

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3097: Appropriation; Secretary of State.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

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 hereby appropriated out of any money in the State
7 Treasury to the credit of the Office of the Secretary of State,
8 for the purpose of defraying the expenses incurred by said office
9 for the fiscal year beginning July 1, 2001, and ending
10 June 30, 2002..... \$ 7,829,618.00.

11 SECTION 2. Of the funds appropriated under the provisions
12 of Section 1, not more than the amounts set forth below shall be
13 expended for the respective major objects or purposes of

14 expenditure:

15 MAJOR OBJECTS OF EXPENDITURE:

16 Personal Services:

17 Salaries, Wages and Fringe Benefits. \$ 4,429,618.00

18 Travel and Subsistence..... 50,000.00

19 Contractual Services..... 2,600,000.00

20 Commodities..... 600,000.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00

23 Equipment..... 50,000.00

24 Subsidies, Loans and Grants..... 100,000.00

25 Total..... \$ 7,829,618.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time 71

28 Part Time 0

29 Time-Limited: Full Time 19

30

5

Part Time 0

6 With the funds herein appropriated, it is the intention of the Legislature
7 that it shall be the agency's responsibility to make certain that funds
8 required to be appropriated for "Personal Services" for Fiscal Year 2003 do
9 not exceed Fiscal Year 2002 funds appropriated for that purpose, unless
10 programs or positions are added to the agency's Fiscal Year 2003 budget
11 by the Mississippi Legislature. Based on data provided by the Legislative
12 Budget Office, the State Personnel Board shall determine and publish the
13 projected annual cost to fully fund all appropriated positions in compliance
14 with the provisions of this act. It shall be the responsibility of the agency
15 head to insure that no single personnel action increases this projected
16 annual cost and/or the Fiscal Year 2002 appropriation for "Personal
17 Services" when annualized. If, at the end of any calendar month, the State
18 Personnel Board determines that the agency has taken action(s) which
19 would cause the agency to exceed this projected annual cost or the Fiscal
20 Year 2002 "Personal Services" appropriated level, when annualized, then
21 only those actions which reduce the projected annual cost and/or the
22 appropriation requirement will be processed by the State Personnel Board
23 until such time as the requirements of this provision are met.

24 Any transfers or escalations shall be made in accordance with the
25 terms, conditions, and procedures established by law.

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

30 SECTION 3. None of the funds appropriated by this act shall be

31 expended for any purpose that is not actually required or necessary for
32 performing any of the powers or duties of the Office of the Secretary of
33 State that are authorized by the Mississippi Constitution of 1890, state or
34 federal law, or rules or regulations that implement state or federal law.

35 SECTION 4. No part of the funds appropriated herein shall be used
36 either directly or indirectly, for the purpose of paying any clerk,
37 stenographer, assistant, deputy, or other person who may be related by
38 blood or marriage within the third degree, computed by the rules of the civil
39 law, to the official employing or having the right of employment or selection
40 thereof; and in the event of any such payment, then the official or person
41 approving and making or receiving such payment shall be jointly and
42 severally liable to return to the State of Mississippi and to pay into the State
43 Treasury three (3) times any such amount so paid or received, to be
44 recovered at suit of the Attorney General; provided that when the
45 relationship is by affinity and the person through whom the relationship was
46 established is dead, this provision shall not apply.

47 SECTION 5. It is the intention of the Legislature that the Secretary of
48 State shall have the authority to accept proceeds and revenues from fines,
49 awards, or settlements produced by administrative or court actions involving
50 the enforcement of the Mississippi Securities Act and the Regulation of
51 Charitable Solicitations Act. Such funds are to be escalated in accordance
52 with procedures for federal fund escalations as established in Section
53 27-104-21, Mississippi Code of 1972, and expended for the purposes of
54 enforcement of the Mississippi Securities Act and the regulation of the
55 Charitable Solicitations Act in accordance with applicable rules and
56 regulations of the State Fiscal Officer. It is the intention of the Legislature
57 that the funds deposited to the Securities Enforcement Act and Regulation

58 of Charitable Solicitations Act Fund be maintained separate and apart from
59 other special funds derived from fees charged by the Secretary of State and
60 shall remain in that fund to be used by the Secretary of State as authorized
61 herein.

62 SECTION 6. It is the intention of the Legislature that the Secretary of
63 State shall have the authority to accept proceeds and revenues from the
64 sale of tax forfeited properties in accordance with Section 29-1-95. These
65 funds shall be deposited into a Special Fund in the State Treasury called the
66 Land Records Maintenance Fund. Such funds are to be escalated in
67 accordance with procedures for federal fund escalations as established in
68 Section 27-104-21, Mississippi Code of 1972, and expended for the
69 purposes of preserving state land records and disposition of tax forfeited
70 properties in accordance with applicable rules and regulations of the State
71 Fiscal Officer. It is the intention of the Legislature that the funds deposited
72 to the Land Records Maintenance Fund be maintained separate and apart
73 from other Special Funds derived from fees charged by the Secretary of
74 State and shall remain in that fund to be used by the Secretary of State as
75 authorized herein.

76 SECTION 7. It is the intention of the Legislature that the Secretary of
77 State shall have the authority to accept proceeds and revenues from the
78 lease rentals of tidelands and submerged lands in accordance with Section
79 29-1-107, Mississippi Code of 1972. These funds shall be deposited into a
80 special fund in the State Treasury called the Public Trust Tidelands Fund.
81 Such funds are to be escalated in accordance with procedures for federal
82 fund escalations as established in Section 27-104-21, Mississippi Code of
83 1972, and expended for the purposes of managing the state tidelands and
84 submerged lands in accordance with applicable rules and regulations of the

85 State Fiscal Officer. It is the intention of the Legislature that the funds
86 deposited to the Public Trust Tidelands Fund be maintained separate and
87 apart from other special funds derived from fees charged by the Secretary of
88 State and shall be used by the Secretary of State as authorized herein.

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

95 SECTION 9 This act shall take effect and be in force from and after
96 July 1, 2001.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X _____

X _____

—

Jack Gordon

Charlie Capps, Jr.

X _____

X _____

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Ron Farris

Percy W. Watson

X _____

X _____

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Dean Kirby

Mike Eakes

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