

By: Senator(s) Tollison

To: Fees, Salaries and Administration

SENATE BILL NO. 2040

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 ALLOW EMPLOYEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO EXPEND
3 FUNDS FOR TRAVEL OUTSIDE OF THE CONTINENTAL LIMITS OF THE UNITED
4 STATES UPON APPROVAL BY THE PRESIDENT OR HEAD OF THE INSTITUTION,
5 INSTEAD OF APPROVAL BY THE GOVERNOR AND THE DEPARTMENT OF FINANCE
6 AND ADMINISTRATION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

39 (4) In addition to the foregoing, a public officer or
40 employee shall be reimbursed for other actual expenses such as
41 meals, lodging and other necessary expenses incurred in the course
42 of the travel, subject to limitations placed on meals for
43 intrastate and interstate official travel by the Department of
44 Finance and Administration, provided, that the Legislative Budget
45 Office shall place any limitations for expenditures made on
46 matters under the jurisdiction of the Legislature. The Department
47 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. However, employees of state institutions of
90 higher learning may expend funds for travel outside of the
91 continental limits of the United States upon a written finding by
92 the president or head of the institution that the travel would be
93 extremely beneficial to the institution.

94 (7) Where any officer or employee of the State of
95 Mississippi, or any department, agency or institution thereof, or

96 of any county or municipality, or of any agency, board or
97 commission thereof, is authorized to receive travel reimbursement
98 under any other provision of law, the reimbursement may be paid
99 under the provisions of this section or the other section, but not
100 under both.

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

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

124 (b) Before executing a contract with one or more travel
125 agencies, the Department of Finance and Administration shall
126 advertise for competitive bids or proposals once a week for two
127 (2) consecutive weeks in a regular newspaper having a general
128 circulation throughout the State of Mississippi. If the

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

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

152 **SECTION 2.** This act shall take effect and be in force from
153 and after its passage.