HOUSE BILL NO. 35

AN ACT TO PROVIDE THAT WHENEVER THE NUMBER OF EMPLOYEES AUTHORIZED FOR A STATE AGENCY IS INCREASED ABOVE THE NUMBER AUTHORIZED FOR THE PREVIOUS FISCAL YEAR, AND SOME OR ALL OF THE ADDITIONAL AUTHORIZED EMPLOYEES ARE NOT HIRED, THE AMOUNT OF MONEY ALLOCATED IN THE CURRENT APPROPRIATION BILL FOR SALARIES FOR THE ADDITIONAL AUTHORIZED EMPLOYEES THAT ARE NOT HIRED SHALL NOT BE EXPENDED BY THE AGENCY TO INCREASE THE SALARY OF ANY OTHER EMPLOYEE; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Whenever the number of authorized positions for a state agency in its appropriation bill for the current fiscal year is more than the number of authorized positions for that agency in its appropriation bill for the previous fiscal year, and some or all of the additional authorized positions are not filled during the current fiscal year, the amount of money allocated in the current fiscal year's appropriation bill for salaries, wages and fringe benefits for the additional positions that are not filled shall not be expended by the agency to increase the salary, wages or fringe benefits for any other position or expended for any other purpose.

(2) The amount of general funds allocated in the current fiscal year's appropriation bill for the additional positions that are not filled shall lapse into the State General Fund at the end of the current fiscal year, and the amount of special funds allocated in the current fiscal year's appropriation bill for the additional positions that are not filled shall remain in the special fund at the end of the current fiscal year unless they are required by law to lapse into the State General Fund.

(3) If an executive head or other employee of a state agency authorizes or allows any of the money allocated in the agency's
current fiscal year appropriation bill for salaries, wages and
fringe benefits for additional authorized positions that are not
filled, to be expended to increase the salary, wages or fringe
benefits for any other position or expended for any other purpose
in violation of this section, the executive head or other employee
shall be personally liable to the State of Mississippi for the
amount of money so authorized or allowed to be expended.

(4) The State Fiscal Officer shall not issue any warrant
authorizing any of the money allocated in a state agency's current
fiscal year appropriation bill for salaries, wages and fringe
benefits for additional authorized positions that are not filled,
to be expended to increase the salary, wages or fringe benefits
for any other position or expended for any other purpose in
violation of this section.

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