

By: Senator(s) Hewes

To: Fees, Salaries and  
Administration

SENATE BILL NO. 2755

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE ALL OFFICIAL TRAVEL BY AIRLINE BY STATE OFFICERS OR  
3 EMPLOYEES TO ORIGINATE AT AN AIRPORT LOCATED WITHIN THE STATE OF  
4 MISSISSIPPI UNLESS THE PUBLIC OFFICIAL OR EMPLOYEE CERTIFIES THAT  
5 IT IS LESS EXPENSIVE FOR SUCH TRAVEL TO ORIGINATE OUTSIDE THE  
6 STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES. BE IT ENACTED BY  
7 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8  
9 SECTION 1. Section 25-3-41, Mississippi Code of 1972, is  
10 amended as follows:

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

20 (2) When any officer or employee of any county or  
21 municipality, or of any agency, board or commission thereof, after  
22 first being duly authorized, is required to travel in the  
23 performance of his official duties, such officer or employee shall  
24 receive as expenses Twenty Cents (20¢) for each mile actually and  
25 necessarily traveled, when such travel is done by a privately  
26 owned motor vehicle; provided, however, that the governing  
27 authorities of a county or municipality may, in their discretion,  
28 authorize an increase in the mileage reimbursement of officers and  
29 employees of such county or municipality, or of any agency, board

30 or commission thereof, in an amount not to exceed the mileage  
31 reimbursement rate authorized for officers and employees of the  
32 State of Mississippi in subsection (1) of this section.

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

40 (4) In addition to the foregoing, a public officer or  
41 employee shall be reimbursed for other actual expenses such as  
42 meals, lodging and other necessary expenses incurred in the course  
43 of such travel, subject to limitations placed on meals for  
44 intrastate and interstate official travel by the Department of  
45 Finance and Administration, provided, that the Legislative Budget  
46 Office shall place any limitations for expenditures made on  
47 matters under the jurisdiction of the Legislature. The Department  
48 of Finance and Administration shall set a maximum daily  
49 expenditure annually for such meals and shall notify officers and  
50 employees of changes to these allowances immediately upon approval  
51 of such changes. Travel by airline shall be at the tourist rate  
52 unless such space was unavailable. The officer or employee shall  
53 certify that tourist accommodations were not available if travel  
54 is performed in first class airline accommodations. Travel by  
55 airline shall originate at an airport located within the State of  
56 Mississippi, unless the officer or employee shall certify that  
57 such travel is less expensive if it originates at an airport  
58 located outside of the State of Mississippi. Itemized expense  
59 accounts shall be submitted by such officers or employees in such  
60 number as the department, agency or institution may require; but  
61 in any case one (1) copy shall be furnished by state departments,  
62 agencies or institutions to the Department of Finance and  
63 Administration for preaudit. The Department of Finance and  
64 Administration shall promulgate and adopt reasonable rules and  
65 regulations which it deems necessary and requisite to effectuate  
66 economies for all expenses authorized and paid pursuant to this

67 section. Requisitions shall be made on the State Fiscal Officer  
68 who shall issue his warrant on the State Treasurer. Provided,  
69 however, that the provisions of this section shall not include  
70 agencies financed entirely by federal funds and audited by federal  
71 auditors.

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

87 (6) No state or federal funds received from any source by  
88 any arm or agency of the state shall be expended in traveling  
89 outside of the continental limits of the United States until the  
90 governing body or head of the agency makes a finding and  
91 determination that the travel would be extremely beneficial to the  
92 state agency and obtains a written concurrence thereof from the  
93 Governor and the Department of Finance and Administration.

94 (7) Where any officer or employee of the State of  
95 Mississippi, or any department, agency or institution thereof, or  
96 of any county or municipality, or of any agency, board or  
97 commission thereof, is authorized to receive travel reimbursement  
98 under any other provision of law, such reimbursement may be paid  
99 under the provisions of this section or such other section, but

100 not under both.

101 (8) (a) The Department of Finance and Administration may  
102 contract with a commercial travel agency, after receiving  
103 competitive bids therefor, for such travel agency to provide all  
104 necessary travel services for state officers and employees.  
105 However, the administrative head of each state institution of  
106 higher learning may, in his discretion, contract with a commercial  
107 travel agency to provide necessary travel services for all  
108 academic officials and staff of the university in lieu of  
109 participation in the state travel agency contract. Any such  
110 decision by a university to contract with a separate travel agency  
111 shall be approved by the Board of Trustees of State Institutions  
112 of Higher Learning and certified to the Executive Director of the  
113 Department of Finance and Administration.

114 (b) Before executing a contract with a travel agency,  
115 the Department of Finance and Administration shall advertise for  
116 competitive bids once a week for two (2) consecutive weeks in a  
117 regular newspaper having a general circulation throughout the  
118 State of Mississippi. The contract for such services shall be  
119 executed with the lowest and best bidder. If the department  
120 determines that it should not contract with any of the bidders  
121 initially submitting proposals, the department may reject all such  
122 bids, advertise as provided herein and receive new proposals  
123 before executing the contract. The contract shall be for three  
124 (3) years, with an option for the travel agency to renew the  
125 contract on a one-year basis on the same terms as the original  
126 contract, for a maximum of two (2) renewals. After the travel  
127 agency has renewed the contract twice or has declined to renew the  
128 contract for the maximum number of times, the Department of  
129 Finance and Administration shall advertise for bids in the manner  
130 required by this section and execute a new contract.

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

133 carrier, he shall have his travel arrangements handled by such  
134 travel agency.

135 SECTION 2. This act shall take effect and be in force from  
136 and after July 1, 1999.