

By: Clark, Barnett (92nd)

To: Appropriations

HOUSE BILL NO. 361

1 AN ACT TO PROVIDE THAT WHENEVER THE LEGISLATURE AUTHORIZES AN
2 INCREASE IN THE NUMBER OF EMPLOYMENT POSITIONS FOR A STATE AGENCY
3 ABOVE THE NUMBER OF POSITIONS AUTHORIZED FOR THE PREVIOUS FISCAL
4 YEAR, AND SOME OR ALL OF THE ADDITIONAL POSITIONS ARE NOT FILLED,
5 THE MONEY ALLOCATED IN THE AGENCY'S APPROPRIATION BILL FOR
6 SALARIES FOR THE ADDITIONAL POSITIONS THAT ARE NOT FILLED SHALL
7 NOT BE EXPENDED BY THE AGENCY TO INCREASE THE SALARIES OF ANY
8 OTHER EMPLOYEES; TO PROVIDE THAT WHENEVER THE LEGISLATURE
9 AUTHORIZES SALARY INCREASES FOR EMPLOYEES OF A STATE AGENCY, THE
10 AGENCY SHALL PROVIDE THE SALARY INCREASES TO THE EMPLOYEES IN
11 STRICT COMPLIANCE WITH THE LEGISLATIVE INTENT EXPRESSED AND ANY
12 FORMULA SPECIFIED IN THE AGENCY'S APPROPRIATION BILL; TO PROHIBIT
13 STATE AGENCIES FROM ASKING THE PERSONNEL BOARD TO REALIGN
14 EMPLOYMENT POSITIONS UNLESS THE AGENCY PROVIDES FULL DOCUMENTATION
15 TO THE BOARD THAT THE AGENCY HAS SUFFICIENT FUNDS IN ITS CURRENT
16 APPROPRIATION BILL TO FULLY FUND THE INCREASED SALARIES OF THE
17 REALIGNED POSITIONS THROUGH THE END OF THE FISCAL YEAR; TO
18 PROHIBIT THE PERSONNEL BOARD FROM AUTHORIZING OR APPROVING THE
19 REALIGNMENT OF ANY EMPLOYMENT POSITIONS OF ANY STATE AGENCY UNLESS
20 THE BOARD HAS DETERMINED THAT THE AGENCY HAS SUFFICIENT FUNDS IN
21 ITS CURRENT APPROPRIATION BILL TO FULLY FUND THE INCREASED
22 SALARIES OF THE REALIGNED POSITIONS THROUGH THE END OF THE FISCAL
23 YEAR; TO PROVIDE THAT THE HEAD OF ANY STATE AGENCY THAT EXPENDS
24 FUNDS IN VIOLATION OF THE PROVISIONS OF THIS ACT SHALL BE
25 PERSONALLY LIABLE TO THE STATE FOR THE AMOUNT OF MONEY IMPROPERLY
26 EXPENDED; TO PROHIBIT THE STATE FISCAL OFFICER FROM ISSUING ANY
27 WARRANTS THAT WOULD AUTHORIZE ANY STATE AGENCY TO EXPEND ANY MONEY
28 IN VIOLATION OF THE PROVISIONS OF THIS ACT; AND FOR RELATED
29 PURPOSES.

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

31 SECTION 1. (1) Whenever the Legislature has authorized more
32 employment positions for a state agency in its appropriation bill
33 for the current fiscal year than the number of employment
34 positions that were authorized for that agency in its

35 appropriation bill for the previous fiscal year, and some or all
36 of the additional employment positions are not filled by the
37 agency during the current fiscal year, the money allocated in the
38 agency's appropriation bill for the current fiscal year for
39 salaries, wages and fringe benefits for the additional employment
40 positions that are not filled shall not be used by the agency to
41 increase the salaries, wages or fringe benefits of any other
42 employment positions or be expended by the agency for any other
43 purpose.

44 (2) The amount of general funds allocated in a state
45 agency's appropriation bill for the current fiscal year for
46 additional employment positions that are not filled shall lapse
47 into the State General Fund at the end of the current fiscal year,
48 and the amount of special funds allocated in a state agency's
49 appropriation bill for the current fiscal year for additional
50 employment positions that are not filled shall remain in the
51 special fund at the end of the current fiscal year unless they are
52 required by law to lapse into the State General Fund.

53 (3) If the executive head or other employee of a state
54 agency authorizes or allows any of the money allocated in the
55 agency's appropriation bill for the current fiscal year for
56 salaries, wages and fringe benefits for additional employment
57 positions that are not filled, to be used to increase the
58 salaries, wages or fringe benefits of any other employment
59 positions or to be expended for any other purpose in violation of
60 this section, the executive head or other employee shall be
61 personally liable to the State of Mississippi for the amount of
62 money so authorized or allowed to be improperly used or expended.

63 (4) The State Fiscal Officer shall not issue any warrant
64 authorizing any of the money allocated in a state agency's
65 appropriation bill for the current fiscal year for salaries, wages

66 and fringe benefits for additional employment positions that are
67 not filled, to be used to increase the salaries, wages or fringe
68 benefits of any other employment positions or to be expended for
69 any other purpose in violation of this section.

70 SECTION 2. (1) Whenever the Legislature has authorized
71 salary increases for the employees of any state agency in the
72 agency's appropriation bill, the executive head of the agency
73 shall provide the salary increases to the employees in strict
74 compliance with the legislative intent expressed and any formula
75 specified in the appropriation bill. If the Legislature provides
76 for across-the-board salary increases for the employees of a state
77 agency in the agency's appropriation bill, and the bill specifies
78 that the salary increases are to be the same amount for each
79 employee, the money allocated in the appropriation bill for
80 across-the-board salary increases shall not be used by the agency
81 to provide salary increases in different amounts for different
82 employees.

83 (2) If the executive head or other employee of a state
84 agency authorizes or allows any of the money allocated in the
85 agency's appropriation bill for salary increases for employees of
86 the agency to be used or expended in any manner that is not in
87 strict compliance with the legislative intent expressed and any
88 formula specified in the appropriation bill or that is otherwise
89 in violation of this section, the executive head or other employee
90 shall be personally liable to the State of Mississippi for the
91 amount of money so authorized or allowed to be improperly used or
92 expended.

93 (3) The State Fiscal Officer shall not issue any warrant

94 authorizing any of the money allocated in a state agency's
95 appropriation bill for salary increases for employees of the
96 agency to be used or expended in any manner that is not in strict
97 compliance with the legislative intent expressed and any formula
98 specified in the appropriation bill or that is otherwise in
99 violation of this section.

100 SECTION 3. (1) A state agency shall not ask the State
101 Personnel Board or the State Personnel Director to realign any
102 employment positions of the agency unless the agency concurrently
103 provides full documentation to the Personnel Board or the
104 Personnel Director that the agency has sufficient funds allocated
105 in its appropriation bill for the current fiscal year for
106 salaries, wages and fringe benefits to fully fund the increased
107 salaries, wages and fringe benefits of the realigned positions
108 through the end of the current fiscal year without receiving an
109 additional or deficit appropriation during the same fiscal year.
110 The State Personnel Board or the State Personnel Director shall
111 not realign or authorize or approve a realignment of any
112 employment positions of any state agency unless the Personnel
113 Board or the Personnel Director has determined with certainty that
114 the agency has sufficient funds allocated in its appropriation
115 bill for the current fiscal year for salaries, wages and fringe
116 benefits to fully fund the increased salaries, wages and fringe
117 benefits of the realigned positions through the end of the current
118 fiscal year without receiving an additional or deficit
119 appropriation during the same fiscal year.

120 (2) If the executive head or other employee of a state
121 agency asks the State Personnel Board or the State Personnel

122 Director to realign any employment positions of the agency with
123 the knowledge that the agency does not have sufficient funds
124 allocated in its appropriation bill for the current fiscal year
125 for salaries, wages and fringe benefits to fully fund the
126 increased salaries, wages and fringe benefits of the realigned
127 positions through the end of the current fiscal year without
128 receiving an additional or deficit appropriation during the same
129 fiscal year, and the agency expends money for increases in the
130 salaries, wages or fringe benefits of the realigned positions and
131 later needs an additional or deficit appropriation during the same
132 fiscal year as a result of those increased expenditures for the
133 realigned positions, the executive head or other employee shall be
134 personally liable to the State of Mississippi for the amount of
135 money expended for increases in the salaries, wages or fringe
136 benefits of the realigned positions.

137 (3) If the State Personnel Board or the State Personnel
138 Director realigns or authorizes or approves a realignment of any
139 employment positions of any state agency without determining with
140 certainty that the agency has sufficient funds allocated in its
141 appropriation bill for the current fiscal year for salaries, wages
142 and fringe benefits to fully fund the increased salaries, wages
143 and fringe benefits of the realigned positions through the end of
144 the current fiscal year without receiving an additional or deficit
145 appropriation during the same fiscal year, and the agency expends
146 money for increases in the salaries, wages or fringe benefits of
147 the realigned positions and later needs an additional or deficit
148 appropriation during the same fiscal year as a result of those
149 increased expenditures for the realigned positions, the members of

150 the Personnel Board or the Personnel Director, whichever
151 authorized or approved the realignment of the positions, shall be
152 personally liable to the State of Mississippi for the amount of
153 money expended for increases in the salaries, wages or fringe
154 benefits of the realigned positions.

155 (4) The State Fiscal Officer shall not issue any warrant
156 authorizing any of the money allocated in a state agency's
157 appropriation bill for salaries, wages and fringe benefits to be
158 expended for increases in the salaries, wages or fringe benefits
159 of any employment positions that were realigned during the current
160 fiscal year, unless there are sufficient funds allocated in the
161 agency's appropriation bill for the current fiscal year for
162 salaries, wages and fringe benefits to fully fund the increased
163 salaries, wages and fringe benefits of the realigned positions
164 through the end of the current fiscal year without receiving an
165 additional or deficit appropriation during the same fiscal year.

166 SECTION 4. This act shall take effect and be in force from
167 and after July 1, 2000.