

Senate Amendments to House Bill No. 980

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

19 If a claim arising from orders for goods or services from the
20 prior fiscal year is presented within one (1) year and (a) the
21 payment of a claim does not cause an agency to exceed the amount
22 of its prior year budget estimate as approved by the Department of
23 Finance and Administration or its appropriation bill, and (b)
24 sufficient funds remain in the current fiscal year's allotment to

25 pay the claim, the State Treasurer, upon approval of the claim by
26 the Department of Finance and Administration, shall draw a warrant
27 in payment of the claim.

28 (3) Contractual obligations, such as salary contracts, * * *
29 shall include appropriate cancellation clauses in the event the
30 anticipated revenues from which they are to be paid do not become
31 available.

32 (4) Agencies having special funds, as defined in Section
33 27-103-103, shall not incur obligations or indebtedness against
34 such special funds in an amount in excess of revenues actually
35 anticipated and budgeted.

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

45 (6) Provided, however, that no personal liability of the
46 responsible officers under this section shall include any unfunded
47 liability for employee retirement or pension funds. Nothing in
48 this section shall diminish any responsibility of the responsible
49 officers to fund any employee retirement or pension plans, or any

50 liability as a result of any failure to fund such plans as
51 otherwise required by law.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2019, and shall stand repealed from and after
54 June 30, 2019.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 27-104-25, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE PROVISION THAT CONTRACTUAL OBLIGATIONS OF STATE
3 AGENCIES SHALL BE CONSIDERED AS INCURRED WITHIN THE FISCAL PERIOD
4 IN WHICH THEY ARE TO BE PAID, AND ARE TO BE ENCUMBERED AGAINST
5 FUNDS TO BE AVAILABLE IN THAT FISCAL PERIOD; AND FOR RELATED
6 PURPOSES.

SS02\HB980A.J

Liz Welch
Secretary of the Senate