

**Senate Amendments to House Bill No. 1596**

**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, 2022, and ending  
11 June 30, 2023.....\$           1,751,368.00.

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 HEADCOUNT:  
16           Permanent:                   16  
17           Time-Limited:                0

18           With the funds herein appropriated, it shall be the agency's  
19 responsibility to make certain that funds required for Personal  
20 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds  
21 appropriated for that purpose unless programs or positions are  
22 added to the agency's Fiscal Year 2023 budget by the Mississippi

23 Legislature. The Legislature shall determine the agency's  
24 personal services appropriation, which shall be published by the  
25 State Personnel Board. Additionally, the State Personnel Board  
26 shall determine and publish the projected annualized payroll costs  
27 based on current employees. It shall be the responsibility of the  
28 agency head to ensure that actual personnel expenditures for  
29 Fiscal Year 2023 do not exceed the data provided by the  
30 Legislative Budget Office. If the agency's Fiscal Year 2023  
31 projected cost exceeds the annualized costs, no salary actions  
32 shall be processed by the State Personnel Board with the exception  
33 of new hires that are determined to be essential for the agency.

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

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46 act and which are withdrawn and no longer available.

47 None of the funds herein appropriated shall be used in  
48 violation of Internal Revenue Service's Publication 15-A relating

49 to the reporting of income paid to contract employees, as  
50 interpreted by the Office of the State Auditor.

51 Funds have been appropriated herein for the purpose of  
52 funding Project SEC2 minimum salaries for all employees covered  
53 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
54 Plan. It shall be the agency's responsibility to ensure that the  
55 funds are used to increase all employees' salaries up to the  
56 minimum level as determined by the State Personnel Board.

57 **SECTION 3.** The following sum, or so much thereof as may be  
58 necessary, is appropriated out of any money in the State Treasury  
59 to the credit of the Real Estate Appraisal License Fund, for the  
60 purpose of defraying the expenses of the Mississippi Real Estate  
61 Appraiser Licensing and Certification Board for the fiscal year  
62 beginning July 1, 2022, and ending June 30, 2023.....  
63 .....\$ 460,579.00.

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

68 AUTHORIZED HEADCOUNT:

69 Permanent: 4  
70 Time-Limited: 0

71 With the funds herein appropriated, it shall be the agency's  
72 responsibility to make certain that funds required for "Personal  
73 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023  
74 funds appropriated for that purpose unless programs or positions

75 are added to the agency's Fiscal Year 2023 budget by the  
76 Mississippi Legislature. The Legislature shall determine the  
77 agency's personal services appropriation, which shall be published  
78 by the State Personnel Board. Additionally, the State Personnel  
79 Board shall determine and publish the projected annualized payroll  
80 costs based on current employees. It shall be the responsibility  
81 of the agency head to ensure that actual personnel expenditures  
82 for Fiscal Year 2023 do not exceed the data provided by the  
83 Legislative Budget Office. If the agency's Fiscal Year 2023  
84 projected cost exceeds the annualized costs, no salary actions  
85 shall be processed by the State Personnel Board with the exception  
86 of new hires that are determined to be essential for the agency.

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

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

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

104           Funds have been appropriated herein for the purpose of  
105 funding Project SEC2 minimum salaries for all employees covered  
106 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
107 Plan. It shall be the agency's responsibility to ensure that the  
108 funds are used to increase all employees' salaries up to the  
109 minimum level as determined by the State Personnel Board.

110           **SECTION 5.** It is the intention of the Legislature that the  
111 Mississippi Real Estate Commission and the Real Estate Appraiser  
112 Licensing and Certification Board shall maintain complete  
113 accounting and personnel records related to the expenditure of all  
114 funds appropriated under this act and that such records shall be  
115 in the same format and level of detail as maintained for Fiscal  
116 Year 2022. It is further the intention of the Legislature that  
117 the agency's budget request for Fiscal Year 2024 shall be  
118 submitted to the Joint Legislative Budget Committee in a format  
119 and level of detail comparable to the format and level of detail  
120 provided during the Fiscal Year 2024 budget request process.

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

126 shall be given preference. A similar preference shall be given to  
127 the Mississippi Industries for the Blind whenever purchases are  
128 made without competitive bids.

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

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

142 **SECTION 9.** This act shall take effect and be in force from  
143 and after July 1, 2022.

**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 2023.

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Eugene S. Clarke  
Secretary of the Senate