By: Representative Brown

To: Appropriations

HOUSE BILL NO. 39

AN ACT TO PROHIBIT ANY STATE AGENCY FROM PURCHASING EQUIPMENT, HIRING NEW EMPLOYEES, OR PROMOTING, RECLASSIFYING, REALLOCATING OR REALIGNING PAY GRADES WITH REGARD TO ANY OF ITS EMPLOYEES OR JOB POSITIONS DURING THE CURRENT FISCAL YEAR AND THE NEXT FISCAL YEAR; TO ESTABLISH AN APPEAL PROCEDURE TO THE STATE FISCAL OFFICER FOR AGENCIES SEEKING TO TAKE ANY ACTION THAT OTHERWISE WOULD BE PROHIBITED BY THIS ACT; TO SET FORTH THE DEMONSTRATION OF THE EMERGENCY THAT MUST BE MADE BY THE AGENCY IN ITS APPEAL; TO PROVIDE THAT THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL BE NOTIFIED OF SUCH AN APPEAL; TO ALLOW THE STATE FISCAL OFFICER, IN HIS DISCRETION, TO AUTHORIZE THE ACTION SOUGHT IN THE APPEAL; TO AMEND SECTION 25-9-116, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Except as otherwise provided in this section, due to the severe budget concerns during the current fiscal year and the next fiscal year, the following provisions shall apply through June 30, 2012:

(a) No state agency is authorized to purchase any equipment as defined in Section 31-7-1.

(b) No state agency is authorized to hire any new employees, or promote, reclassify, reallocate or realign a pay grade with regard to any of its employees or job positions. The State Personnel Board shall immediately suspend all hirings, promotions, reclassifications, reallocations and pay grade realignments of employees or job positions.

(2) If a state agency determines that it is necessary to take any action that otherwise would be prohibited under subsection (1) of this section before July 1, 2012, the agency may appeal to the State Fiscal Officer. The State Fiscal Officer shall immediately notify the Joint Legislative Budget Committee of

the state agency's appeal and the date upon which the State Fiscal Officer will hold a hearing on the appeal. The State Fiscal Officer shall grant a hearing to the state agency on its appeal within fifteen (15) days after notice of the appeal is given to the State Fiscal Officer; however, if the Department of Mental Health or the State Veterans Affairs Board is seeking to hire new professional or paraprofessional employees who work directly with patients or clients involved with department or board facilities and programs as replacements for professional or paraprofessional employees who leave employment with the department or board, then the State Fiscal Officer shall grant a hearing to the department or board on its appeal within three (3) days after notice of the appeal is given to the State Fiscal Officer. At the hearing, the state agency must demonstrate to the satisfaction of the State Fiscal Officer that a serious emergency exists of such magnitude that the essential mission of the agency cannot be carried out without taking an action that otherwise would be prohibited under subsection (1) of this section. In making his decision, the State Fiscal Officer may consider the source of funds to be used by the state agency in taking that action. If the state agency makes the demonstration required by this subsection, the State Fiscal Officer, in his discretion, may authorize the agency to take the action sought by the agency that otherwise would be prohibited under subsection (1) of this section.

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

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

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

[Through June 30, 2012, this section will read as follows:]

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

[From and after July 1, 2012, this section will read as follows:]

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

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