

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 1392

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE REQUIREMENT FOR PRIOR APPROVAL OF THE GOVERNOR AND THE
3 DEPARTMENT OF FINANCE AND ADMINISTRATION BEFORE ANY STATE OFFICER
4 OR EMPLOYEE MAY TRAVEL OUTSIDE OF THE UNITED STATES; TO PROVIDE
5 THAT USE OF THE STATE CONTRACT TRAVEL AGENCY BY STATE OFFICERS AND
6 EMPLOYEES IS DISCRETIONARY, NOT MANDATORY; TO PROVIDE THAT THE
7 AMOUNT PAID FOR AIRLINE TRANSPORTATION FOR ANY STATE OFFICER OR
8 EMPLOYEE, WHETHER THE TRAVEL WAS ARRANGED BY THE STATE CONTRACT
9 TRAVEL AGENCY OR WAS ARRANGED OTHERWISE, CANNOT EXCEED THE AMOUNT
10 SPECIFIED IN THE STATE CONTRACT ESTABLISHED BY THE OFFICE OF
11 PURCHASING AND TRAVEL, UNLESS PRIOR APPROVAL IS OBTAINED FROM THE
12 OFFICE; AND FOR RELATED PURPOSES.

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

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

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

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



33 increase in the mileage reimbursement of officers and employees of
34 the county or municipality, or of any agency, board or commission
35 thereof, in an amount not to exceed the mileage reimbursement rate
36 authorized for officers and employees of the State of Mississippi
37 in subsection (1) of this section.

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

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



66 rules and regulations that it deems necessary and requisite to
67 effectuate economies for all expenses authorized and paid
68 according to this section. Requisitions shall be made on the
69 State Fiscal Officer who shall issue his warrant on the State
70 Treasurer. * * * However, * * * the provisions of this section
71 shall not include agencies financed entirely by federal funds and
72 audited by federal auditors.

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

88 * * *

89 (6) Where any officer or employee of the State of
90 Mississippi, or any department, agency or institution thereof, or
91 of any county or municipality, or of any agency, board or
92 commission thereof, is authorized to receive travel reimbursement
93 under any other provision of law, the reimbursement may be paid
94 under the provisions of this section or that other section, but
95 not under both.

96 (7) When the Governor or Lieutenant Governor appoints a
97 person to a board, commission or other position that requires
98 confirmation by the Senate, the person may receive reimbursement



99 for mileage and other actual expenses incurred in the performance
100 of official duties before the appointment is confirmed by the
101 Senate, as reimbursement for those expenses is authorized under
102 this section.

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

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



132 Administration shall advertise for bids in the manner required by
133 this paragraph and execute a new contract or contracts.

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

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

