

Senate Amendments to House Bill No. 1808

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, 2024, and ending
10 June 30, 2025.....\$ 1,764,116.00.

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 2026 do not exceed Fiscal Year 2025 funds
20 appropriated for that purpose unless programs or positions are
21 added to the agency's Fiscal Year 2025 budget by the Mississippi

22 Legislature. The Legislature shall determine the agency's personal
23 services appropriation, which the State Personnel Board shall
24 publish. In accordance with applicable laws, if an agency
25 determines that its personal services amount is insufficient, the
26 agency must contact the State Personnel Board. Any adjustment to
27 the personal services amount must be approved by the State
28 Personnel Director and the State Fiscal Officer after consultation
29 with the Legislative Budget Office. Any adjustment shall be
30 reported to the Legislative Budget Office and the House and Senate
31 Appropriations Chairmen. The agency's personal services
32 appropriation may consist of restricted funds for approved
33 vacancies for Fiscal Year 2025 that may not be utilized for active
34 Fiscal Year 2024 headcount. It shall be the agency's
35 responsibility to ensure that the funds provided for vacancies are
36 used to increase headcount and not for promotions, title changes,
37 in-range salary adjustments, or any other mechanism for increasing
38 salaries for current employees. If the State Personnel Board
39 determines that an agency has used provided vacancy funds for any
40 of the mechanisms previously listed, the State Personnel Board
41 shall not process any additional salary actions for the agency in
42 the current fiscal year, except for new hires determined by the
43 State Personnel Board to be essential for the agency. It is the
44 Legislature's intention that no employee salary falls below the
45 minimum salary established by the Mississippi State Personnel
46 Board.

47 Additionally, the State Personnel Board shall determine and
48 publish the projected annualized payroll costs based on current
49 employees. It shall be the responsibility of the agency head to
50 ensure that actual personnel expenditures for Fiscal Year 2025 do
51 not exceed the data provided by the Legislative Budget Office. If
52 the agency's projected cost for Fiscal Year 2025 exceeds the
53 annualized costs, no salary actions shall be processed by the
54 State Personnel Board except for new hires determined to be
55 essential for the agency.

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

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

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

73 **SECTION 3.** It is the intention of the Legislature that the
74 Mississippi Real Estate Commission shall maintain complete
75 accounting and personnel records related to the expenditure of all
76 funds appropriated under this act and that such records shall be
77 in the same format and level of detail as maintained for Fiscal
78 Year 2024. It is further the intention of the Legislature that
79 the agency's budget request for Fiscal Year 2026 shall be
80 submitted to the Joint Legislative Budget Committee in a format
81 and level of detail comparable to the format and level of detail
82 provided during the Fiscal Year 2025 budget request process.

83 **SECTION 4.** It is the intention of the Legislature that
84 whenever two (2) or more bids are received by this agency for the
85 purchase of commodities or equipment, and whenever all things
86 stated in such received bids are equal with respect to price,
87 quality and service, the Mississippi Industries for the Blind
88 shall be given preference. A similar preference shall be given to
89 the Mississippi Industries for the Blind whenever purchases are
90 made without competitive bids.

91 **SECTION 5.** It is the intention of the Legislature that the
92 funds herein appropriated shall be expended in compliance with
93 Section 27-104-25, Mississippi Code of 1972, that no state agency
94 shall incur obligations or indebtedness in excess of their
95 appropriation and that the responsible officers, either personally
96 or upon their official bonds, shall be held responsible for
97 actions contrary to this provision.

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

104 **SECTION 7.** This act shall take effect and be in force from
105 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025.

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Amanda White
Secretary of the Senate