

By: Representative Denny

To: Municipalities;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1488

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 ALLOW MUNICIPAL AND COUNTY OFFICERS AND EMPLOYEES TO PARTICIPATE
3 IN THE STATE TRAVEL AGENCY CONTRACT; AND FOR RELATED PURPOSES.

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

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

7 25-3-41. (1) When any officer or employee of the State of
8 Mississippi, or any department, agency or institution thereof,
9 after first being duly authorized, is required to travel in the
10 performance of his official duties, such officer or employee shall
11 receive as expenses for each mile actually and necessarily
12 traveled, when such travel is done by a privately owned automobile
13 or other privately owned motor vehicle, the mileage reimbursement
14 rate allowable to federal employees for the use of a privately
15 owned vehicle while on official travel.

16 (2) When any officer or employee of any county or
17 municipality, or of any agency, board or commission thereof, after
18 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 Twenty Cents (20¢) for each mile actually and
21 necessarily traveled, when such travel is done by a privately
22 owned motor vehicle; provided, however, that the governing
23 authorities of a county or municipality may, in their discretion,
24 authorize an increase in the mileage reimbursement of officers and
25 employees of such county or municipality, or of any agency, board
26 or commission thereof, in an amount not to exceed the mileage



27 reimbursement rate authorized for officers and employees of the
28 State of Mississippi in subsection (1) of this section.

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

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



60 Officer who shall issue his warrant on the State Treasurer.
61 Provided, however, that the provisions of this section shall not
62 include agencies financed entirely by federal funds and audited by
63 federal auditors.

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

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

87 (7) Where any officer or employee of the State of
88 Mississippi, or any department, agency or institution thereof, or
89 of any county or municipality, or of any agency, board or
90 commission thereof, is authorized to receive travel reimbursement
91 under any other provision of law, such reimbursement may be paid



92 under the provisions of this section or such other section, but
93 not under both.

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

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

117 (b) Before executing a contract with one or more travel
118 agencies, the Department of Finance and Administration shall
119 advertise for competitive bids or proposals once a week for two
120 (2) consecutive weeks in a regular newspaper having a general
121 circulation throughout the State of Mississippi. If the
122 department determines that it should not contract with any of the
123 bidders initially submitting proposals, the department may reject
124 all such bids, advertise as provided herein and receive new



125 proposals before executing the contract or contracts. The
126 contract or contracts may be for a period not greater than three
127 (3) years, with an option for the travel agency or agencies to
128 renew the contract or contracts on a one-year basis on the same
129 terms as the original contract or contracts, for a maximum of two
130 (2) renewals. After the travel agency or agencies have renewed
131 the contract twice or have declined to renew the contract for the
132 maximum number of times, the Department of Finance and
133 Administration shall advertise for bids in the manner required by
134 this section and execute a new contract or contracts.

135 (c) Whenever any state officer or employee travels in
136 the performance of his official duties by airline or other public
137 carrier, he shall have his travel arrangements handled by such
138 travel agency or agencies.

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

