

By: Representative Capps

To: Appropriations

HOUSE BILL NO. 1299

1 AN ACT TO AMEND SECTION 27-104-25, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE ONE-YEAR LIMITATION ON PRESENTING CLAIMS THAT
3 ARISE FROM ORDERS FOR GOODS OR SERVICES AND THE REQUIREMENT THAT
4 THE CLAIMS BE FROM THE PRIOR FISCAL YEAR SHALL NOT APPLY TO CLAIMS
5 BETWEEN STATE AGENCIES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 27-104-25, Mississippi Code of 1972, is
8 amended as follows:

9 27-104-25. (1) The executive head and business manager of
10 each state agency shall be responsible for all obligations or
11 indebtedness incurred in the name of the agency, or by any
12 employee for them when incurred by such employee acting within the
13 scope of his employment.

14 (2) No obligations or indebtedness shall be incurred by any
15 such person during any allotment period in excess of the amount of
16 the estimate approved by the Department of Finance and
17 Administration or in the agency appropriation bill.

18 If a claim arising from orders for goods or services from the
19 prior fiscal year is presented within one (1) year and (a) the
20 payment of a claim does not cause an agency to exceed the amount
21 of its prior year budget estimate as approved by the Department of
22 Finance and Administration or its appropriation bill, and (b)
23 sufficient funds remain in the current fiscal year's allotment to
24 pay the claim, the State Treasurer, upon approval of the claim by
25 the Department of Finance and Administration, shall draw a warrant
26 in payment of the claim. The one-year limitation for the
27 presentation of a claim and the requirement that the claim be from

28 the prior fiscal year are not applicable to claims between state
29 agencies, as defined in Section 27-103-103.

30 (3) Contractual obligations, such as salary contracts, shall
31 be considered as incurred within the fiscal period in which they
32 are to be paid, and are to be encumbered against funds to be
33 available in that fiscal period, and shall include appropriate
34 cancellation clauses in the event the anticipated revenues from
35 which they are to be paid do not become available.

36 (4) Agencies having special funds, as defined in Section
37 27-103-103, shall not incur obligations or indebtedness against
38 such special funds in an amount in excess of revenues actually
39 anticipated and budgeted.

40 (5) If obligations or indebtedness shall be incurred
41 contrary to the provisions hereof, then neither the State of
42 Mississippi nor the agency shall have any liability therefor, and
43 the person, firm or corporation to whom the obligation or
44 indebtedness is due may recover the amount of the obligation or
45 indebtedness and twenty-five percent (25%) of the amount as
46 liquidated damages from the responsible officers, either
47 personally or upon their official bonds, either severally of
48 jointly.

49 SECTION 2. This act shall take effect and be in force from
50 and after July 1, 2001.