To: Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001
By: Representative Capps
To: Appropriations

HOUSE BILL NO. 1299

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

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

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

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

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

If a claim arising from orders for goods or services from the prior fiscal year is presented within one (1) year and (a) the payment of a claim does not cause an agency to exceed the amount of its prior year budget estimate as approved by the Department of Finance and Administration or its appropriation bill, and (b) sufficient funds remain in the current fiscal year's allotment to pay the claim, the State Treasurer, upon approval of the claim by the Department of Finance and Administration, shall draw a warrant in payment of the claim. The one-year limitation for the presentation of a claim and the requirement that the claim be from...
the prior fiscal year are not applicable to claims between state agencies, as defined in Section 27-103-103.

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

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

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

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