

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

To: Appropriations

HOUSE BILL NO. 55
(As Passed the House)

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 2006.

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, 2005, and ending
10 June 30, 2006..... \$ 1,081,891.00.

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..	\$	619,483.00
18	Travel and Subsistence.....		64,000.00
19	Contractual Services.....		334,808.00
20	Commodities.....		42,900.00
21	Capital Outlay:		
22	Other Than Equipment.....		0.00
23	Equipment.....		13,200.00
24	Subsidies, Loans and Grants.....		<u>7,500.00</u>
25	Total.....	\$	1,081,891.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 13

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 2007 do not exceed Fiscal Year 2006
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
67 award salary increases through reallocation, reclassification,
68 realignment, education benchmark, career ladder, or any other
69 means to increase salaries of employees or positions unless
70 specifically exempted by the following conditions: the award of
71 teacher pay increases, the advancement of a trainee/cadet to the
72 next level of a bona fide career ladder, the award of an
73 educational benchmark for the attainment of Certified Public
74 Accountant License or higher level professional certification as
75 determined by the State Personnel Board, the immediate replacement
76 of a departing employee with an individual from within state
77 service or a new hire at a salary level equivalent to that of the
78 departing employee, and the emergency appointment of nurses,
79 pharmacists or other health care professionals at a salary to be
80 determined by the State Personnel Board, unless otherwise
81 authorized in this act.

82 **SECTION 3.** It is the intention of the Legislature that the
83 Mississippi Real Estate Commission shall maintain complete
84 accounting and personnel records related to the expenditure of all
85 funds appropriated under this act and that such records shall be
86 in the same format and level of detail as maintained for Fiscal
87 Year 2005. It is further the intention of the Legislature that
88 the agency's budget request for Fiscal Year 2007 shall be
89 submitted to the Joint Legislative Budget Committee in a format
90 and level of detail comparable to the format and level of detail
91 provided during the Fiscal Year 2006 budget request process.

92 **SECTION 4.** Of the funds provided herein, the sum of
93 Forty-Three Thousand Four Hundred Forty-one Dollars (\$43,441.00)
94 is hereby assessed on any non-federal special funds and shall be
95 deposited to the Budget Contingency Fund created in Section
96 27-103-301, Mississippi Code of 1972, on or before October 1,
97 2005, for the purpose of reimbursing the State of Mississippi for
98 administrative costs.

99 **SECTION 5.** None of the monies appropriated under this act
100 shall be expended for payment of that amount of the salary of any
101 person holding the position of division director, department
102 director or head, bureau director, deputy or assistant director or
103 similar position on May 15, 2005, which would exceed the amount
104 actually paid for the same position on June 30, 2003, regardless
105 of the title or position held or duties performed by the person
106 holding the position on June 30, 2003.

107 **SECTION 6.** The money herein appropriated shall be paid by
108 the State Treasurer out of any money in the State Treasury to the
109 credit of the proper fund or funds as set forth in this act, upon
110 warrants issued by the State Fiscal Officer; and the State Fiscal
111 Officer shall issue his warrants upon requisitions signed by the
112 proper person, officer or officers, in the manner provided by law.

113 **SECTION 7.** This act shall take effect and be in force from
114 and after July 1, 2005.