MISSISSIPPI LEGISLATURE

To: Appropriations

By: Representative Brown

HOUSE BILL NO. 1392

AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT FOR PRIOR APPROVAL OF THE GOVERNOR AND THE DEPARTMENT OF FINANCE AND ADMINISTRATION BEFORE ANY STATE OFFICER OR EMPLOYEE MAY TRAVEL OUTSIDE OF THE UNITED STATES; TO PROVIDE THAT USE OF THE STATE CONTRACT TRAVEL AGENCY BY STATE OFFICERS AND EMPLOYEES IS DISCRETIONARY, NOT MANDATORY; TO PROVIDE THAT THE AMOUNT PAID FOR AIRLINE TRANSPORTATION FOR ANY STATE OFFICER OR EMPLOYEE, WHETHER THE TRAVEL WAS ARRANGED BY THE STATE CONTRACT TRAVEL AGENCY OR WAS ARRANGED OTHERWISE, CANNOT EXCEED THE AMOUNT SPECIFIED IN THE STATE CONTRACT ESTABLISHED BY THE OFFICE OF PURCHASING AND TRAVEL, UNLESS PRIOR APPROVAL IS OBTAINED FROM THE OFFICE; 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, the officer or employee shall receive as expenses for each mile actually and necessarily traveled, when the 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, the officer or employee shall receive as expenses Twenty Cents (20¢) for each mile actually and necessarily traveled, when the travel is done by a privately owned motor vehicle; however, the governing authorities of a county or municipality may, in their discretion, authorize an

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increase in the mileage reimbursement of officers and employees of
the 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 the travel is done by means of a public
carrier or other means not involving a privately owned motor
vehicle, then the officer or employee shall receive as travel
expense the actual fare or other expenses incurred in the 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 the travel, subject to limitations placed on meals for
intrastate and interstate official travel by the Department of
Finance and Administration; however, 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 meals and shall notify officers and employees of changes
to these allowances immediately upon approval of the changes.
Travel by airline shall be at the tourist rate unless that 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 those 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 that it deems necessary and requisite to
effectuate economies for all expenses authorized and paid
according to this section. Requisitions shall be made on the
State Fiscal Officer who shall issue his warrant on the State
Treasurer. * * * However, * * * 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 before the 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 the travel. Upon return from the 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 that 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 those payments
and expenses.

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(6) 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, the reimbursement may be paid
under the provisions of this section or that other section, but
not under both.

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

(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 that 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 those bids, advertise as provided in this paragraph 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 paragraph 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 may have his travel arrangements handled by that travel agency or agencies. The amount paid for airline transportation for any state officer or employee, whether the travel was arranged by that travel agency or agencies or was arranged otherwise, shall not exceed the amount specified in the state contract established by the Department of Finance and Administration, Office of Purchasing and Travel, unless prior approval is obtained from the office.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.