

By: Representatives Read, Oliver, Cockerham, To: Appropriations
Hale, Haney, Huddleston, Jackson, Ladner,
Young

HOUSE BILL NO. 1377
(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 AND MISSISSIPPI REAL ESTATE
4 APPRAISER LICENSING AND CERTIFICATION BOARD FOR FISCAL YEAR 2022.

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

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, 2021, and ending June 30,
11 2022 \$ 1,641,882.00.

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 2023 do not
23 exceed Fiscal Year 2022 funds appropriated for that purpose unless
24 programs or positions are added to the agency's Fiscal Year 2022
25 budget by the Mississippi Legislature. Based on data provided by
26 the Legislative Budget Office, the State Personnel Board shall
27 determine and publish the projected annual cost to fully fund all
28 appropriated positions in compliance with the provisions of this
29 act. Absent a special situation or circumstance approved by the
30 State Personnel Board, or unless otherwise authorized by this act,
31 no state agency shall take any action to promote or otherwise
32 award salary increases through reallocation or realignment. If
33 the State Personnel Board determines a special situation or
34 circumstance exists and approves an action, then the agency and
35 the State Personnel Board shall provide a monthly report of each
36 action approved by the State Personnel Board to the chairmen of
37 the Accountability, Efficiency and Transparency Committees of the
38 Senate and House of Representatives and the chairmen of the
39 Appropriations Committees of the Senate and House of
40 Representatives. It shall be the responsibility of the agency
41 head to ensure that no single personnel action increases this
42 projected annual cost and/or the Fiscal Year 2022 appropriations
43 for "Personal Services" when annualized, with the exception of
44 escalated funds and the award of benchmarks. If, at the time the



45 agency takes any action to change "Personal Services," the State
46 Personnel Board determines that the agency has taken an action
47 which would cause the agency to exceed this projected annual cost
48 or the Fiscal Year 2022 "Personal Services" appropriated level,
49 when annualized, then only those actions which reduce the
50 projected annual cost and/or the appropriation requirement will be
51 processed by the State Personnel Board until such time as the
52 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 None of the funds herein appropriated shall be used in
67 violation of Internal Revenue Service's Publication 15-A relating
68 to the reporting of income paid to contract employees, as
69 interpreted by the Office of the State Auditor.



SECTION 3. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Real Estate Appraisal License Fund, for the purpose of defraying the expenses of the Mississippi Real Estate Appraiser Licensing and Certification Board for the fiscal year beginning July 1, 2021, and ending June 30, 2022.....
.....\$ 446,923.00.

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	4
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2022 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this



95 act. Absent a special situation or circumstance approved by the
96 State Personnel Board, or unless otherwise authorized by this act,
97 no state agency shall take any action to promote or otherwise
98 award salary increases through reallocation or realignment. If
99 the State Personnel Board determines a special situation or
100 circumstance exists and approves an action, then the agency and
101 the State Personnel Board shall provide a monthly report of each
102 action approved by the State Personnel Board to the chairmen of
103 the Accountability, Efficiency and Transparency Committees of the
104 Senate and House of Representatives and the chairmen of the
105 Appropriations Committees of the Senate and House of
106 Representatives. It shall be the responsibility of the agency
107 head to ensure that no single personnel action increases this
108 projected annual cost and/or the Fiscal Year 2022 appropriations
109 for "Personal Services" when annualized, with the exception of
110 escalated funds and the award of benchmarks. If, at the time the
111 agency takes any action to change "Personal Services," the State
112 Personnel Board determines that the agency has taken an action
113 which would cause the agency to exceed this projected annual cost
114 or the Fiscal Year 2022 "Personal Services" appropriated level,
115 when annualized, then only those actions which reduce the
116 projected annual cost and/or the appropriation requirement will be
117 processed by the State Personnel Board until such time as the
118 requirements of this provision are met.



Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

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

SECTION 5. It is the intention of the Legislature that the Mississippi Real Estate Commission and the Real Estate Appraiser Licensing and Certification Board shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2021. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2023 shall be



submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2022 budget request process.

SECTION 6. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

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

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



168 **SECTION 9.** This act shall take effect and be in force from
169 and after July 1, 2021.

