

By: Representatives Read, Martinson,  
Broomfield, Brown, Davis, Denny, Middleton,  
Miles, Weathersby

To: Appropriations

HOUSE BILL NO. 1721

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE  
3 MISSISSIPPI REAL ESTATE COMMISSION FOR FISCAL YEAR 2005.

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

5 SECTION 1. The following sum, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 Treasury to the credit of the Real Estate License Fund, for the  
8 purpose of defraying the expenses of the Mississippi Real Estate  
9 Commission for the fiscal year beginning July 1, 2004, and ending  
10 June 30, 2005..... \$ 909,495.00.

11 SECTION 2. Of the funds appropriated under the provisions of  
12 Section 1, not more than the amounts set forth below shall be  
13 expended for the respective major objects or purposes of  
14 expenditure:

15 MAJOR OBJECTS OF EXPENDITURE:

16 Personal Services:

17	Salaries, Wages and Fringe Benefits..	\$	547,795.00
18	Travel and Subsistence.....		45,000.00
19	Contractual Services.....		269,500.00
20	Commodities.....		31,900.00
21	Capital Outlay:		
22	Other Than Equipment.....		0.00
23	Equipment.....		7,800.00
24	Subsidies, Loans and Grants.....		7,500.00
25	Total.....	\$	909,495.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 12

28	Part Time.....	0
29	Time-Limited: Full Time.....	0
30	Part Time.....	0

31 With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2006 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2005 appropriation for "Personal  
44 Services" when annualized, with the exception of escalated funds.  
45 If, at the time the agency takes any action to change "Personal  
46 Services," the State Personnel Board determines that the agency  
47 has taken an action which would cause the agency to exceed this  
48 projected annual cost or the Fiscal Year 2005 "Personal Services"  
49 appropriated level, when annualized, then only those actions which  
50 reduce the projected annual cost and/or the appropriation  
51 requirement will be processed by the State Personnel Board until  
52 such time as the requirements of this provision are met.

53 Any transfers or escalations shall be made in accordance with  
54 the terms, conditions and procedures established by law or  
55 allowable under the terms set forth within this act. The State  
56 Personnel Board shall not escalate positions without written  
57 approval from the Department of Finance and Administration. The  
58 Department of Finance and Administration shall not provide written  
59 approval to escalate any funds for salaries and/or positions

60 without proof of availability of new or additional funds above the  
61 appropriated level.

62 No general funds authorized to be expended herein shall be  
63 used to replace federal funds and/or other special funds which are  
64 being used for salaries authorized under the provisions of this  
65 act and which are withdrawn and no longer available.

66 **SECTION 3.** The funds authorized herein shall be used to fund  
67 all operations of the agency with the following prohibitions:

68 (1) The agency shall not fill any current or future vacant  
69 positions;

70 (2) The agency shall not take any action to promote or  
71 otherwise award salary increases through reallocation,  
72 reclassification, realignment, education benchmark, career ladder,  
73 or any other means to increase salaries of employees or positions  
74 except as allowed under the provisions set forth in House Bill No.  
75 1279, 2004 Regular Legislative Session;

76 (3) The agency shall not expend funds for out-of-state  
77 travel except as allowed under the provisions set forth in House  
78 Bill No. 1279, 2004 Regular Legislative Session;

79 (4) The agency shall not expend funds for the purchase of or  
80 contract for cellular phones, two-way radios or pagers, except for  
81 support of employees in the Department of Public Safety and the  
82 Bureau of Narcotics as recommended by Information Technology  
83 Services or as allowed under the provisions set forth in House  
84 Bill No. 1279, 2004 Regular Legislative Session;

85 (5) The agency shall not expend funds to publish or  
86 distribute any annual reports or other publications;

87 (6) The agency shall not expend funds for public relation  
88 activities regarding the functions, programs or services of the  
89 agency except as allowed under the provisions set forth in House  
90 Bill No. 1279, 2004 Regular Legislative Session;

91 (7) The agency shall not advertise the functions, programs  
92 or services of the agency except that the Mississippi Development

93 Authority is authorized to expend funds for advertising to carry  
94 out the purposes of key programs administered by the authority;

95 (8) The agency shall not expend funds for staff development  
96 or training services;

97 (9) The agency shall not expend funds for the purchase of  
98 new or replacement equipment or furniture, excluding lease  
99 purchase payments on agreements in effect upon passage of this  
100 appropriation bill, except as allowed under the provisions set  
101 forth in House Bill No. 1279, 2004 Regular Legislative Session.

102 **SECTION 4.** It is the intention of the Legislature that none  
103 of the funds appropriated above shall be expended unless members  
104 of the Mississippi House of Representatives and Mississippi Senate  
105 are notified at least five (5) days prior to a public ceremony  
106 announcing the award of any grant in their district or any public  
107 announcement or ceremony regarding the groundbreaking or opening  
108 of a facility, roadway or bridge for which the Legislature has  
109 made funds available. Any signage regarding any public event or  
110 any new facility, roadway or bridge shall include the following  
111 language: "Funds were made available for this project by the  
112 Mississippi State Legislature."

113 **SECTION 5.** It is the intention of the Legislature that the  
114 Mississippi Real Estate Commission shall maintain complete  
115 accounting and personnel records related to the expenditure of all  
116 funds appropriated under this act and that such records shall be  
117 in the same format and level of detail as maintained for Fiscal  
118 Year 2004. It is further the intention of the Legislature that  
119 the agency's budget request for Fiscal Year 2006 shall be  
120 submitted to the Joint Legislative Budget Committee in a format  
121 and level of detail comparable to the format and level of detail  
122 provided during the Fiscal Year 2005 budget request process.

123 **SECTION 6.** The money herein appropriated shall be paid by  
124 the State Treasurer out of any money in the State Treasury to the  
125 credit of the proper fund or funds as set forth in this act, upon

126 warrants issued by the State Fiscal Officer; and the State Fiscal  
127 Officer shall issue his warrants upon requisitions signed by the  
128 proper person, officer or officers, in the manner provided by law.

129       **SECTION 7.** This act shall take effect and be in force from  
130 and after July 1, 2004.