

By: Senator(s) Gordon, Jordan

To: Appropriations

SENATE BILL NO. 2258

1 AN ACT TO AMEND SECTION 27-104-25, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE LIMITATION OF ONE YEAR FOR THE PRESENTATION OF
3 A CLAIM FOR PAYMENT DOES NOT APPLY TO CLAIMS BETWEEN STATE
4 AGENCIES; AND FOR RELATED PURPOSES.

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

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

8 27-104-25. (1) The executive head and business manager of
9 each state agency shall be responsible for all obligations or
10 indebtedness incurred in the name of the agency, or by any
11 employee for them when incurred by such employee acting within the
12 scope of his employment.

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

17 If a claim arising from orders for goods or services from the
18 prior fiscal year is presented within one (1) year and (a) the
19 payment of a claim does not cause an agency to exceed the amount
20 of its prior year budget estimate as approved by the Department of
21 Finance and Administration or its appropriation bill, and (b)
22 sufficient funds remain in the current fiscal year's allotment to
23 pay the claim, the State Treasurer, upon approval of the claim by
24 the Department of Finance and Administration, shall draw a warrant
25 in payment of the claim. The limitation of one (1) year for the
26 presentation of a claim is not applicable to claims between state
27 agencies as defined by the Mississippi Code of 1972.

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

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

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

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