

Senate Amendments to House Bill No. 1677

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, 2007, and ending  
10 June 30, 2008..... \$       1,355,554.00.

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..	\$       796,255.00
18	Travel and Subsistence.....	70,000.00
19	Contractual Services.....	404,199.00
20	Commodities.....	49,900.00
21	Capital Outlay:	
22	Other Than Equipment.....	0.00
23	Equipment.....	27,700.00
24	Vehicles.....	0.00
25	Wireless Communication Devices.....	0.00
26	Subsidies, Loans and Grants.....	<u>7,500.00</u>
27	Total.....	\$       1,355,554.00

28       AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	15
30		Part Time.....	0

31           Time-Limited: Full Time..... 0  
32                           Part Time..... 0

33           Funds are provided herein to adjust the Variable Compensation  
34 Plan to ensure that all full-time employees receive a pay increase  
35 equal to the realignment component of the Variable Compensation  
36 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)  
37 whichever is greater, to be awarded on July 1, 2007.

38           With the funds herein appropriated, it is the intention of  
39 the Legislature that it shall be the agency's responsibility to  
40 make certain that funds required to be appropriated for "Personal  
41 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
42 funds appropriated for that purpose, unless programs or positions  
43 are added to the agency's Fiscal Year 2009 budget by the  
44 Mississippi Legislature. Based on data provided by the  
45 Legislative Budget Office, the State Personnel Board shall  
46 determine and publish the projected annual cost to fully fund all  
47 appropriated positions in compliance with the provisions of this  
48 act. It shall be the responsibility of the agency head to insure  
49 that no single personnel action increases this projected annual  
50 cost and/or the Fiscal Year 2008 appropriation for "Personal  
51 Services" when annualized, with the exception of escalated funds.  
52 If, at the time the agency takes any action to change "Personal  
53 Services," the State Personnel Board determines that the agency  
54 has taken an action which would cause the agency to exceed this  
55 projected annual cost or the Fiscal Year 2008 "Personal Services"  
56 appropriated level, when annualized, then only those actions which  
57 reduce the projected annual cost and/or the appropriation  
58 requirement will be processed by the State Personnel Board until  
59 such time as the requirements of this provision are met.

60           Any transfers or escalations shall be made in accordance with  
61 the terms, conditions and procedures established by law or  
62 allowable under the terms set forth within this act. The State  
63 Personnel Board shall not escalate positions without written  
64 approval from the Department of Finance and Administration. The  
65 Department of Finance and Administration shall not provide written

66 approval to escalate any funds for salaries and/or positions  
67 without proof of availability of new or additional funds above the  
68 appropriated level.

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

73 The agency shall not take any action to promote or otherwise  
74 award salary increases through reallocation, reclassification,  
75 realignment, education benchmark, career ladder, or any other  
76 means to increase salaries of employees or positions unless  
77 specifically exempted by the following conditions: the award of  
78 teacher pay increases, the advancement of a trainee/cadet to the  
79 next level of a bona fide career ladder, the award of an  
80 educational benchmark for the attainment of Certified Public  
81 Accountant License or higher level professional certification as  
82 determined by the State Personnel Board, the immediate replacement  
83 of a departing employee with an individual from within state  
84 service or a new hire at a salary level equivalent to that of the  
85 departing employee, and the emergency appointment of nurses,  
86 pharmacists or other health care professionals at a salary to be  
87 determined by the State Personnel Board, unless otherwise  
88 authorized in this act.

89 **SECTION 3.** It is the intention of the Legislature that the  
90 Mississippi Real Estate Commission shall maintain complete  
91 accounting and personnel records related to the expenditure of all  
92 funds appropriated under this act and that such records shall be  
93 in the same format and level of detail as maintained for Fiscal  
94 Year 2007. It is further the intention of the Legislature that  
95 the agency's budget request for Fiscal Year 2009 shall be  
96 submitted to the Joint Legislative Budget Committee in a format  
97 and level of detail comparable to the format and level of detail  
98 provided during the Fiscal Year 2008 budget request process.

99 **SECTION 4.** It is the intention of the Legislature that  
100 whenever two (2) or more bids are received by this agency for the

101 purchase of commodities or equipment, and whenever all things  
102 stated in such received bids are equal with respect to price,  
103 quality and service, the Mississippi Industries for the Blind  
104 shall be given preference. A similar preference shall be given to  
105 the Mississippi Industries for the Blind whenever purchases are  
106 made without competitive bids.

107       **SECTION 5.** 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 6.** This act shall take effect and be in force from  
114 and after July 1, 2007.

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John O. Gilbert  
Secretary of the Senate