

By: Representative Pierce

To: Appropriations

HOUSE BILL NO. 757

1 AN ACT TO AMEND SECTIONS 25-3-41 AND 25-3-69, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THAT APPOINTEES OF THE SPEAKER OF THE
3 HOUSE OF REPRESENTATIVES ARE AUTHORIZED TO RECEIVE EXPENSE
4 REIMBURSEMENT AND PER DIEM FOR OFFICIAL DUTIES; AND FOR RELATED
5 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. The Department
46 of Finance and Administration shall set a maximum daily
47 expenditure annually for such meals and shall notify officers and
48 employees of changes to these allowances immediately upon approval
49 of the changes. Travel by airline shall be at the tourist rate
50 unless that space was unavailable. The officer or employee shall
51 certify that tourist accommodations were not available if travel
52 is performed in first class airline accommodations. Itemized
53 expense accounts shall be submitted by those officers or employees
54 in such number as the department, agency or institution may
55 require; but in any case one (1) copy shall be furnished by state
56 departments, agencies or institutions to the Department of Finance
57 and Administration for preaudit or postaudit. The Department of
58 Finance and Administration shall promulgate and adopt reasonable
59 rules and regulations which it deems necessary and requisite to
60 effectuate economies for all expenses authorized and paid pursuant
61 to this section. Requisitions shall be made on the State Fiscal

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

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

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

89 (7) 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 the other section, but not
95 under both.

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

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

119 (b) Before executing a contract with one or more travel
120 agencies, the Department of Finance and Administration shall
121 advertise for competitive bids or proposals once a week for two
122 (2) consecutive weeks in a regular newspaper having a general
123 circulation throughout the State of Mississippi. If the
124 department determines that it should not contract with any of the
125 bidders initially submitting proposals, the department may reject
126 all those bids, advertise as provided in this paragraph and

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

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

147 **SECTION 2.** Section 25-3-69, Mississippi Code of 1972, is
148 amended as follows:

149 25-3-69. Unless otherwise provided by law, all officers and
150 employees of state agencies, boards, commissions, departments and
151 institutions authorized by law to receive per diem compensation
152 for each day or fraction thereof occupied with the discharge of
153 official duties shall be entitled to Forty Dollars (\$40.00) per
154 diem compensation. When the Governor, Lieutenant Governor or
155 Speaker of the House of Representatives appoints a person to a
156 board, commission or other position that requires confirmation by
157 the Senate, the person may receive per diem compensation for the
158 performance of official duties before such appointment is

159 confirmed by the Senate, as such per diem compensation is
160 authorized under this section.

161 **SECTION 3.** This act shall take effect and be in force from
162 and after July 1, 2005.