

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 324

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 2006:

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, 2006, 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 or the State Veterans Affairs Board is seeking to hire new
39 professional or paraprofessional employees who work directly with
40 patients or clients involved with department or board facilities
41 and programs as replacements for professional or paraprofessional
42 employees who leave employment with the department or board, then
43 the State Fiscal Officer shall grant a hearing to the department
44 or board on its appeal within three (3) days after notice of the
45 appeal is given to the State Fiscal Officer. The hearing shall
46 not be a public meeting; however, any member of the Joint
47 Legislative Budget Committee may attend the hearing. At the
48 hearing, the state agency must demonstrate to the satisfaction of
49 the State Fiscal Officer that a serious emergency exists of such
50 magnitude that the essential mission of the agency cannot be
51 carried out without taking an action that otherwise would be
52 prohibited under subsection (1) of this section. In making his
53 decision, the State Fiscal Officer may consider the source of
54 funds to be used by the state agency in taking that action. If
55 the state agency makes the demonstration required by this
56 subsection, the State Fiscal Officer, in his discretion, may
57 authorize the agency to take the action sought by the agency that
58 otherwise would be prohibited under subsection (1) of this
59 section.

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

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

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

68 **[Through June 30, 2006, this section will read as follows:]**

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

73 **[From and after July 1, 2006, this section will read as**
74 **follows:]**

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

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