

By: Representative Taylor

To: Appropriations

HOUSE BILL NO. 267

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, 2005.