

By: Senator(s) Robertson

To: Municipalities; Fees,
Salaries and Administration

SENATE BILL NO. 2521

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY MAY SET
3 THE MAXIMUM DAILY EXPENDITURE ON MEALS FOR INTRASTATE AND
4 INTERSTATE OFFICIAL TRAVEL BY MUNICIPAL OFFICERS OR EMPLOYEES; AND
5 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

92 (7) Where any officer or employee of the State of
93 Mississippi, or any department, agency or institution thereof, or
94 of any county or municipality, or of any agency, board or

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

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

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

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

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

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

150 **SECTION 2.** This act shall take effect and be in force from
151 and after July 1, 2005.