

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 629
(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 2005:

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, 2005, 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 facilities and
41 programs as replacements for professional or paraprofessional
42 employees who leave employment with the department, then the State
43 Fiscal Officer shall grant a hearing to the department on its
44 appeal within three (3) days after notice of the appeal is given
45 to the State Fiscal Officer. The hearing shall not be a public
46 meeting; however, any member of the Joint Legislative Budget
47 Committee may attend the hearing. At the hearing, the state
48 agency must demonstrate to the satisfaction of the State Fiscal
49 Officer that a serious emergency exists of such magnitude that the
50 essential mission of the agency cannot be carried out without
51 taking an action that otherwise would be prohibited under
52 subsection (1) of this section. In making his decision, the State
53 Fiscal Officer may consider the source of funds to be used by the
54 state agency in taking that action. If the state agency makes the
55 demonstration required by this subsection, the State Fiscal
56 Officer, in his discretion, may authorize the agency to take the
57 action sought by the agency that otherwise would be prohibited
58 under subsection (1) of this 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, 2005, 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, 2005, 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.