

By: Senator(s) Jordan

To: Fees, Salaries and Administration

SENATE BILL NO. 2293

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE TRAVEL EXPENSE REIMBURSEMENT FOR LOCAL GOVERNMENT
3 OFFICERS AND EMPLOYEES; 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 * * * 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
23 reimbursement rate allowable to federal employees for the use of a
24 privately owned vehicle while on official travel.

25 (3) Where two (2) or more officers or employees travel in
26 one (1) privately owned motor vehicle, only one (1) travel expense
27 allowance at the authorized rate per mile shall be allowed for any



28 one (1) trip. When such travel is done by means of a public
29 carrier or other means not involving a privately owned motor
30 vehicle, then such officer or employee shall receive as travel
31 expense the actual fare or other expenses incurred in such travel.

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



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

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

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

90 (8) When the Governor or Lieutenant Governor appoints a
91 person to a board, commission or other position that requires
92 confirmation by the Senate, the person may receive reimbursement



93 for mileage and other actual expenses incurred in the performance
94 of official duties before such appointment is confirmed by the
95 Senate, as reimbursement for such expenses is authorized under
96 this section.

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

110 (b) Before executing a contract with one or more travel
111 agencies, the Department of Finance and Administration shall
112 advertise for competitive bids or proposals once a week for two
113 (2) consecutive weeks in a regular newspaper having a general
114 circulation throughout the State of Mississippi. If the
115 department determines that it should not contract with any of the
116 bidders initially submitting proposals, the department may reject
117 all such bids, advertise as provided herein and receive new
118 proposals before executing the contract or contracts. The
119 contract or contracts may be for a period not greater than three
120 (3) years, with an option for the travel agency or agencies to
121 renew the contract or contracts on a one-year basis on the same
122 terms as the original contract or contracts, for a maximum of two
123 (2) renewals. After the travel agency or agencies have renewed
124 the contract twice or have declined to renew the contract for the
125 maximum number of times, the Department of Finance and



126 Administration shall advertise for bids in the manner required by
127 this section and execute a new contract or contracts.

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

132 **SECTION 2.** This act shall take effect and be in force from
133 and after October 1, 2002.

