

**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. 3109: 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, 2004, and ending  
10 June 30, 2005..... \$           9,964,285.00.

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:

Salaries, Wages and Fringe Benefits ..	\$           4,921,128.00
Travel and Subsistence.....	60,000.00
Contractual Services .....	3,227,427.00
Commodities.....	580,730.00
21           Capital Outlay:	
Other Than Equipment .....	0.00
Equipment .....	25,000.00
Subsidies, Loans and Grants.....	<u>1,150,000.00</u>
Total.....	\$           9,964,285.00

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 2006 do not exceed Fiscal Year 2005  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2006 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 2005 appropriation for "Personal  
44 Services" when annualized, with the exception of escalated funds.  
45 If, at the time the agency takes any action to change "Personal  
46 Services," the State Personnel Board determines that the agency  
47 has taken an action which would cause the agency to exceed this  
48 projected annual cost or the Fiscal Year 2005 "Personal Services"  
49 appropriated level, when annualized, then only those actions which  
50 reduce the projected annual cost and/or the appropriation  
51 requirement will be processed by the State Personnel Board until  
52 such time as the requirements of this provision are met.

53 Any transfers or escalations shall be made in accordance with  
54 the terms, conditions and procedures established by law or  
55 allowable under the terms set forth within this act. The State  
56 Personnel Board shall not escalate positions without written  
57 approval from the Department of Finance and Administration. The  
58 Department of Finance and Administration shall not provide written

59 approval to escalate any funds for salaries and/or positions  
60 without proof of availability of new or additional funds above the  
61 appropriated level.

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65 act and which are withdrawn and no longer available.

66 **SECTION 3.** None of the funds appropriated by this act shall  
67 be expended for any purpose that is not actually required or  
68 necessary for performing any of the powers or duties of the Office  
69 of the Secretary of State that are authorized by the Mississippi  
70 Constitution of 1890, state or federal law, or rules or  
71 regulations that implement state or federal law.

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

86 **SECTION 5.** It is the intention of the Legislature that the  
87 Secretary of State shall have the authority to accept proceeds and  
88 revenues from fines, awards, or settlements produced by  
89 administrative or court actions involving the enforcement of the  
90 Mississippi Securities Act and the Regulation of Charitable

91 Solicitations Act. Such funds are to be escalated in accordance  
92 with procedures for federal fund escalations as established in  
93 Section 27-104-21, Mississippi Code of 1972, and expended for the  
94 purposes of enforcement of the Mississippi Securities Act and the  
95 regulation of the Charitable Solicitations Act in accordance with  
96 applicable rules and regulations of the State Fiscal Officer. It  
97 is the intention of the Legislature that the funds deposited to  
98 the Securities Enforcement Act and Regulation of Charitable  
99 Solicitations Act Fund be maintained separate and apart from other  
100 special funds derived from fees charged by the Secretary of State  
101 and shall remain in that fund to be used by the Secretary of State  
102 as authorized herein.

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

119       **SECTION 7.** It is the intention of the Legislature that the  
120 Secretary of State shall have the authority to accept proceeds and  
121 revenues from the lease rentals of tidelands and submerged lands  
122 in accordance with Section 29-1-107, Mississippi Code of 1972.

123 These funds shall be deposited into a special fund in the State  
124 Treasury called the Public Trust Tidelands Fund. Such funds are  
125 to be escalated in accordance with procedures for federal fund  
126 escalations as established in Section 27-104-21, Mississippi Code  
127 of 1972, and expended for the purposes of managing the state  
128 tidelands and submerged lands in accordance with applicable rules  
129 and regulations of the State Fiscal Officer. It is the intention  
130 of the Legislature that the funds deposited to the Public Trust  
131 Tidelands Fund be maintained separate and apart from other special  
132 funds derived from fees charged by the Secretary of State and  
133 shall be used by the Secretary of State as authorized herein.

134 **SECTION 8.** It is the intention of the Legislature that the  
135 agency shall provide a report reflecting Fiscal Year 2004 usage of  
136 wireless communication devices which shall include cellular  
137 phones, two-way radios, pagers, or any other means of wireless  
138 communications to the Chairman of the House Appropriations  
139 Committee, the Chairman of the Senate Appropriations Committee,  
140 and the State Auditor by September 1, 2004. The report shall  
141 contain, but not be limited to, the following:

142 (1) The number of wireless communication devices provided to  
143 employees by the agency;

144 (2) The annual cost of usage of wireless communication  
145 devices by each employee of the agency who is issued a wireless  
146 communication device;

147 (3) Separate justification of the usage of wireless  
148 communication devices by those employees issued wireless  
149 communication devices; and

150 (4) To determine whether quantifiable benefits are  
151 associated with the utilization of wireless communications and  
152 whether such service provides more efficient or effective service  
153 delivery.

154           **SECTION 9.** The money herein appropriated shall be paid by  
155 the State Treasurer out of any money in the State Treasury to the  
156 credit of the proper fund or funds as set forth in this act, upon  
157 warrants issued by the State Fiscal Officer; and the State Fiscal  
158 Officer shall issue his warrants upon requisitions signed by the  
159 proper person, officer or officers in the manner provided by law.

160           **SECTION 10.** This act shall take effect and be in force from  
161 and after July 1, 2004.

CONFEREES FOR THE SENATE

X (SIGNED)  
Jack Gordon

X (SIGNED)  
Billy Thames

X (SIGNED)  
Dean Kirby

CONFEREES FOR THE HOUSE

X (SIGNED)  
Johnny W. Stringer

(NOT SIGNED)  
Linda Coleman

X (SIGNED)  
David L. Green