

By: Representative Brown

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 805

1 AN ACT TO PROHIBIT ANY STATE AGENCY FROM PURCHASING
2 EQUIPMENT, HIRING NEW EMPLOYEES, OR PROMOTING, RECLASSIFYING,
3 REALLOCATING OR REALIGNING PAY GRADES WITH REGARD TO ANY OF ITS
4 EMPLOYEES OR JOB POSITIONS DURING THE CURRENT FISCAL YEAR; TO
5 ESTABLISH AN APPEAL PROCEDURE TO THE STATE FISCAL OFFICER FOR
6 AGENCIES SEEKING TO TAKE ANY ACTION THAT OTHERWISE WOULD BE
7 PROHIBITED BY THIS ACT; TO SET FORTH THE DEMONSTRATION OF THE
8 EMERGENCY THAT MUST BE MADE BY THE AGENCY IN ITS APPEAL; TO
9 PROVIDE THAT THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL BE
10 NOTIFIED OF SUCH AN APPEAL AND THAT COMMITTEE MEMBERS MAY ATTEND
11 THE HEARING ON SUCH AN APPEAL; TO ALLOW THE STATE FISCAL OFFICER,
12 IN HIS DISCRETION, TO AUTHORIZE THE ACTION SOUGHT IN THE APPEAL;
13 TO AMEND SECTION 25-9-116, MISSISSIPPI CODE OF 1972, IN CONFORMITY
14 THERETO; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) Except as otherwise provided in subsections
17 (2) and (3) of this section, due to the severe budget concerns
18 during the current fiscal year, the following provisions shall
19 apply through June 30, 2004:

20 (a) No state agency is authorized to purchase any
21 equipment as defined in Section 31-7-1.

22 (b) No state agency is authorized to hire any new
23 employees, or promote, reclassify, reallocate or realign a pay
24 grade with regard to any of its employees or job positions. The
25 State Personnel Board shall immediately suspend all hirings,
26 promotions, reclassifications, reallocations and pay grade
27 realignments of employees or job positions.

28 (2) If a state agency determines that it is necessary to
29 take any action that otherwise would be prohibited under
30 subsection (1) of this section before July 1, 2004, the agency may
31 appeal to the State Fiscal Officer. The State Fiscal Officer
32 shall immediately notify the Joint Legislative Budget Committee of
33 the state agency's appeal and the date upon which the State Fiscal

34 Officer will hold a hearing on the appeal. The State Fiscal
35 Officer shall grant a hearing to the state agency on its appeal
36 within fifteen (15) days after notice of the appeal is given to
37 the State Fiscal Officer. The hearing shall not be a public
38 meeting; however, any member of the Joint Legislative Budget
39 Committee may attend the hearing. At the hearing, the state
40 agency must demonstrate to the satisfaction of the State Fiscal
41 Officer that a serious emergency exists of such magnitude that the
42 essential mission of the agency cannot be carried out without
43 taking an action that otherwise would be prohibited under
44 subsection (1) of this section. In making his decision, the State
45 Fiscal Officer may consider the source of funds to be used by the
46 state agency in taking that action. If the state agency makes the
47 demonstration required by this subsection, the State Fiscal
48 Officer, in his discretion, may authorize the agency to take the
49 action sought by the agency that otherwise would be prohibited
50 under subsection (1) of this section.

51 (3) For purposes of this section, the term "state agency"
52 means any agency, board, commission or department of the State of
53 Mississippi.

54 **SECTION 2.** Section 25-9-116, Mississippi Code of 1972, is
55 amended as follows:

56 **[Through June 30, 2004, this section will read as follows:]**

57 25-9-116. * * * The State Personnel Board shall institute an
58 immediate suspension of all hirings, promotions,
59 reclassifications, reallocations and pay grade realignments, as
60 provided in Section 1 of this act.

61 **[From and after July 1, 2004, this section will read as**
62 **follows:]**

63 25-9-116. Upon recommendation of the State Fiscal Officer,
64 after a determination that the state revenue and expenditure
65 requires such action, the State Personnel Board may institute an
66 immediate suspension of all hirings, promotions,

67 reclassifications, reallocations and pay grade realignments until
68 such time as the State Fiscal Officer shall recommend that such
69 action is no longer required.

70 **SECTION 3.** This act shall take effect and be in force from
71 and after its passage.