

By: Senator(s) Gordon, Little

To: Appropriations

SENATE BILL NO. 2011

1 AN ACT TO AUTHORIZE THE STATE FISCAL OFFICER TO WAIVE CERTAIN  
2 PERSONNEL PROVISIONS PROVIDED IN FISCAL YEAR 2006 APPROPRIATION  
3 ACTS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. (1) It is the intention of the Legislature that  
6 state agencies be granted flexibility to administer their  
7 authorized personnel in the most efficient and effective manner to  
8 insure the agencies' statutory missions are not compromised as  
9 they meet all additional requirements necessitated by the  
10 unforeseen circumstances caused by Hurricane Katrina which are  
11 necessary to insure that the safety, health and welfare of all  
12 residents of the state are properly met.

13 (2) Due to the unforeseen circumstances caused by Hurricane  
14 Katrina, the State Fiscal Officer is hereby authorized to waive  
15 any provisions in acts of the Legislature appropriating funds for  
16 fiscal year 2006 which prohibit agencies from taking action to  
17 promote or otherwise award salary increases through reallocation,  
18 reclassification, realignment, education benchmark, career ladder,  
19 or any other means to increase salaries of employees or positions  
20 unless specifically exempted by the following conditions: the  
21 award of teacher pay increases, the advancement of a trainee/cadet  
22 to the next level of a bona fide career ladder, the award of an  
23 educational benchmark for the attainment of Certified Public  
24 Accountant License or higher level professional certification as  
25 determined by the State Personnel Board, the immediate replacement  
26 of a departing employee with an individual from within state  
27 service or a new hire at a salary level equivalent to that of the

28 departing employee, and the emergency appointment of nurses,  
29 pharmacists or other health care professionals at a salary to be  
30 determined by the State Personnel Board, unless otherwise  
31 authorized in this act.

32 (3) In addition, the State Fiscal Officer is hereby  
33 authorized to waive any provisions in acts of the Legislature  
34 appropriating funds for fiscal year 2006 which require agency  
35 heads to insure that no single personnel action increases the  
36 projected annual cost and/or the fiscal year 2006 appropriation  
37 for "personal services" when annualized, with the exception of  
38 escalated funds. Any waivers authorized by this section shall not  
39 completely waive requirements of agencies to maintain compliance  
40 with fiscal year 2006 appropriated levels for "personal services,"  
41 but shall require agencies to maintain monthly compliance similar  
42 to requirements in fiscal year 2004 appropriation acts. Any  
43 waivers granted by the State Fiscal Officer shall further require  
44 agencies to maintain compliance as follows:

45 With the funds herein appropriated, it is the intention of  
46 the Legislature that it shall be the agency's responsibility to  
47 make certain that funds required to be appropriated for "personal  
48 services" for fiscal year 2007 do not exceed fiscal year 2006  
49 funds appropriated for that purpose, unless programs or positions  
50 are added to the agency's fiscal year 2007 budget by the  
51 Mississippi Legislature. Based on data provided by the  
52 Legislative Budget Office, the State Personnel Board shall  
53 determine and publish the projected annual cost to fully fund all  
54 appropriated positions in compliance with the provisions of this  
55 act. It shall be the responsibility of the agency head to insure  
56 that no single personnel action increases this projected annual  
57 cost and/or the fiscal year 2006 appropriation for "personal  
58 services" when annualized. If, at the end of any calendar month,  
59 the State Personnel Board determines that the agency has taken  
60 action(s) which would cause the agency to exceed this projected

61 annual cost or the fiscal year 2006 "personal services"  
62 appropriated level, when annualized, then only those actions which  
63 reduce the projected annual cost and/or the appropriation  
64 requirement will be processed by the State Personnel Board until  
65 such time as the requirements of this provision are met.

66       **SECTION 2.** This act shall take effect and be in force from  
67 and after its passage and through June 30, 2006.