

By: Representative Denny

To: Municipalities;
Appropriations

HOUSE BILL NO. 1488
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 ALLOW MUNICIPAL AND COUNTY OFFICERS AND EMPLOYEES TO PARTICIPATE
3 IN THE STATE TRAVEL AGENCY CONTRACT; TO MAKE DISCRETIONARY THE USE
4 OF THE STATE CONTRACT TRAVEL AGENCY BY STATE OFFICERS AND
5 EMPLOYEES; TO PROVIDE THAT THE AMOUNT PAID FOR AIRLINE
6 TRANSPORTATION FOR ANY STATE OFFICER OR EMPLOYEE, WHETHER THE
7 TRAVEL WAS ARRANGED BY THE STATE CONTRACT TRAVEL AGENCY OR WAS
8 ARRANGED OTHERWISE, CANNOT EXCEED THE AMOUNT SPECIFIED IN THE
9 STATE CONTRACT ESTABLISHED BY THE OFFICE OF PURCHASING AND TRAVEL,
10 UNLESS PRIOR APPROVAL IS OBTAINED FROM THE OFFICE; AND FOR RELATED
11 PURPOSES.

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

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

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

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



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

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

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



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

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

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

95 (7) Where any officer or employee of the State of
96 Mississippi, or any department, agency or institution thereof, or
97 of any county or municipality, or of any agency, board or



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

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

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

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



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

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

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

