

By: Senator(s) Parker

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2309

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE MORATORIUM ON THE APPLICATION TO CERTAIN STATE AGENCIES
3 OF THE TRIP OPTIMIZER SYSTEM REQUIREMENTS FOR TRAVEL; AND FOR
4 RELATED 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, provided, the governing authorities of a county or
25 municipality may, in their discretion, authorize an increase in
26 the mileage reimbursement of officers and employees of the county
27 or municipality, or of any agency, board or commission thereof, in
28 an amount not to exceed the mileage reimbursement rate authorized
29 for officers and employees of the State of Mississippi in
30 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 Provided, however, that the provisions of this section shall not
64 include agencies financed entirely by federal funds and audited by
65 federal 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 of 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, * * * 2028.

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

