MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representatives Frierson, Bowles, Clarke, Horne, Stevens
To: Appropriations

HOUSE BILL NO. 987

AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION PERFORM THE FUNCTIONS OF THE STATE TRAVEL AGENCY IN THE EVENT THAT AN EXISTING CONTRACT BETWEEN THE STATE AND A TRAVEL AGENT IS TERMINATED UNTIL SUCH TIME AS A NEW TRAVEL AGENT CAN BE SELECTED; AND FOR RELATED PURPOSES.

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

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

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

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

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

(4) In addition to the foregoing, a public officer or
employee shall be reimbursed for other actual expenses such as
meals, lodging and other necessary expenses incurred in the course
of such travel, subject to limitations placed on meals for
intrastate and interstate official travel by the Department of
Finance and Administration, provided, that the Legislative Budget
Office shall place any limitations for expenditures made on
matters under the jurisdiction of the Legislature. The Department
of Finance and Administration shall set a maximum daily
expenditure annually for such meals and shall notify officers and
employees of changes to these allowances immediately upon approval
of such changes. Travel by airline shall be at the tourist rate
unless such space was unavailable. The officer or employee shall
certify that tourist accommodations were not available if travel
is performed in first class airline accommodations. Itemized
expense accounts shall be submitted by such officers or employees
in such number as the department, agency or institution may
require; but in any case one (1) copy shall be furnished by state
departments, agencies or institutions to the Department of Finance
and Administration for preaudit or postaudit. The Department of
Finance and Administration shall promulgate and adopt reasonable
rules and regulations which it deems necessary and requisite to
effectuate economies for all expenses authorized and paid pursuant
to this section. Requisitions shall be made on the State Fiscal
Officer who shall issue his warrant on the State Treasurer.
Provided, however, that the provisions of this section shall not
include agencies financed entirely by federal funds and audited by
federal auditors.

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

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

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

(8) (a) The Department of Finance and Administration may contract with one or more commercial travel agencies, after receiving competitive bids or proposals therefor, for such travel agency or agencies to provide necessary travel services for state officers and employees. However, the administrative head of each state institution of higher learning may, in his discretion, contract with a commercial travel agency to provide necessary travel services for all academic officials and staff of the university in lieu of participation in the state travel agency contract. Any such decision by a university to contract with a separate travel agency shall be approved by the Board of Trustees of State Institutions of Higher Learning and the Executive Director of the Department of Finance and Administration.

(b) Before executing a contract with one or more travel agencies, the Department of Finance and Administration shall advertise for competitive bids or proposals once a week for two (2) consecutive weeks in a regular newspaper having a general circulation throughout the State of Mississippi. If the department determines that it should not contract with any of the bidders initially submitting proposals, the department may reject all such bids, advertise as provided herein and receive new proposals before executing the contract or contracts. The contract or contracts may be for a period not greater than three (3) years, with an option for the travel agency or agencies to renew the contract or contracts on a one-year basis on the same terms as the original contract or contracts, for a maximum of two (2) renewals. After the travel agency or agencies have renewed the contract twice or have declined to renew the contract for the maximum number of times, the Department of Finance and Administration shall advertise for bids in the manner required by this section and execute a new contract or contracts.
(c) Whenever any state officer or employee travels in the performance of his official duties by airline or other public carrier, he shall have his travel arrangements handled by such travel agency or agencies.

(d) In the event that the Department of Finance and Administration or the travel agency finds it necessary to terminate a travel contract, the department shall perform the functions of the travel agency until such time as a new travel agent can be selected in accordance with the provisions of this subsection.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.