

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

Senate Bill NO. 2937

By Representative(s) Committee

**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, 2003, and ending
10 June 30, 2004..... \$ 9,408,995.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 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.. \$ 4,829,409.00
18 Travel and Subsistence..... 75,000.00
19 Contractual Services..... 2,759,926.00
20 Commodities..... 494,660.00
21 Capital Outlay:
22 Other Than Equipment..... 0.00
23 Equipment..... 100,000.00
24 Subsidies, Loans and Grants..... 1,150,000.00

25 Total..... \$ 9,408,995.00

26 AUTHORIZED POSITIONS:

27	Permanent:	Full Time.....	73
28		Part Time.....	0
29	Time-Limited:	Full Time.....	19
30		Part Time.....	0

31 With the funds herein appropriated, it is the intention of
32 the Legislature that it shall be the agency's responsibility to
33 make certain that funds required to be appropriated for "Personal
34 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2005 budget by the
37 Mississippi Legislature. Based on data provided by the
38 Legislative Budget Office, the State Personnel Board shall
39 determine and publish the projected annual cost to fully fund all
40 appropriated positions in compliance with the provisions of this
41 act. It shall be the responsibility of the agency head to insure
42 that no single personnel action increases this projected annual
43 cost and/or the Fiscal Year 2004 appropriation for "Personal
44 Services" when annualized. If, at the end of any calendar month,
45 the State Personnel Board determines that the agency has taken
46 action(s) which would cause the agency to exceed this projected
47 annual cost or the Fiscal Year 2004 "Personal Services"
48 appropriated level, when annualized, then only those actions which
49 reduce the projected annual cost and/or the appropriation
50 requirement will be processed by the State Personnel Board until
51 such time as the requirements of this provision are met.

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

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57 act and which are withdrawn and no longer available.

58 **SECTION 3.** None of the funds appropriated by this act shall
59 be expended for any purpose that is not actually required or

60 necessary for performing any of the powers or duties of the Office
61 of the Secretary of State that are authorized by the Mississippi
62 Constitution of 1890, state or federal law, or rules or
63 regulations that implement state or federal law.

64 **SECTION 4.** No part of the funds appropriated herein shall be
65 used either directly or indirectly, for the purpose of paying any
66 clerk, stenographer, assistant, deputy, or other person who may be
67 related by blood or marriage within the third degree, computed by
68 the rules of the civil law, to the official employing or having
69 the right of employment or selection thereof; and in the event of
70 any such payment, then the official or person approving and making
71 or receiving such payment shall be jointly and severally liable to
72 return to the State of Mississippi and to pay into the State
73 Treasury three (3) times any such amount so paid or received, to
74 be recovered at suit of the Attorney General; provided that when
75 the relationship is by affinity and the person through whom the
76 relationship was established is dead, this provision shall not
77 apply.

78 **SECTION 5.** It is the intention of the Legislature that the
79 Secretary of State shall have the authority to accept proceeds and
80 revenues from fines, awards, or settlements produced by
81 administrative or court actions involving the enforcement of the
82 Mississippi Securities Act and the Regulation of Charitable
83 Solicitations Act. Such funds are to be escalated in accordance
84 with procedures for federal fund escalations as established in
85 Section 27-104-21, Mississippi Code of 1972, and expended for the
86 purposes of enforcement of the Mississippi Securities Act and the
87 regulation of the Charitable Solicitations Act in accordance with
88 applicable rules and regulations of the State Fiscal Officer. It
89 is the intention of the Legislature that the funds deposited to
90 the Securities Enforcement Act and Regulation of Charitable
91 Solicitations Act Fund be maintained separate and apart from other
92 special funds derived from fees charged by the Secretary of State
93 and shall remain in that fund to be used by the Secretary of State
94 as authorized herein.

95 **SECTION 6.** It is the intention of the Legislature that the
96 Secretary of State shall have the authority to accept proceeds and
97 revenues from the sale of tax forfeited properties in accordance
98 with Section 29-1-95. These funds shall be deposited into a
99 Special Fund in the State Treasury called the Land Records
100 Maintenance Fund. Such funds are to be escalated in accordance
101 with procedures for federal fund escalations as established in
102 Section 27-104-21, Mississippi Code of 1972, and expended for the
103 purposes of preserving state land records and disposition of tax
104 forfeited properties in accordance with applicable rules and
105 regulations of the State Fiscal Officer. It is the intention of
106 the Legislature that the funds deposited to the Land Records
107 Maintenance Fund be maintained separate and apart from other
108 Special Funds derived from fees charged by the Secretary of State
109 and shall remain in that fund to be used by the Secretary of State
110 as authorized herein.

111 **SECTION 7.** It is the intention of the Legislature that the
112 Secretary of State shall have the authority to accept proceeds and
113 revenues from the lease rentals of tidelands and submerged lands
114 in accordance with Section 29-1-107, Mississippi Code of 1972.
115 These funds shall be deposited into a special fund in the State
116 Treasury called the Public Trust Tidelands Fund. Such funds are
117 to be escalated in accordance with procedures for federal fund
118 escalations as established in Section 27-104-21, Mississippi Code
119 of 1972, and expended for the purposes of managing the state
120 tidelands and submerged lands in accordance with applicable rules
121 and regulations of the State Fiscal Officer. It is the intention
122 of the Legislature that the funds deposited to the Public Trust
123 Tidelands Fund be maintained separate and apart from other special
124 funds derived from fees charged by the Secretary of State and
125 shall be used by the Secretary of State as authorized herein.

126 **SECTION 8.** It is the intention of the Legislature that the
127 Office of the Secretary of State is hereby authorized to escalate,
128 budget and expend funds from Special Fund No. 3111 in an amount
129 not to exceed Five Hundred Thousand Dollars (\$500,000.00) in

130 accordance with rules and regulations of the Department of Finance
131 and Administration in a manner consistent with the escalation of
132 federal funds. The authority granted in this section is provided
133 in the event that amounts required to be rebated to Chancery
134 Clerks for their portion of Uniform Commercial Code filing fees
135 collected by the Office of the Secretary of State in Senate Bill
136 No. 2626, Regular Session of 2001, exceeds the appropriation
137 authority authorized in Section 1 of this act.

138 **SECTION 9.** It is the intention of the Legislature that the
139 Secretary of State shall have the authority to transfer Five
140 Hundred Thousand Dollars (\$500,000.00) from Special Fund No. 3112
141 to Special Fund No. 3111. The authority granted in this section
142 is provided for the purpose of funding the Department of Human
143 Services in accordance with Senate Bill No. 2327, Regular Session
144 of 2002.

145 **SECTION 10.** The money herein appropriated shall be paid by
146 the State Treasurer out of any money in the State Treasury to the
147 credit of the proper fund or funds as set forth in this act, upon
148 warrants issued by the State Fiscal Officer; and the State Fiscal
149 Officer shall issue his warrants upon requisitions signed by the
150 proper person, officer or officers in the manner provided by law.

151 **SECTION 11.** This act shall take effect and be in force from
152 and after July 1, 2003, with the exception of Section 9 which
153 shall take effect and be in force from and after its passage.