

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

To: Appropriations

HOUSE BILL NO. 1605  
(As Sent to Governor)

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 2007.

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, 2006, and ending  
10 June 30, 2007..... \$ 1,147,616.00.

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.. | \$ | 661,280.00      |
| 18 | Travel and Subsistence.....           |    | 64,000.00       |
| 19 | Contractual Services.....             |    | 346,736.00      |
| 20 | Commodities.....                      |    | 42,900.00       |
| 21 | Capital Outlay:                       |    |                 |
| 22 | Other Than Equipment.....             |    | 0.00            |
| 23 | Equipment.....                        |    | 25,200.00       |
| 24 | Subsidies, Loans and Grants.....      |    | <u>7,500.00</u> |
| 25 | Total.....                            | \$ | 1,147,616.00    |

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 13

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

31 Funds are provided herein to adjust the Variable Compensation  
32 Plan to ensure that all full-time employees receive a pay increase  
33 equal to the realignment component of the Variable Compensation  
34 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,  
35 with not more than one-half (1/2) to be awarded on July 1, 2006,  
36 with the remainder to be awarded on January 1, 2007.

37 With the funds herein appropriated, it is the intention of  
38 the Legislature that it shall be the agency's responsibility to  
39 make certain that funds required to be appropriated for "Personal  
40 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
41 funds appropriated for that purpose, unless programs or positions  
42 are added to the agency's Fiscal Year 2008 budget by the  
43 Mississippi Legislature. Based on data provided by the  
44 Legislative Budget Office, the State Personnel Board shall  
45 determine and publish the projected annual cost to fully fund all  
46 appropriated positions in compliance with the provisions of this  
47 act. It shall be the responsibility of the agency head to insure  
48 that no single personnel action increases this projected annual  
49 cost and/or the Fiscal Year 2007 appropriation for "Personal  
50 Services" when annualized, with the exception of escalated funds.  
51 If, at the time the agency takes any action to change "Personal  
52 Services," the State Personnel Board determines that the agency  
53 has taken an action which would cause the agency to exceed this  
54 projected annual cost or the Fiscal Year 2007 "Personal Services"  
55 appropriated level, when annualized, then only those actions which  
56 reduce the projected annual cost and/or the appropriation  
57 requirement will be processed by the State Personnel Board until  
58 such time as the requirements of this provision are met.

59 Any transfers or escalations shall be made in accordance with  
60 the terms, conditions and procedures established by law or

61 allowable under the terms set forth within this act. The State  
62 Personnel Board shall not escalate positions without written  
63 approval from the Department of Finance and Administration. The  
64 Department of Finance and Administration shall not provide written  
65 approval to escalate any funds for salaries and/or positions  
66 without proof of availability of new or additional funds above the  
67 appropriated level.

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

72 **SECTION 3.** It is the intention of the Legislature that the  
73 Mississippi Real Estate Commission shall maintain complete  
74 accounting and personnel records related to the expenditure of all  
75 funds appropriated under this act and that such records shall be  
76 in the same format and level of detail as maintained for Fiscal  
77 Year 2006. It is further the intention of the Legislature that  
78 the agency's budget request for Fiscal Year 2008 shall be  
79 submitted to the Joint Legislative Budget Committee in a format  
80 and level of detail comparable to the format and level of detail  
81 provided during the Fiscal Year 2007 budget request process.

82 **SECTION 4.** It is the intention of the Legislature that  
83 whenever two (2) or more bids are received by this agency for the  
84 purchase of commodities or equipment, and whenever all things  
85 stated in such received bids are equal with respect to price,  
86 quality and service, the Mississippi Industries for the Blind  
87 shall be given preference. A similar preference shall be given to  
88 the Mississippi Industries for the Blind whenever purchases are  
89 made without competitive bids.

90 **SECTION 5.** The money herein appropriated shall be paid by  
91 the State Treasurer out of any money in the State Treasury to the  
92 credit of the proper fund or funds as set forth in this act, upon  
93 warrants issued by the State Fiscal Officer; and the State Fiscal

94 Officer shall issue his warrants upon requisitions signed by the  
95 proper person, officer or officers, in the manner provided by law.

96         **SECTION 6.** This act shall take effect and be in force from  
97 and after July 1, 2006.