

By: Senator(s) Burton

To: Fees, Salaries and
Administration

SENATE BILL NO. 2625

1 AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE PROVISION REQUIRING APPROVAL FROM THE GOVERNOR AND THE
3 DEPARTMENT OF FINANCE AND ADMINISTRATION BEFORE STATE OR FEDERAL
4 FUNDS MAY BE EXPENDED IN TRAVELING OUTSIDE OF THE CONTINENTAL
5 LIMITS OF THE UNITED STATES; TO ALLOW ANY STATE OFFICER OR
6 EMPLOYEE TO MAKE HIS TRAVEL ARRANGEMENTS WITHOUT USING THE TRAVEL
7 AGENCY ON CONTRACT WITH THE STATE; AND FOR RELATED PURPOSES.

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

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

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

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



or commission thereof, in an amount not to exceed the mileage reimbursement rate authorized for officers and employees of the State of Mississippi in subsection (1) of this section.

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

(4) In addition to the foregoing, a public officer or employee shall be reimbursed for other actual expenses such as meals, lodging and other necessary expenses incurred in the course of such travel, subject to limitations placed on meals for intrastate and interstate official travel by the Department of Finance and Administration, provided, that the Legislative Budget Office shall place any limitations for expenditures made on matters under the jurisdiction of the Legislature. The Department of Finance and Administration shall set a maximum daily expenditure annually for such meals and shall notify officers and employees of changes to these allowances immediately upon approval of such changes. Travel by airline shall be at the tourist rate unless such space was unavailable. The officer or employee shall certify that tourist accommodations were not available if travel is performed in first class airline accommodations. Itemized expense accounts shall be submitted by such officers or employees in such number as the department, agency or institution may require; but in any case one (1) copy shall be furnished by state departments, agencies or institutions to the Department of Finance and Administration for preaudit or postaudit. The Department of Finance and Administration shall promulgate and adopt reasonable rules and regulations which it deems necessary and requisite to effectuate economies for all expenses authorized and paid pursuant



63 to this section. Requisitions shall be made on the State Fiscal
64 Officer who shall issue his warrant on the State Treasurer.
65 Provided, however, that the provisions of this section shall not
66 include agencies financed entirely by federal funds and audited by
67 federal auditors.

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

83 * * *

84 (6) Where any officer or employee of the State of
85 Mississippi, or any department, agency or institution thereof, or
86 of any county or municipality, or of any agency, board or
87 commission thereof, is authorized to receive travel reimbursement
88 under any other provision of law, such reimbursement may be paid
89 under the provisions of this section or such other section, but
90 not under both.

91 (7) When the Governor or Lieutenant Governor appoints a
92 person to a board, commission or other position that requires
93 confirmation by the Senate, the person may receive reimbursement
94 for mileage and other actual expenses incurred in the performance
95 of official duties before such appointment is confirmed by the



Senate, as reimbursement for such expenses is authorized under this section.

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

(b) Before executing a contract with one or more travel agencies, the Department of Finance and Administration shall advertise for competitive bids or proposals once a week for two (2) consecutive weeks in a regular newspaper having a general circulation throughout the State of Mississippi. If the department determines that it should not contract with any of the bidders initially submitting proposals, the department may reject all such bids, advertise as provided herein and receive new proposals before executing the contract or contracts. The contract or contracts may be for a period not greater than three (3) years, with an option for the travel agency or agencies to renew the contract or contracts on a one-year basis on the same terms as the original contract or contracts, for a maximum of two (2) renewals. After the travel agency or agencies have renewed the contract twice or have declined to renew the contract for the maximum number of times, the Department of Finance and Administration shall advertise for bids in the manner required by this section and execute a new contract or contracts.



129 (c) Whenever any state officer or employee travels in
130 the performance of his official duties by airline or other public
131 carrier, he may have his travel arrangements handled by such
132 travel agency or agencies. The amount paid for airline
133 transportation shall not exceed the amount specified in the state
134 contract established by the Office of Purchasing and Travel,
135 Department of Finance and Administration, unless prior approval is
136 obtained from the Office of Purchasing and Travel.

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

