

By: Representative Clark

To: Appropriations

HOUSE BILL NO. 732

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

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

8 **SECTION 1.** (1) If any employee position that is authorized  
9 for a state agency or department in its appropriation bill is not  
10 filled or becomes vacant during the fiscal year, none of the money  
11 that is allocated in the appropriation bill for the salary, wages  
12 and fringe benefits for that position may be expended by the  
13 agency or department to increase the salary, wages or fringe  
14 benefits for any other position of the agency or department. The  
15 amount of general funds that is allocated in the appropriation  
16 bill for the salary, wages and fringe benefits for any position  
17 that is not filled or becomes vacant during the fiscal year shall  
18 lapse into the State General Fund at the end of the fiscal year.  
19 The amount of special funds that is allocated in the appropriation  
20 bill for the salary, wages and fringe benefits for any position  
21 that is not filled or becomes vacant during the fiscal year shall  
22 remain in the special fund at the end of the fiscal year, unless  
23 it is required by law to lapse into the State General Fund.

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



30 position of the agency or department in violation of this section,  
31 the executive head or other employee shall be personally liable to  
32 the State of Mississippi for the amount of money so authorized or  
33 allowed to be expended.

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

42 **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2003.

