

By: Representative Shanks

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 772

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE EXPIRATION DATE OF THE MORATORIUM ON THE APPLICATION OF  
3 THE TRIP OPTIMIZER TYPE SYSTEM TO STATE AGENCIES; AND FOR RELATED  
4 PURPOSES.

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

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

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

18 (2) When any officer or employee of any county or  
19 municipality, or of any agency, board or commission thereof, after



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

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

38 (4) In addition to the foregoing, a public officer or  
39 employee shall be reimbursed for other actual expenses such as  
40 meals, lodging and other necessary expenses incurred in the course  
41 of the travel, subject to limitations placed on meals for  
42 intrastate and interstate official travel by the Department of  
43 Finance and Administration, provided, that the Legislative Budget  
44 Office shall place any limitations for expenditures made on



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

66 (5) Any officer or employee of a county or municipality, or  
67 any department, board or commission thereof, who is required to  
68 travel in the performance of his official duties, may receive  
69 funds before the travel, in the discretion of the administrative



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

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

93 (7) Where any officer or employee of the State of  
94 Mississippi, or any department, agency or institution thereof, or



95 of any county or municipality, or of any agency, board or  
96 commission thereof, is authorized to receive travel reimbursement  
97 under any other provision of law, the reimbursement may be paid  
98 under the provisions of this section or the other section, but not  
99 under both.

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

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



120 separate travel agency shall be approved by the Board of Trustees  
121 of State Institutions of Higher Learning and the Executive  
122 Director of the Department of Finance and Administration.

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

141 (c) Whenever any state officer or employee travels in  
142 the performance of his official duties by airline or other public  
143 carrier, he may have his travel arrangements handled by that  
144 travel agency or agencies. The amount paid for airline



145 transportation for any state officer or employee, whether the  
146 travel was arranged by that travel agency or agencies or was  
147 arranged otherwise, shall not exceed the amount specified in the  
148 state contract established by the Department of Finance and  
149 Administration, Office of Purchasing and Travel, unless prior  
150 approval is obtained from the office.

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

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

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



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

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

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

187 (g) The provisions of this subsection shall not be  
188 applicable to any state agency for the period beginning on April  
189 8, 2022, through June 30, \* \* \* 2027.

190 **SECTION 2.** This act shall take effect and be in force from  
191 and after June 30, 2024.

