

By: Representative Barnett

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1201

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT STATE BOARDS SHALL BE EXEMPTED FROM THE REQUIREMENT
3 THAT EACH STATE AGENCY USE A TRIP OPTIMIZER TYPE SYSTEM DEVELOPED
4 AND ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION
5 IN COMPUTING THE OPTIMUM METHOD AND COST FOR TRAVEL BY STATE
6 OFFICERS AND EMPLOYEES; TO AMEND SECTION 25-9-107, MISSISSIPPI
7 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 25-3-41, Mississippi Code of 1972, is
11 amended as follows:

12 25-3-41. (1) Subject to the provisions of subsection (10)
13 of this section, when any officer or employee of the State of
14 Mississippi, or any department, agency or institution thereof,
15 after first being duly authorized, is required to travel in the
16 performance of his official duties, the officer or employee shall
17 receive as expenses for each mile actually and necessarily
18 traveled, when the travel is done by a privately owned automobile
19 or other privately owned motor vehicle, the mileage reimbursement
20 rate allowable to federal employees for the use of a privately
21 owned vehicle while on official travel.



22 (2) When any officer or employee of any county or
23 municipality, or of any agency, board or commission thereof, after
24 first being duly authorized, is required to travel in the
25 performance of his official duties, the officer or employee shall
26 receive as expenses Twenty Cents (20¢) for each mile actually and
27 necessarily traveled, when the travel is done by a privately owned
28 motor vehicle; provided, however, that the governing authorities
29 of a county or municipality may, in their discretion, authorize an
30 increase in the mileage reimbursement of officers and employees of
31 the county or municipality, or of any agency, board or commission
32 thereof, in an amount not to exceed the mileage reimbursement rate
33 authorized for officers and employees of the State of Mississippi
34 in subsection (1) of this section.

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

42 (4) In addition to the foregoing, a public officer or
43 employee shall be reimbursed for other actual expenses such as
44 meals, lodging and other necessary expenses incurred in the course
45 of the travel, subject to limitations placed on meals for
46 intrastate and interstate official travel by the Department of



47 Finance and Administration, provided, that the Legislative Budget
48 Office shall place any limitations for expenditures made on
49 matters under the jurisdiction of the Legislature. The Department
50 of Finance and Administration shall set a maximum daily
51 expenditure annually for such meals and shall notify officers and
52 employees of changes to these allowances immediately upon approval
53 of the changes. Travel by airline shall be at the tourist rate
54 unless that space was unavailable. The officer or employee shall
55 certify that tourist accommodations were not available if travel
56 is performed in first class airline accommodations. Itemized
57 expense accounts shall be submitted by those officers or employees
58 in such number as the department, agency or institution may
59 require; but in any case one (1) copy shall be furnished by state
60 departments, agencies or institutions to the Department of Finance
61 and Administration for preaudit or postaudit. The Department of
62 Finance and Administration shall promulgate and adopt reasonable
63 rules and regulations which it deems necessary and requisite to
64 effectuate economies for all expenses authorized and paid pursuant
65 to this section. Requisitions shall be made on the State Fiscal
66 Officer who shall issue his warrant on the State Treasurer.
67 Provided, however, that the provisions of this section shall not
68 include agencies financed entirely by federal funds and audited by
69 federal auditors.

70 (5) Any officer or employee of a county or municipality, or
71 any department, board or commission thereof, who is required to



72 travel in the performance of his official duties, may receive
73 funds before the travel, in the discretion of the administrative
74 head of the county or municipal department, board or commission
75 involved, for the purpose of paying necessary expenses incurred
76 during the travel. Upon return from the travel, the officer or
77 employee shall provide receipts of transportation, lodging, meals,
78 fees and any other expenses incurred during the travel. Any
79 portion of the funds advanced which is not expended during the
80 travel shall be returned by the officer or employee. The
81 Department of Audit shall adopt rules and regulations regarding
82 advance payment of travel expenses and submission of receipts to
83 ensure proper control and strict accountability for those payments
84 and expenses.

85 (6) No state or federal funds received from any source by
86 any arm or agency of the state shall be expended in traveling
87 outside of the continental limits of the United States until the
88 governing body or head of the agency makes a finding and
89 determination that the travel would be extremely beneficial to the
90 state agency and obtains a written concurrence thereof from the
91 Governor, or his designee, and the Department of Finance and
92 Administration. However, employees of state institutions of
93 higher learning may expend funds for travel outside of the
94 continental limits of the United States upon a written finding by
95 the president or head of the institution that the travel would be
96 extremely beneficial to the institution.



97 (7) Where any officer or employee of the State of
98 Mississippi, or any department, agency or institution thereof, or
99 of any county or municipality, or of any agency, board or
100 commission thereof, is authorized to receive travel reimbursement
101 under any other provision of law, the reimbursement may be paid
102 under the provisions of this section or the other section, but not
103 under both.

104 (8) When the Governor, Lieutenant Governor or Speaker of the
105 House of Representatives appoints a person to a board, commission
106 or other position that requires confirmation by the Senate, the
107 person may receive reimbursement for mileage and other actual
108 expenses incurred in the performance of official duties before the
109 appointment is confirmed by the Senate, as reimbursement for those
110 expenses is authorized under this section.

111 (9) (a) The Department of Finance and Administration may
112 contract with one or more commercial travel agencies, after
113 receiving competitive bids or proposals therefor, for that travel
114 agency or agencies to provide necessary travel services for state
115 officers and employees. Municipal and county officers and
116 municipal and county employees may also participate in the state
117 travel agency contract and utilize these travel services for
118 official municipal or county travel. However, the administrative
119 head of each state institution of higher learning may, in his
120 discretion, contract with a commercial travel agency to provide
121 necessary travel services for all academic officials and staff of



122 the university in lieu of participation in the state travel agency
123 contract. Any such decision by a university to contract with a
124 separate travel agency shall be approved by the Board of Trustees
125 of State Institutions of Higher Learning and the Executive
126 Director of the Department of Finance and Administration.

127 (b) Before executing a contract with one or more travel
128 agencies, the Department of Finance and Administration shall
129 advertise for competitive bids or proposals once a week for two
130 (2) consecutive weeks in a regular newspaper having a general
131 circulation throughout the State of Mississippi. If the
132 department determines that it should not contract with any of the
133 bidders initially submitting proposals, the department may reject
134 all those bids, advertise as provided in this paragraph and
135 receive new proposals before executing the contract or contracts.
136 The contract or contracts may be for a period not greater than
137 three (3) years, with an option for the travel agency or agencies
138 to renew the contract or contracts on a one-year basis on the same
139 terms as the original contract or contracts, for a maximum of two
140 (2) renewals. After the travel agency or agencies have renewed
141 the contract twice or have declined to renew the contract for the
142 maximum number of times, the Department of Finance and
143 Administration shall advertise for bids in the manner required by
144 this paragraph and execute a new contract or contracts.

145 (c) Whenever any state officer or employee travels in
146 the performance of his official duties by airline or other public



147 carrier, he may have his travel arrangements handled by that
148 travel agency or agencies. The amount paid for airline
149 transportation for any state officer or employee, whether the
150 travel was arranged by that travel agency or agencies or was
151 arranged otherwise, shall not exceed the amount specified in the
152 state contract established by the Department of Finance and
153 Administration, Office of Purchasing and Travel, unless prior
154 approval is obtained from the office.

155 (10) (a) For purposes of this subsection, the term "state
156 agency" means any agency that is subject to oversight by the
157 Bureau of Fleet Management of the Department of Finance and
158 Administration under Section 25-1-77; however, the term "state
159 agency" shall not apply to any state board or unit thereof.

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

167 (c) The provisions of this subsection shall be used to
168 determine the most cost-effective method of travel by motor
169 vehicles, whether those vehicles are owned by the state agency,
170 leased by the state agency, or owned by the officer or employee,
171 and shall be applicable for purposes of determining the maximum



172 authorized amount of any travel reimbursement for officers and
173 employees of those agencies related to vehicle usage.

174 (d) The maximum authorized amount of travel
175 reimbursement related to motor vehicle usage shall be the lowest
176 cost option as determined by the trip optimizer type system. All
177 travel claims submitted for reimbursement shall include the
178 results of the trip optimizer type system indicating the lowest
179 cost option for travel by the state officer or employee.

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

185 (f) This subsection shall not apply to travel by state
186 officials in motor vehicles driven by the official or in vehicles
187 used for the transport of the official. The exemption in this
188 paragraph (f) applies only to the state official and not to the
189 staff or other employees of the state official. As used in this
190 paragraph (f), "state official" means statewide elected officials
191 and the elected members of the Public Service Commission.

192 **SECTION 2.** Section 25-9-107, Mississippi Code of 1972, is
193 amended as follows:

194 25-9-107. The following terms, when used in this chapter,
195 unless a different meaning is plainly required by the context,
196 shall have the following meanings:



197 (a) "Board" means the State Personnel Board created
198 under the provisions of this chapter.

199 (b) "State service" means all employees of state
200 departments, agencies and institutions as defined herein, except
201 those officers and employees excluded by this chapter.

202 (c) "Nonstate service" means the following officers and
203 employees excluded from the state service by this chapter. The
204 following are excluded from the state service:

205 (i) Members of the State Legislature, their staff
206 and other employees of the legislative branch;

207 (ii) The Governor and staff members of the
208 immediate Office of the Governor;

209 (iii) Justices and judges of the judicial branch
210 or members of appeals boards on a per diem basis;

211 (iv) The Lieutenant Governor, staff members of the
212 immediate Office of the Lieutenant Governor and officers and
213 employees directly appointed by the Lieutenant Governor;

214 (v) Officers and officials elected by popular vote
215 and persons appointed to fill vacancies in elective offices;

216 (vi) Members of boards and commissioners appointed
217 by the Governor, Lieutenant Governor or the State Legislature;

218 (vii) All academic officials, members of the
219 teaching staffs and employees of the state institutions of higher
220 learning, the Mississippi Community College Board, and community
221 and junior colleges;



222 (viii) Officers and enlisted members of the
223 National Guard of the state;

224 (ix) Prisoners, inmates, student or patient help
225 working in or about institutions;

226 (x) Contract personnel; provided, that any agency
227 which employs state service employees may enter into contracts for
228 personal and professional services only if such contracts are
229 approved in compliance with the rules and regulations promulgated
230 by the State Personal Service Contract Review Board under Section
231 25-9-120(3). Before paying any warrant for such contractual
232 services in excess of One Hundred Thousand Dollars (\$100,000.00),
233 the Auditor of Public Accounts, or the successor to those duties,
234 shall determine whether the contract involved was for personal or
235 professional services, and, if so, was approved by the State
236 Personal Service Contract Review Board;

237 (xi) Part-time employees; provided, however,
238 part-time employees shall only be hired into authorized employment
239 positions classified by the board, shall meet minimum
240 qualifications as set by the board, and shall be paid in
241 accordance with the Variable Compensation Plan as certified by the
242 board;

243 (xii) Persons appointed on an emergency basis for
244 the duration of the emergency; the effective date of the emergency
245 appointments shall not be earlier than the date approved by the
246 State Personnel Director, and shall be limited to thirty (30)



247 working days. Emergency appointments may be extended to sixty
248 (60) working days by the State Personnel Board;

249 (xiii) Physicians, dentists, veterinarians, nurse
250 practitioners and attorneys, while serving in their professional
251 capacities in authorized employment positions who are required by
252 statute to be licensed, registered or otherwise certified as such,
253 provided that the State Personnel Director shall verify that the
254 statutory qualifications are met prior to issuance of a payroll
255 warrant by the Auditor;

256 (xiv) Personnel who are employed and paid from
257 funds received from a federal grant program which has been
258 approved by the Legislature or the Department of Finance and
259 Administration whose length of employment has been determined to
260 be time-limited in nature. This subparagraph shall apply to
261 personnel employed under the provisions of the Comprehensive
262 Employment and Training Act of 1973, as amended, and other special
263 federal grant programs which are not a part of regular federally
264 funded programs wherein appropriations and employment positions
265 are appropriated by the Legislature. Such employees shall be paid
266 in accordance with the Variable Compensation Plan and shall meet
267 all qualifications required by federal statutes or by the
268 Mississippi Classification Plan;

269 (xv) The administrative head who is in charge of
270 any state department, agency, institution, board or commission,
271 wherein the statute specifically authorizes the Governor, board,



272 commission or other authority to appoint said administrative head;
273 provided, however, that the salary of such administrative head
274 shall be determined by the State Personnel Board in accordance
275 with the Variable Compensation Plan unless otherwise fixed by
276 statute;

277 (xvi) The State Personnel Board shall exclude
278 top-level positions if the incumbents determine and publicly
279 advocate substantive program policy and report directly to the
280 agency head, or the incumbents are required to maintain a direct
281 confidential working relationship with a key excluded official.
282 Provided further, a written job classification shall be approved
283 by the board for each such position, and positions so excluded
284 shall be paid in conformity with the Variable Compensation Plan;

285 (xvii) Employees whose employment is solely in
286 connection with an agency's contract to produce, store or
287 transport goods, and whose compensation is derived therefrom;

288 (xviii) Repealed;

289 (xix) The associate director, deputy directors and
290 bureau directors within the Department of Agriculture and
291 Commerce;

292 (xx) Personnel employed by the Mississippi
293 Industries for the Blind; provided, that any agency may enter into
294 contracts for the personal services of MIB employees without the
295 prior approval of the State Personnel Board or the State Personal
296 Service Contract Review Board; however, any agency contracting for



297 the personal services of an MIB employee shall provide the MIB
298 employee with not less than the entry-level compensation and
299 benefits that the agency would provide to a full-time employee of
300 the agency who performs the same services;

301 (xxi) Personnel employed by the Mississippi
302 Department of Wildlife, Fisheries and Parks and the Mississippi
303 Department of Marine Resources as law enforcement trainees
304 (cadets); such personnel shall be paid in accordance with the
305 Colonel Guy Groff State Variable Compensation Plan.

306 (d) "Agency" means any state board, commission,
307 committee, council, department or unit thereof created by the
308 Constitution or statutes if such board, commission, committee,
309 council, department, unit or the head thereof, is authorized to
310 appoint subordinate staff by the Constitution or statute, except a
311 legislative or judicial board, commission, committee, council,
312 department or unit thereof. For the purposes of Section
313 25-3-41(10), the term "agency" shall not include any state board
314 or unit thereof.

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

