

Senate Amendments to House Bill No. 1609

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 appropriated out of any money in the State Treasury
7 to the credit of the Real Estate License Fund, for the purpose of
8 defraying the expenses of the Mississippi Real Estate Commission
9 for the fiscal year beginning July 1, 2023, and ending
10 June 30, 2024.....\$ 1,733,660.00.

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

14 AUTHORIZED HEADCOUNT:
15 Permanent: 16
16 Time-Limited: 0

17 With the funds herein appropriated, it shall be the agency's
18 responsibility to make certain that funds required for Personal
19 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
20 appropriated for that purpose unless programs or positions are
21 added to the agency's Fiscal Year 2024 budget by the Mississippi

22 Legislature. The Legislature shall determine the agency's
23 personal services appropriation, which shall be published by the
24 State Personnel Board. Additionally, the State Personnel Board
25 shall determine and publish the projected annualized payroll costs
26 based on current employees. It shall be the responsibility of the
27 agency head to ensure that actual personnel expenditures for
28 Fiscal Year 2024 do not exceed the data provided by the
29 Legislative Budget Office. If the agency's Fiscal Year 2024
30 projected cost exceeds the annualized costs, no salary actions
31 shall be processed by the State Personnel Board with the exception
32 of new hires that are determined to be essential for the agency.

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

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45 act and which are withdrawn and no longer available.

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

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

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

56 **SECTION 3.** It is the intention of the Legislature that the
57 Mississippi Real Estate Commission shall maintain complete
58 accounting and personnel records related to the expenditure of all
59 funds appropriated under this act and that such records shall be
60 in the same format and level of detail as maintained for Fiscal
61 Year 2023. It is further the intention of the Legislature that
62 the agency's budget request for Fiscal Year 2025 shall be
63 submitted to the Joint Legislative Budget Committee in a format
64 and level of detail comparable to the format and level of detail
65 provided during the Fiscal Year 2024 budget request process.

66 **SECTION 4.** It is the intention of the Legislature that
67 whenever two (2) or more bids are received by this agency for the
68 purchase of commodities or equipment, and whenever all things
69 stated in such received bids are equal with respect to price,
70 quality and service, the Mississippi Industries for the Blind
71 shall be given preference. A similar preference shall be given to
72 the Mississippi Industries for the Blind whenever purchases are
73 made without competitive bids.

74 **SECTION 5.** It is the intention of the Legislature that the
75 funds herein appropriated shall be expended in compliance with
76 Section 27-104-25, Mississippi Code of 1972, that no state agency
77 shall incur obligations or indebtedness in excess of their
78 appropriation and that the responsible officers, either personally
79 or upon their official bonds, shall be held responsible for
80 actions contrary to this provision.

81 **SECTION 6.** The money herein appropriated shall be paid by
82 the State Treasurer out of any money in the State Treasury to the
83 credit of the proper fund or funds as set forth in this act, upon
84 warrants issued by the State Fiscal Officer; and the State Fiscal
85 Officer shall issue his warrants upon requisitions signed by the
86 proper person, officer or officers, in the manner provided by law.

87 **SECTION 7.** This act shall take effect and be in force from
88 and after July 1, 2023, and shall stand repealed June 29, 2023.

**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 FOR FISCAL YEAR 2024.

SS15\HB1609A.J

Eugene S. Clarke
Secretary of the Senate