

By: Representative McCoy

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1383

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT DISTRICT ATTORNEYS AND THEIR STAFF MAY BE REIMBURSED
3 FOR MEALS BOTH WITHIN AND OUTSIDE THEIR GEOGRAPHICAL DISTRICT; AND
4 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

61 effectuate economies for all expenses authorized and paid pursuant
62 to this section. Requisitions shall be made on the State Fiscal
63 Officer who shall issue his warrant on the State Treasurer.
64 Provided, however, that the provisions of this section shall not
65 include agencies financed entirely by federal funds and audited by
66 federal auditors.

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

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

90 (7) Where any officer or employee of the State of
91 Mississippi, or any department, agency or institution thereof, or
92 of any county or municipality, or of any agency, board or
93 commission thereof, is authorized to receive travel reimbursement

94 under any other provision of law, the reimbursement may be paid
95 under the provisions of this section or the other section, but not
96 under both.

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

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

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

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

138 (c) Whenever any state officer or employee travels in
139 the performance of his official duties by airline or other public
140 carrier, he may have his travel arrangements handled by that
141 travel agency or agencies. The amount paid for airline
142 transportation for any state officer or employee, whether the
143 travel was arranged by that travel agency or agencies or was
144 arranged otherwise, shall not exceed the amount specified in the
145 state contract established by the Department of Finance and
146 Administration, Office of Purchasing and Travel, unless prior
147 approval is obtained from the office.

148 **SECTION 2.** This act shall take effect and be in force from
149 and after July 1, 2004.