

By: Representative Taylor

To: Appropriations

HOUSE BILL NO. 393

1 AN ACT TO PROVIDE THAT IF THE NUMBER OF EMPLOYEES AUTHORIZED  
 2 FOR A STATE AGENCY IS INCREASED ABOVE THE NUMBER AUTHORIZED FOR  
 3 THE PREVIOUS FISCAL YEAR, AND ANY OF THE ADDITIONAL AUTHORIZED  
 4 EMPLOYEES ARE NOT HIRED, NONE OF THE MONEY THAT IS ALLOCATED IN  
 5 THE CURRENT APPROPRIATION BILL FOR THE SALARY OF ANY ADDITIONAL  
 6 AUTHORIZED EMPLOYEE THAT IS NOT HIRED MAY BE EXPENDED BY THE  
 7 AGENCY TO INCREASE THE SALARY OF ANY OTHER EMPLOYEE OF THE AGENCY;  
 8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) If the number of authorized positions for a  
 11 state agency or department in its appropriation bill for the  
 12 current fiscal year is more than the number of authorized  
 13 positions for that agency or department in its appropriation bill  
 14 for the previous fiscal year, and any of the additional authorized  
 15 positions are not filled during the current fiscal year, none of  
 16 the money that is allocated in the current fiscal year's  
 17 appropriation bill for the salary, wages and fringe benefits for  
 18 any additional authorized position that is not filled during the  
 19 fiscal year may be expended by the agency or department to  
 20 increase the salary, wages or fringe benefits for any other  
 21 position of the agency or department or expended for any other  
 22 purpose. The amount of general funds that is allocated in the  
 23 current fiscal year's appropriation bill for the salary, wages and  
 24 fringe benefits for any additional authorized position that is not  
 25 filled during the fiscal year shall lapse into the State General  
 26 Fund at the end of the fiscal year. The amount of special funds  
 27 that is allocated in the current fiscal year's appropriation bill  
 28 for the salary, wages and fringe benefits for any additional  
 29 authorized position that is not filled during the fiscal year



30 shall remain in the special fund at the end of the fiscal year,  
31 unless it is required by law to lapse into the State General Fund.

32 (2) If an executive head or other employee of a state agency  
33 or department authorizes or allows any of the money that is  
34 allocated in its appropriation bill for the current fiscal year  
35 for the salary, wages and fringe benefits for any additional  
36 authorized position that is not filled during the fiscal year, to  
37 be expended to increase the salary, wages or fringe benefits for  
38 any other position of the agency or department or expended for any  
39 other purpose in violation of this section, the executive head or  
40 other employee shall be personally liable to the State of  
41 Mississippi for the amount of money so authorized or allowed to be  
42 expended.

43 (3) The State Fiscal Officer shall not issue any warrant  
44 authorizing any of the money that is allocated in the  
45 appropriation bill of a state agency or department for the current  
46 fiscal year for the salary, wages and fringe benefits for any  
47 additional authorized position that is not filled during the  
48 fiscal year, to be expended to increase the salary, wages or  
49 fringe benefits for any other position of the agency or department  
50 or expended for any other purpose in violation of this section.

51 **SECTION 2.** This act shall take effect and be in force from  
52 and after July 1, 2004.

