

By: Representative Eads

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 682
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PERSONS APPOINTED BY THE GOVERNOR OR LIEUTENANT
3 GOVERNOR TO A BOARD, COMMISSION OR OTHER POSITION THAT REQUIRES
4 CONFIRMATION BY THE SENATE MAY RECEIVE REIMBURSEMENT FOR MILEAGE
5 AND OTHER ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL
6 DUTIES BEFORE SUCH APPOINTMENT IS CONFIRMED BY THE SENATE; TO
7 AMEND SECTION 25-3-69, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
8 PERSONS APPOINTED BY THE GOVERNOR OR LIEUTENANT GOVERNOR TO A
9 BOARD, COMMISSION OR OTHER POSITION THAT REQUIRES CONFIRMATION BY
10 THE SENATE MAY RECEIVE PER DIEM COMPENSATION FOR THE PERFORMANCE
11 OF OFFICIAL DUTIES BEFORE SUCH APPOINTMENT IS CONFIRMED BY THE
12 SENATE; AND FOR RELATED PURPOSES.

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

14 SECTION 1. Section 25-3-41, Mississippi Code of 1972, is
15 amended as follows:

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

25 (2) When any officer or employee of any county or
26 municipality, or of any agency, board or commission thereof, after
27 first being duly authorized, is required to travel in the
28 performance of his official duties, such officer or employee shall
29 receive as expenses Twenty Cents (20¢) for each mile actually and
30 necessarily traveled, when such travel is done by a privately
31 owned motor vehicle; provided, however, that the governing

32 authorities of a county or municipality may, in their discretion,
33 authorize an increase in the mileage reimbursement of officers and
34 employees of such county or municipality, or of any agency, board
35 or commission thereof, in an amount not to exceed the mileage
36 reimbursement rate authorized for officers and employees of the
37 State of Mississippi in subsection (1) of this section.

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

45 (4) In addition to the foregoing, a public officer or
46 employee shall be reimbursed for other actual expenses such as
47 meals, lodging and other necessary expenses incurred in the course
48 of such travel, subject to limitations placed on meals for
49 intrastate and interstate official travel by the Department of
50 Finance and Administration, provided, that the Legislative Budget
51 Office shall place any limitations for expenditures made on
52 matters under the jurisdiction of the Legislature. The Department
53 of Finance and Administration shall set a maximum daily
54 expenditure annually for such meals and shall notify officers and
55 employees of changes to these allowances immediately upon approval
56 of such changes. Travel by airline shall be at the tourist rate
57 unless such space was unavailable. The officer or employee shall
58 certify that tourist accommodations were not available if travel
59 is performed in first class airline accommodations. Itemized
60 expense accounts shall be submitted by such officers or employees
61 in such number as the department, agency or institution may
62 require; but in any case one (1) copy shall be furnished by state
63 departments, agencies or institutions to the Department of Finance
64 and Administration for preaudit or postaudit. The Department of

65 Finance and Administration shall promulgate and adopt reasonable
66 rules and regulations which it deems necessary and requisite to
67 effectuate economies for all expenses authorized and paid pursuant
68 to this section. Requisitions shall be made on the State Fiscal
69 Officer who shall issue his warrant on the State Treasurer.
70 Provided, however, that the provisions of this section shall not
71 include agencies financed entirely by federal funds and audited by
72 federal auditors.

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

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

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

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

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

110 (9) (a) The Department of Finance and Administration may
111 contract with one or more commercial travel agencies, after
112 receiving competitive bids or proposals therefor, for such travel
113 agency or agencies to provide necessary travel services for state
114 officers and employees. However, the administrative head of each
115 state institution of higher learning may, in his discretion,
116 contract with a commercial travel agency to provide necessary
117 travel services for all academic officials and staff of the
118 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 such bids, advertise as provided herein and receive new

131 proposals before executing the contract or contracts. The
132 contract or contracts may be for a period not greater than three
133 (3) years, with an option for the travel agency or agencies to
134 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 section 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 shall have his travel arrangements handled by such
144 travel agency or agencies.

145 SECTION 2. Section 25-3-69, Mississippi Code of 1972, is
146 amended as follows:

147 25-3-69. Unless otherwise provided by law, all officers and
148 employees of state agencies, boards, commissions, departments and
149 institutions authorized by law to receive per diem compensation
150 for each day or fraction thereof occupied with the discharge of
151 official duties shall be entitled to Forty Dollars (\$40.00) per
152 diem compensation. When the Governor or Lieutenant Governor
153 appoints a person to a board, commission or other position that
154 requires confirmation by the Senate, the person may receive per
155 diem compensation for the performance of official duties before
156 such appointment is confirmed by the Senate, as such per diem
157 compensation is authorized under this section.

158 SECTION 3. This act shall take effect and be in force from
159 and after January 1, 2001.