By: Representative Clark

To: Fees and Salaries of Public Officers; Appropriations

HOUSE BILL NO. 95

AN ACT TO PROVIDE THAT IF ANY EMPLOYEE POSITION THAT IS AUTHORIZED FOR A STATE AGENCY IN ITS APPROPRIATION BILL IS NOT FILLED OR BECOMES VACANT DURING THE FISCAL YEAR, NONE OF THE MONEY THAT IS ALLOCATED IN THE APPROPRIATION BILL FOR THE SALARY FOR THAT POSITION MAY BE EXPENDED BY THE AGENCY TO INCREASE THE SALARY FOR ANY OTHER POSITION OF THE AGENCY; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) If any employee position that is authorized for a state agency or department in its appropriation bill is not filled or becomes vacant during the fiscal year, none of the money that is allocated in the appropriation bill for the salary, wages and fringe benefits for that position may be expended by the agency or department to increase the salary, wages or fringe benefits for any other position of the agency or department. The amount of general funds that is allocated in the appropriation bill for the salary, wages and fringe benefits for any position that is not filled or becomes vacant during the fiscal year shall lapse into the State General Fund at the end of the fiscal year. The amount of special funds that is allocated in the appropriation bill for the salary, wages and fringe benefits for any position that is not filled or becomes vacant during the fiscal year shall remain in the special fund at the end of the fiscal year, unless it is required by law to lapse into the State General Fund.

(2) If an executive head or other employee of a state agency or department authorizes or allows any of the money that is allocated in its appropriation bill for the salary, wages and fringe benefits for any authorized employee position that is not filled or becomes vacant during the fiscal year, to be expended to increase the salary, wages or fringe benefits for any other...
position of the agency or department 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.

(3) The State Fiscal Officer shall not issue any warrant authorizing any of the money that is allocated in the appropriation bill of a state agency or department for the salary, wages and fringe benefits for any authorized employee position that is not filled or becomes vacant during the fiscal year, to be expended to increase the salary, wages or fringe benefits for any other position of the agency or department in violation of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.