICH THE CONTRACTS ARE EXECUTED UNTIL DECEMBER 1,  
 8 2018; TO PROVIDE THAT THE CONTRACTS SHALL BE IN ADDITION TO THE  
 9 CONTRACTS FOR VEHICLE RENTAL SERVICES THAT ARE ALREADY IN EFFECT;  
 10 TO STATE THAT THE PURPOSE OF THIS ACT IS TO INCREASE THE  
 11 AVAILABILITY OF VEHICLE RENTAL SERVICES THROUGHOUT THE STATE  
 12 BECAUSE OF THE INCREASED DEMAND FOR VEHICLE RENTAL SERVICES AS A  
 13 RESULT OF THE REQUIREMENT TO USE THE TRIP OPTIMIZER TYPE SYSTEM OF  
 14 THE DEPARTMENT FOR CERTAIN TRAVEL BY STATE OFFICERS AND EMPLOYEES;  
 15 TO BRING FORWARD SECTION 25-3-41, MISSISSIPPI CODE OF 1972, WHICH  
 16 RELATES TO TRAVEL EXPENSES OF STATE OFFICERS AND EMPLOYEES, FOR  
 17 THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) As soon as practicable after the effective  
 20 date of this act, the Office of Purchasing and Travel of the  
 21 Department of Finance and Administration shall advertise for bids  
 22 for providing vehicle rental services to agencies of the State of  
 23 Mississippi. The advertisement for bids shall be placed on the  
 24 website of the department and on the procurement portal website  
 25 established by Sections 25-53-151 and 27-104-165. In addition,



26 the Office of Purchasing and Travel shall notify each vehicle  
27 rental services company in the state by mail or by electronic  
28 means about the bidding for vehicle rental services.

29 (2) The department shall enter into a contract with any  
30 bidder that meets the specifications of the Office of Purchasing  
31 and Travel for vehicle rental services. There shall be no limit  
32 on the number of contracts for vehicle rental services entered  
33 into under this section. The term of the contracts entered into  
34 under this section shall be from the date on which the contracts  
35 are executed until December 1, 2018.

36 (3) The contracts entered into under this section shall be  
37 in addition to the contracts for vehicle rental services that are  
38 already in effect on the effective date of this act, and nothing  
39 in this section shall affect any of those existing contracts.

40 (4) The purpose of this section is to increase the  
41 availability of vehicle rental services throughout the state  
42 because of the increased demand for vehicle rental services as a  
43 result of the requirement under Section 25-3-41(10) to use the  
44 trip optimizer type system of the department for certain travel by  
45 state officers and employees.

46 **SECTION 2.** Section 25-3-41, Mississippi Code of 1972, is  
47 brought forward as follows:

48 25-3-41. (1) Subject to the provisions of subsection (10)  
49 of this section, when any officer or employee of the State of  
50 Mississippi, or any department, agency or institution thereof,



51 after first being duly authorized, is required to travel in the  
52 performance of his official duties, the officer or employee shall  
53 receive as expenses for each mile actually and necessarily  
54 traveled, when the travel is done by a privately owned automobile  
55 or other privately owned motor vehicle, the mileage reimbursement  
56 rate allowable to federal employees for the use of a privately  
57 owned vehicle while on official travel.

58 (2) When any officer or employee of any county or  
59 municipality, or of any agency, board or commission thereof, after  
60 first being duly authorized, is required to travel in the  
61 performance of his official duties, the officer or employee shall  
62 receive as expenses Twenty Cents (20¢) for each mile actually and  
63 necessarily traveled, when the travel is done by a privately owned  
64 motor vehicle; provided, however, that the governing authorities  
65 of a county or municipality may, in their discretion, authorize an  
66 increase in the mileage reimbursement of officers and employees of  
67 the county or municipality, or of any agency, board or commission  
68 thereof, in an amount not to exceed the mileage reimbursement rate  
69 authorized for officers and employees of the State of Mississippi  
70 in subsection (1) of this section.

71 (3) Where two (2) or more officers or employees travel in  
72 one (1) privately owned motor vehicle, only one (1) travel expense  
73 allowance at the authorized rate per mile shall be allowed for any  
74 one (1) trip. When the travel is done by means of a public  
75 carrier or other means not involving a privately owned motor



76 vehicle, then the officer or employee shall receive as travel  
77 expense the actual fare or other expenses incurred in such travel.

78 (4) In addition to the foregoing, a public officer or  
79 employee shall be reimbursed for other actual expenses such as  
80 meals, lodging and other necessary expenses incurred in the course  
81 of the travel, subject to limitations placed on meals for  
82 intrastate and interstate official travel by the Department of  
83 Finance and Administration, provided, that the Legislative Budget  
84 Office shall place any limitations for expenditures made on  
85 matters under the jurisdiction of the Legislature. The Department  
86 of Finance and Administration shall set a maximum daily  
87 expenditure annually for such meals and shall notify officers and  
88 employees of changes to these allowances immediately upon approval  
89 of the changes. Travel by airline shall be at the tourist rate  
90 unless that space was unavailable. The officer or employee shall  
91 certify that tourist accommodations were not available if travel  
92 is performed in first class airline accommodations. Itemized  
93 expense accounts shall be submitted by those officers or employees  
94 in such number as the department, agency or institution may  
95 require; but in any case one (1) copy shall be furnished by state  
96 departments, agencies or institutions to the Department of Finance  
97 and Administration for preaudit or postaudit. The Department of  
98 Finance and Administration shall promulgate and adopt reasonable  
99 rules and regulations which it deems necessary and requisite to  
100 effectuate economies for all expenses authorized and paid pursuant



101 to this section. Requisitions shall be made on the State Fiscal  
102 Officer who shall issue his warrant on the State Treasurer.  
103 Provided, however, that the provisions of this section shall not  
104 include agencies financed entirely by federal funds and audited by  
105 federal auditors.

106 (5) Any officer or employee of a county or municipality, or  
107 any department, board or commission thereof, who is required to  
108 travel in the performance of his official duties, may receive  
109 funds before the travel, in the discretion of the administrative  
110 head of the county or municipal department, board or commission  
111 involved, for the purpose of paying necessary expenses incurred  
112 during the travel. Upon return from the travel, the officer or  
113 employee shall provide receipts of transportation, lodging, meals,  
114 fees and any other expenses incurred during the travel. Any  
115 portion of the funds advanced which is not expended during the  
116 travel shall be returned by the officer or employee. The  
117 Department of Audit shall adopt rules and regulations regarding  
118 advance payment of travel expenses and submission of receipts to  
119 ensure proper control and strict accountability for those payments  
120 and expenses.

121 (6) No state or federal funds received from any source by  
122 any arm or agency of the state shall be expended in traveling  
123 outside of the continental limits of the United States until the  
124 governing body or head of the agency makes a finding and  
125 determination that the travel would be extremely beneficial to the



126 state agency and obtains a written concurrence thereof from the  
127 Governor, or his designee, and the Department of Finance and  
128 Administration. However, employees of state institutions of  
129 higher learning may expend funds for travel outside of the  
130 continental limits of the United States upon a written finding by  
131 the president or head of the institution that the travel would be  
132 extremely beneficial to the institution.

133 (7) Where any officer or employee of the State of  
134 Mississippi, or any department, agency or institution thereof, or  
135 of any county or municipality, or of any agency, board or  
136 commission thereof, is authorized to receive travel reimbursement  
137 under any other provision of law, the reimbursement may be paid  
138 under the provisions of this section or the other section, but not  
139 under both.

140 (8) When the Governor, Lieutenant Governor or Speaker of the  
141 House of Representatives appoints a person to a board, commission  
142 or other position that requires confirmation by the Senate, the  
143 person may receive reimbursement for mileage and other actual  
144 expenses incurred in the performance of official duties before the  
145 appointment is confirmed by the Senate, as reimbursement for those  
146 expenses is authorized under this section.

147 (9) (a) The Department of Finance and Administration may  
148 contract with one or more commercial travel agencies, after  
149 receiving competitive bids or proposals therefor, for that travel  
150 agency or agencies to provide necessary travel services for state



151 officers and employees. Municipal and county officers and  
152 municipal and county employees may also participate in the state  
153 travel agency contract and utilize these travel services for  
154 official municipal or county travel. However, the administrative  
155 head of each state institution of higher learning may, in his  
156 discretion, contract with a commercial travel agency to provide  
157 necessary travel services for all academic officials and staff of  
158 the university in lieu of participation in the state travel agency  
159 contract. Any such decision by a university to contract with a  
160 separate travel agency shall be approved by the Board of Trustees  
161 of State Institutions of Higher Learning and the Executive  
162 Director of the Department of Finance and Administration.

163 (b) Before executing a contract with one or more travel  
164 agencies, the Department of Finance and Administration shall  
165 advertise for competitive bids or proposals once a week for two  
166 (2) consecutive weeks in a regular newspaper having a general  
167 circulation throughout the State of Mississippi. If the  
168 department determines that it should not contract with any of the  
169 bidders initially submitting proposals, the department may reject  
170 all those bids, advertise as provided in this paragraph and  
171 receive new proposals before executing the contract or contracts.  
172 The contract or contracts may be for a period not greater than  
173 three (3) years, with an option for the travel agency or agencies  
174 to renew the contract or contracts on a one-year basis on the same  
175 terms as the original contract or contracts, for a maximum of two



176 (2) renewals. After the travel agency or agencies have renewed  
177 the contract twice or have declined to renew the contract for the  
178 maximum number of times, the Department of Finance and  
179 Administration shall advertise for bids in the manner required by  
180 this paragraph and execute a new contract or contracts.

181 (c) Whenever any state officer or employee travels in  
182 the performance of his official duties by airline or other public  
183 carrier, he may have his travel arrangements handled by that  
184 travel agency or agencies. The amount paid for airline  
185 transportation for any state officer or employee, whether the  
186 travel was arranged by that travel agency or agencies or was  
187 arranged otherwise, shall not exceed the amount specified in the  
188 state contract established by the Department of Finance and  
189 Administration, Office of Purchasing and Travel, unless prior  
190 approval is obtained from the office.

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

195 (b) Each state agency shall use a trip optimizer type  
196 system developed and administered by the Department of Finance and  
197 Administration in computing the optimum method and cost for travel  
198 by state officers and employees using a motor vehicle where the  
199 travel will exceed one hundred (100) miles per day and the officer





200 or employee is not driving a state-owned or state-leased vehicle  
201 that has been dedicated or assigned to the officer or employee.

202 (c) The provisions of this subsection shall be used to  
203 determine the most cost-effective method of travel by motor  
204 vehicles, whether those vehicles are owned by the state agency,  
205 leased by the state agency, or owned by the officer or employee,  
206 and shall be applicable for purposes of determining the maximum  
207 authorized amount of any travel reimbursement for officers and  
208 employees of those agencies related to vehicle usage.

209 (d) The maximum authorized amount of travel  
210 reimbursement related to motor vehicle usage shall be the lowest  
211 cost option as determined by the trip optimizer type system. All  
212 travel claims submitted for reimbursement shall include the  
213 results of the trip optimizer type system indicating the lowest  
214 cost option for travel by the state officer or employee.

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

220 (f) This subsection shall not apply to travel by state  
221 officials in motor vehicles driven by the official or in vehicles  
222 used for the transport of the official. The exemption in this  
223 paragraph (f) applies only to the state official and not to the  
224 staff or other employees of the state official. As used in this



225 paragraph (f), "state official" means statewide elected officials  
226 and the elected members of the Public Service Commission.

227 **SECTION 3.** This act shall take effect and be in force from  
228 and after its passage.

