

Senate Amendments to House Bill No. 1101

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

7 25-3-41. (1) Subject to the provisions of subsection (10)
8 of this section, when any officer or employee of the State of
9 Mississippi, or any department, agency or institution thereof,
10 after first being duly authorized, is required to travel in the
11 performance of his official duties, the officer or employee shall
12 receive as expenses for each mile actually and necessarily
13 traveled, when the travel is done by a privately owned automobile
14 or other privately owned motor vehicle, the mileage reimbursement
15 rate allowable to federal employees for the use of a privately
16 owned vehicle while on official travel.

17 (2) When any officer or employee of any county or
18 municipality, or of any agency, board or commission thereof, after
19 first being duly authorized, is required to travel in the
20 performance of his official duties, the officer or employee shall
21 receive as expenses Twenty Cents (20¢) for each mile actually and

22 necessarily traveled, when the travel is done by a privately owned
23 motor vehicle; provided, however, that the governing authorities
24 of a county or municipality may, in their discretion, authorize an
25 increase in the mileage reimbursement of officers and employees of
26 the county or municipality, or of any agency, board or commission
27 thereof, in an amount not to exceed the mileage reimbursement rate
28 authorized for officers and employees of the State of Mississippi
29 in subsection (1) of this section.

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

37 (4) In addition to the foregoing, a public officer or
38 employee shall be reimbursed for other actual expenses such as
39 meals, lodging and other necessary expenses incurred in the course
40 of the travel, subject to limitations placed on meals for
41 intrastate and interstate official travel by the Department of
42 Finance and Administration, provided, that the Legislative Budget
43 Office shall place any limitations for expenditures made on
44 matters under the jurisdiction of the Legislature. The Department
45 of Finance and Administration shall set a maximum daily
46 expenditure annually for such meals and shall notify officers and
47 employees of changes to these allowances immediately upon approval

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

65 (5) Any officer or employee of a county or municipality, or
66 any department, board or commission thereof, who is required to
67 travel in the performance of his official duties, may receive
68 funds before the travel, in the discretion of the administrative
69 head of the county or municipal department, board or commission
70 involved, for the purpose of paying necessary expenses incurred
71 during the travel. Upon return from the travel, the officer or
72 employee shall provide receipts of transportation, lodging, meals,
73 fees and any other expenses incurred during the travel. Any

74 portion of the funds advanced which is not expended during the
75 travel shall be returned by the officer or employee. The
76 Department of Audit shall adopt rules and regulations regarding
77 advance payment of travel expenses and submission of receipts to
78 ensure proper control and strict accountability for those payments
79 and expenses.

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

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

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

106 (9) (a) The Department of Finance and Administration may
107 contract with one or more commercial travel agencies, after
108 receiving competitive bids or proposals therefor, for that travel
109 agency or agencies to provide necessary travel services for state
110 officers and employees. Municipal and county officers and
111 municipal and county employees may also participate in the state
112 travel agency contract and utilize these travel services for
113 official municipal or county travel. However, the administrative
114 head of each state institution of higher learning may, in his
115 discretion, contract with a commercial travel agency to provide
116 necessary travel services for all academic officials and staff of
117 the university in lieu of participation in the state travel agency
118 contract. Any such decision by a university to contract with a
119 separate travel agency shall be approved by the Board of Trustees
120 of State Institutions of Higher Learning and the Executive
121 Director of the Department of Finance and Administration.

122 (b) Before executing a contract with one or more travel
123 agencies, the Department of Finance and Administration shall
124 advertise for competitive bids or proposals once a week for two

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

140 (c) Whenever any state officer or employee travels in
141 the performance of his official duties by airline or other public
142 carrier, he may have his travel arrangements handled by that
143 travel agency or agencies. The amount paid for airline
144 transportation for any state officer or employee, whether the
145 travel was arranged by that travel agency or agencies or was
146 arranged otherwise, shall not exceed the amount specified in the
147 state contract established by the Department of Finance and
148 Administration, Office of Purchasing and Travel, unless prior
149 approval is obtained from the office.

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

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

161 (c) The provisions of this subsection shall be used to
162 determine the most cost-effective method of travel by motor
163 vehicles, whether those vehicles are owned by the state agency,
164 leased by the state agency, or owned by the officer or employee,
165 and shall be applicable for purposes of determining the maximum
166 authorized amount of any travel reimbursement for officers and
167 employees of those agencies related to vehicle usage.

168 (d) The maximum authorized amount of travel
169 reimbursement related to motor vehicle usage shall be the lowest
170 cost option as determined by the trip optimizer type system. All
171 travel claims submitted for reimbursement shall include the
172 results of the trip optimizer type system indicating the lowest
173 cost option for travel by the state officer or employee.

174 (e) In providing a calculation of rates, the trip
175 optimizer type system shall account for the distance that an

176 officer or employee must travel to pick up a rental or state fleet
177 vehicle, and shall account for the long-term rate discounts
178 offered through the state purchasing contract for vehicle rentals.

179 (f) (i) This subsection shall not apply to travel by
180 state officials in motor vehicles driven by the official or in
181 vehicles used for the transport of the official. The exemption in
182 this paragraph (f) applies only to the state official and not to
183 the staff or other employees of the state official. As used in
184 this paragraph (f), "state official" means statewide elected
185 officials and the elected members of the Public Service
186 Commission.

187 (ii) This subsection shall not apply to travel by
188 youth services counselors.

189 **SECTION 2.** This act shall take effect and be in force from
190 and after July 1, 2022, and shall stand repealed on June 29, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT YOUTH SERVICES COUNSELORS FROM THE TRIP OPTIMIZER SYSTEM
3 REQUIREMENTS FOR TRAVEL; AND FOR RELATED PURPOSES.

SS08\HB1101A.J

Eugene S. Clarke
Secretary of the Senate