

By: Senator(s) Burton

To: Fees, Salaries and Administration

SENATE BILL NO. 2625

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE PROVISION REQUIRING APPROVAL FROM THE GOVERNOR AND THE
3 DEPARTMENT OF FINANCE AND ADMINISTRATION BEFORE STATE OR FEDERAL
4 FUNDS MAY BE EXPENDED IN TRAVELING OUTSIDE OF THE CONTINENTAL
5 LIMITS OF THE UNITED STATES; TO ALLOW ANY STATE OFFICER OR
6 EMPLOYEE TO MAKE HIS TRAVEL ARRANGEMENTS WITHOUT USING THE TRAVEL
7 AGENCY ON CONTRACT WITH THE STATE; AND FOR RELATED PURPOSES.

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

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

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

20 (2) When any officer or employee of any county or
21 municipality, or of any agency, board or commission thereof, after
22 first being duly authorized, is required to travel in the
23 performance of his official duties, such officer or employee shall
24 receive as expenses Twenty Cents (20¢) for each mile actually and
25 necessarily traveled, when such travel is done by a privately
26 owned motor vehicle; provided, however, that the governing
27 authorities of a county or municipality may, in their discretion,
28 authorize an increase in the mileage reimbursement of officers and
29 employees of such county or municipality, or of any agency, board



30 or commission thereof, in an amount not to exceed the mileage
31 reimbursement rate authorized for officers and employees of the
32 State of Mississippi in subsection (1) of this section.

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

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



63 to this section. Requisitions shall be made on the State Fiscal
64 Officer who shall issue his warrant on the State Treasurer.
65 Provided, however, that the provisions of this section shall not
66 include agencies financed entirely by federal funds and audited by
67 federal auditors.

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

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

91 (7) When the Governor or Lieutenant Governor appoints a
92 person to a board, commission or other position that requires
93 confirmation by the Senate, the person may receive reimbursement
94 for mileage and other actual expenses incurred in the performance
95 of official duties before such appointment is confirmed by the



96 Senate, as reimbursement for such expenses is authorized under
97 this section.

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

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



129 (c) Whenever any state officer or employee travels in
130 the performance of his official duties by airline or other public
131 carrier, he may have his travel arrangements handled by such
132 travel agency or agencies. The amount paid for airline
133 transportation shall not exceed the amount specified in the state
134 contract established by the Office of Purchasing and Travel,
135 Department of Finance and Administration, unless prior approval is
136 obtained from the Office of Purchasing and Travel.

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

