

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 805  
(As Passed the House)

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 this  
17 section, due to the severe budget concerns during the current  
18 fiscal year, the following provisions shall apply through June 30,  
19 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; however, if the Department of Mental  
38 Health is seeking to hire new professional or paraprofessional  
39 employees who work directly with patients or clients involved with  
40 department facilities and programs as replacements for  
41 professional or paraprofessional employees who leave employment  
42 with the department, then the State Fiscal Officer shall grant a  
43 hearing to the department on its appeal within three (3) days  
44 after notice of the appeal is given to the State Fiscal Officer.  
45 The hearing shall not be a public meeting; however, any member of  
46 the Joint Legislative Budget Committee may attend the hearing. At  
47 the hearing, the state agency must demonstrate to the satisfaction  
48 of the State Fiscal Officer that a serious emergency exists of  
49 such magnitude that the essential mission of the agency cannot be  
50 carried out without taking an action that otherwise would be  
51 prohibited under subsection (1) of this section. In making his  
52 decision, the State Fiscal Officer may consider the source of  
53 funds to be used by the state agency in taking that action. If  
54 the state agency makes the demonstration required by this  
55 subsection, the State Fiscal Officer, in his discretion, may  
56 authorize the agency to take the action sought by the agency that  
57 otherwise would be prohibited under subsection (1) of this  
58 section.

59 (3) A state agency may take any action that otherwise would  
60 be prohibited under subsection (1)(b) of this section if all of  
61 the funds to be expended to fund that action are federal funds.

62 (4) For purposes of this section, the term "state agency"  
63 means any agency, board, commission or department of the State of  
64 Mississippi.

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

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

68           25-9-116. \* \* \* The State Personnel Board shall institute an  
69 immediate suspension of all hirings, promotions,  
70 reclassifications, reallocations and pay grade realignments, as  
71 provided in Section 1 of this act.

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

74           25-9-116. Upon recommendation of the State Fiscal Officer,  
75 after a determination that the state revenue and expenditure  
76 requires such action, the State Personnel Board may institute an  
77 immediate suspension of all hirings, promotions,  
78 reclassifications, reallocations and pay grade realignments until  
79 such time as the State Fiscal Officer shall recommend that such  
80 action is no longer required.

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