

Senate Amendments to House Bill No. 1685

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:

6 **SECTION 1.** The following sum, or so much thereof as may be
7 necessary, is appropriated out of any money in the State Treasury
8 to the credit of the Real Estate License Fund, for the purpose of
9 defraying the expenses of the Mississippi Real Estate Commission
10 for the fiscal year beginning July 1, 2020, and ending
11 June 30, 2021.....\$ 1,516,361.00.

12 **SECTION 2.** Of the funds appropriated under the provisions of
13 Section 1, the following positions are authorized for the
14 Mississippi Real Estate Commission:

15 AUTHORIZED POSITIONS:

16 Permanent:	Full Time.....	16
17	Part Time.....	0
18 Time-Limited:	Full Time.....	0
19	Part Time.....	0

20 With the funds herein appropriated, it shall be the agency's
21 responsibility to make certain that funds required to be
22 appropriated for "Personal Services" for Fiscal Year 2022 do not

23 exceed Fiscal Year 2021 funds appropriated for that purpose,
24 unless programs or positions are added to the agency's Fiscal Year
25 2021 budget by the Mississippi Legislature. Based on data
26 provided by the Legislative Budget Office, the State Personnel
27 Board shall determine and publish the projected annual cost to
28 fully fund all appropriated positions in compliance with the
29 provisions of this act. It shall be the responsibility of the
30 agency head to ensure that no single personnel action increases
31 this projected annual cost and/or the Fiscal Year 2021
32 appropriations for "Personal Services" when annualized, with the
33 exception of escalated funds and the award of benchmarks. If, at
34 the time the agency takes any action to change "Personal
35 Services," the State Personnel Board determines that the agency
36 has taken an action which would cause the agency to exceed this
37 projected annual cost or the Fiscal Year 2021 "Personal Services"
38 appropriated level, when annualized, then only those actions which
39 reduce the projected annual cost and/or the appropriation
40 requirement will be processed by the State Personnel Board until
41 such time as the requirements of this provision are met.

42 Any transfers or escalations shall be made in accordance with
43 the terms, conditions and procedures established by law or
44 allowable under the terms set forth within this act. The State
45 Personnel Board shall not escalate positions without written
46 approval from the Department of Finance and Administration. The
47 Department of Finance and Administration shall not provide written
48 approval to escalate any funds for salaries and/or positions

49 without proof of availability of new or additional funds above the
50 appropriated level.

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

55 None of the funds herein appropriated shall be used in
56 violation of Internal Revenue Service's Publication 15-A relating
57 to the reporting of income paid to contract employees, as
58 interpreted by the Office of the State Auditor.

59 **SECTION 3.** The following sum, or so much thereof as may be
60 necessary, is appropriated out of any money in the State Treasury
61 to the credit of the Real Estate Appraisal License Fund, for the
62 purpose of defraying the expenses of the Mississippi Real Estate
63 Appraiser Licensing and Certification Board for the fiscal year
64 beginning July 1, 2020, and ending June 30, 2021.....
65\$ 396,127.00.

66 **SECTION 4.** Of the funds appropriated under the provisions of
67 Section 3, the following positions are authorized for the
68 Mississippi Real Estate Appraiser Licensing and Certification
69 Board:

70 AUTHORIZED POSITIONS:

71	Permanent:	Full Time.....	4
72		Part Time.....	0
73	Time-Limited:	Full Time.....	0
74		Part Time.....	0

75 With the funds herein appropriated, it shall be the agency's
76 responsibility to make certain that funds required to be
77 appropriated for "Personal Services" for Fiscal Year 2022 do not
78 exceed Fiscal Year 2021 funds appropriated for that purpose,
79 unless programs or positions are added to the agency's Fiscal Year
80 2021 budget by the Mississippi Legislature. Based on data
81 provided by the Legislative Budget Office, the State Personnel
82 Board shall determine and publish the projected annual cost to
83 fully fund all appropriated positions in compliance with the
84 provisions of this act. It shall be the responsibility of the
85 agency head to ensure that no single personnel action increases
86 this projected annual cost and/or the Fiscal Year 2021
87 appropriations for "Personal Services" when annualized, with the
88 exception of escalated funds and the award of benchmarks. If, at
89 the time the agency takes any action to change "Personal
90 Services," the State Personnel Board determines that the agency
91 has taken an action which would cause the agency to exceed this
92 projected annual cost or the Fiscal Year 2021 "Personal Services"
93 appropriated level, when annualized, then only those actions which
94 reduce the projected annual cost and/or the appropriation
95 requirement will be processed by the State Personnel Board until
96 such time as the requirements of this provision are met.

97 Any transfers or escalations shall be made in accordance with
98 the terms, conditions and procedures established by law or
99 allowable under the terms set forth within this act. The State
100 Personnel Board shall not escalate positions without written

101 approval from the Department of Finance and Administration. The
102 Department of Finance and Administration shall not provide written
103 approval to escalate any funds for salaries and/or positions
104 without proof of availability of new or additional funds above the
105 appropriated level.

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

110 None of the funds herein appropriated shall be used in
111 violation of Internal Revenue Service's Publication 15-A relating
112 to the reporting of income paid to contract employees, as
113 interpreted by the Office of the State Auditor.

114 **SECTION 5.** It is the intention of the Legislature that the
115 Mississippi Real Estate Commission and the Real Estate Appraiser
116 Licensing and Certification Board shall maintain complete
117 accounting and personnel records related to the expenditure of all
118 funds appropriated under this act and that such records shall be
119 in the same format and level of detail as maintained for Fiscal
120 Year 2020. It is further the intention of the Legislature that
121 the agency's budget request for Fiscal Year 2022 shall be
122 submitted to the Joint Legislative Budget Committee in a format
123 and level of detail comparable to the format and level of detail
124 provided during the Fiscal Year 2021 budget request process.

125 **SECTION 6.** It is the intention of the Legislature that
126 whenever two (2) or more bids are received by this agency for the

127 purchase of commodities or equipment, and whenever all things
128 stated in such received bids are equal with respect to price,
129 quality and service, the Mississippi Industries for the Blind
130 shall be given preference. A similar preference shall be given to
131 the Mississippi Industries for the Blind whenever purchases are
132 made without competitive bids.

133 **SECTION 7.** It is the intention of the Legislature that the
134 funds herein appropriated shall be expended in compliance with
135 Section 27-104-25, Mississippi Code of 1972, that no state agency
136 shall incur obligations or indebtedness in excess of their
137 appropriation and that the responsible officers, either personally
138 or upon their official bonds, shall be held responsible for
139 actions contrary to this provision.

140 **SECTION 8.** The money herein appropriated shall be paid by
141 the State Treasurer out of any money in the State Treasury to the
142 credit of the proper fund or funds as set forth in this act, upon
143 warrants issued by the State Fiscal Officer; and the State Fiscal
144 Officer shall issue his warrants upon requisitions signed by the
145 proper person, officer or officers, in the manner provided by law.

146 **SECTION 9.** This act shall take effect and be in force from
147 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1685A.J

Eugene S. Clarke
Secretary of the Senate