

**Senate Amendments to House Bill No. 1377**

**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, 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.

70 **SECTION 3.** The following sum, or so much thereof as may be  
71 necessary, is appropriated out of any money in the State Treasury  
72 to the credit of the Real Estate Appraisal License Fund, for the  
73 purpose of defraying the expenses of the Mississippi Real Estate

74 Appraiser Licensing and Certification Board for the fiscal year  
75 beginning July 1, 2021, and ending June 30, 2022.....  
76 .....\$ 446,923.00.

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

81 AUTHORIZED POSITIONS:

82	Permanent:	Full Time.....	4
83		Part Time.....	0
84	Time-Limited:	Full Time.....	0
85		Part Time.....	0

86 With the funds herein appropriated, it shall be the agency's  
87 responsibility to make certain that funds required to be  
88 appropriated for "Personal Services" for Fiscal Year 2023 do not  
89 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
90 programs or positions are added to the agency's Fiscal Year 2022  
91 budget by the Mississippi Legislature. Based on data provided by  
92 the Legislative Budget Office, the State Personnel Board shall  
93 determine and publish the projected annual cost to fully fund all  
94 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.

119 Any transfers or escalations shall be made in accordance with  
120 the terms, conditions and procedures established by law or  
121 allowable under the terms set forth within this act. The State  
122 Personnel Board shall not escalate positions without written  
123 approval from the Department of Finance and Administration. The  
124 Department of Finance and Administration shall not provide written  
125 approval to escalate any funds for salaries and/or positions

126 without proof of availability of new or additional funds above the  
127 appropriated level.

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131 act and which are withdrawn and no longer available.

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

136 **SECTION 5.** It is the intention of the Legislature that the  
137 Mississippi Real Estate Commission and the Real Estate Appraiser  
138 Licensing and Certification Board shall maintain complete  
139 accounting and personnel records related to the expenditure of all  
140 funds appropriated under this act and that such records shall be  
141 in the same format and level of detail as maintained for Fiscal  
142 Year 2021. It is further the intention of the Legislature that  
143 the agency's budget request for Fiscal Year 2023 shall be  
144 submitted to the Joint Legislative Budget Committee in a format  
145 and level of detail comparable to the format and level of detail  
146 provided during the Fiscal Year 2022 budget request process.

147 **SECTION 6.** It is the intention of the Legislature that  
148 whenever two (2) or more bids are received by this agency for the  
149 purchase of commodities or equipment, and whenever all things  
150 stated in such received bids are equal with respect to price,  
151 quality and service, the Mississippi Industries for the Blind

152 shall be given preference. A similar preference shall be given to  
153 the Mississippi Industries for the Blind whenever purchases are  
154 made without competitive bids.

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

162 **SECTION 8.** The money herein appropriated shall be paid by  
163 the State Treasurer out of any money in the State Treasury to the  
164 credit of the proper fund or funds as set forth in this act, upon  
165 warrants issued by the State Fiscal Officer; and the State Fiscal  
166 Officer shall issue his warrants upon requisitions signed by the  
167 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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

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Eugene S. Clarke  
Secretary of the Senate