

House Amendments to Senate Bill No. 3109

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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 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..... \$ 9,667,105.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14 Permanent:	Full Time.....	73
15	Part Time.....	0
16 Time-Limited:	Full Time.....	19
17	Part Time.....	0

18 With the funds herein appropriated, it is the intention of
19 the Legislature that it shall be the agency's responsibility to
20 make certain that funds required to be appropriated for "Personal
21 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
22 funds appropriated for that purpose, unless programs or positions
23 are added to the agency's Fiscal Year 2006 budget by the
24 Mississippi Legislature. Based on data provided by the
25 Legislative Budget Office, the State Personnel Board shall
26 determine and publish the projected annual cost to fully fund all
27 appropriated positions in compliance with the provisions of this
28 act. It shall be the responsibility of the agency head to insure
29 that no single personnel action increases this projected annual
30 cost and/or the Fiscal Year 2005 appropriation for "Personal

31 Services" when annualized, with the exception of escalated funds.
32 If, at the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2005 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

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

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

53 **SECTION 3.** The funds authorized herein shall be used to fund
54 all operations of the agency with the following prohibitions:

55 (1) The agency shall not fill any current or future vacant
56 positions;

57 (2) The agency shall not take any action to promote or
58 otherwise award salary increases through reallocation,
59 reclassification, realignment, education benchmark, career ladder,
60 or any other means to increase salaries of employees or positions
61 except as allowed under the provisions set forth in House Bill No.
62 1279, 2004 Regular Session;

63 (3) The agency shall not expend funds for out-of-state
64 travel except as allowed under the provisions set forth in House
65 Bill No. 1279, 2004 Regular Session;

66 (4) The agency shall not expend funds for the purchase of or
67 contract for cellular phones, two-way radios or pagers, except for
68 support of employees in the Department of Public Safety and the
69 Bureau of Narcotics as recommended by Information Technology
70 Services or as allowed under the provisions set forth in House
71 Bill No. 1279, 2004 Regular Session;

72 (5) The agency shall not expend funds to publish or
73 distribute any annual reports or other publications;

74 (6) The agency shall not expend funds for public relation
75 activities regarding the functions, programs or services of the
76 agency except as allowed under the provisions set forth in House
77 Bill No. 1279, 2004 Regular Session;

78 (7) The agency shall not advertise the functions, programs
79 or services of the agency except that the Mississippi Development
80 Authority is authorized to expend funds for advertising to carry
81 out the purposes of key programs administered by the authority;

82 (8) The agency shall not expend funds for staff development
83 or training services;

84 (9) The agency shall not expend funds for the purchase of
85 new or replacement equipment or furniture, excluding lease
86 purchase payments on agreements in effect upon passage of this
87 appropriation bill, except as allowed under the provisions set
88 forth in House Bill No. 1279, 2004 Regular Session.

89 **SECTION 4.** It is the intention of the Legislature that none
90 of the funds appropriated above shall be expended unless members
91 of the Mississippi House of Representatives and Mississippi Senate
92 are notified at least five (5) days prior to a public ceremony
93 announcing the award of any grant in their district or any public
94 announcement or ceremony regarding the groundbreaking or opening
95 of a facility, roadway or bridge for which the Legislature has
96 made funds available. Any signage regarding any public event or
97 any new facility, roadway or bridge shall include the following
98 language: "Funds were made available for this project by the
99 Mississippi State Legislature."

100 **SECTION 5.** It is the intention of the Legislature that the
101 Office of the Secretary of State shall maintain complete
102 accounting and personnel records related to the expenditure of all
103 funds appropriated under this act and that such records shall be
104 in the same format and level of detail as maintained for Fiscal
105 Year 2004. It is further the intention of the Legislature that
106 the agency's budget request for Fiscal Year 2006 shall be
107 submitted to the Joint Legislative Budget Committee in a format
108 and level of detail comparable to the format and level of detail
109 provided during the Fiscal Year 2005 budget request process.

110 **SECTION 6.** None of the funds appropriated by this act shall
111 be expended for any purpose that is not actually required or
112 necessary for performing any of the powers or duties of the Office
113 of the Secretary of State that are authorized by the Mississippi
114 Constitution of 1890, state or federal law, or rules or
115 regulations that implement state or federal law.

116 **SECTION 7.** No part of the funds appropriated herein shall be
117 used either directly or indirectly, for the purpose of paying any
118 clerk, stenographer, assistant, deputy, or other person who may be
119 related by blood or marriage within the third degree, computed by
120 the rules of the civil law, to the official employing or having
121 the right of employment or selection thereof; and in the event of
122 any such payment, then the official or person approving and making
123 or receiving such payment shall be jointly and severally liable to
124 return to the State of Mississippi and to pay into the State
125 Treasury three (3) times any such amount so paid or received, to
126 be recovered at suit of the Attorney General; provided that when
127 the relationship is by affinity and the person through whom the
128 relationship was established is dead, this provision shall not
129 apply.

130 **SECTION 8.** It is the intention of the Legislature that the
131 Secretary of State shall have the authority to accept proceeds and
132 revenues from fines, awards, or settlements produced by
133 administrative or court actions involving the enforcement of the
134 Mississippi Securities Act and the Regulation of Charitable

135 Solicitations Act. Such funds are to be escalated in accordance
136 with procedures for federal fund escalations as established in
137 Section 27-104-21, Mississippi Code of 1972, and expended for the
138 purposes of enforcement of the Mississippi Securities Act and the
139 regulation of the Charitable Solicitations Act in accordance with
140 applicable rules and regulations of the State Fiscal Officer. It
141 is the intention of the Legislature that the funds deposited to
142 the Securities Enforcement Act and Regulation of Charitable
143 Solicitations Act Fund be maintained separate and apart from other
144 special funds derived from fees charged by the Secretary of State
145 and shall remain in that fund to be used by the Secretary of State
146 as authorized herein.

147 **SECTION 9.** It is the intention of the Legislature that the
148 Secretary of State shall have the authority to accept proceeds and
149 revenues from the sale of tax forfeited properties in accordance
150 with Section 29-1-95. These funds shall be deposited into a
151 Special Fund in the State Treasury called the Land Records
152 Maintenance Fund. Such funds are to be escalated in accordance
153 with procedures for federal fund escalations as established in
154 Section 27-104-21, Mississippi Code of 1972, and expended for the
155 purposes of preserving state land records and disposition of tax
156 forfeited properties in accordance with applicable rules and
157 regulations of the State Fiscal Officer. It is the intention of
158 the Legislature that the funds deposited to the Land Records
159 Maintenance Fund be maintained separate and apart from other
160 Special Funds derived from fees charged by the Secretary of State
161 and shall remain in that fund to be used by the Secretary of State
162 as authorized herein.

163 **SECTION 10.** It is the intention of the Legislature that the
164 Secretary of State shall have the authority to accept proceeds and
165 revenues from the lease rentals of tidelands and submerged lands
166 in accordance with Section 29-1-107, Mississippi Code of 1972.
167 These funds shall be deposited into a special fund in the State
168 Treasury called the Public Trust Tidelands Fund. Such funds are
169 to be escalated in accordance with procedures for federal fund

170 escalations as established in Section 27-104-21, Mississippi Code
171 of 1972, and expended for the purposes of managing the state
172 tidelands and submerged lands in accordance with applicable rules
173 and regulations of the State Fiscal Officer. It is the intention
174 of the Legislature that the funds deposited to the Public Trust
175 Tidelands Fund be maintained separate and apart from other special
176 funds derived from fees charged by the Secretary of State and
177 shall be used by the Secretary of State as authorized herein.

178 **SECTION 11.** The money herein appropriated shall be paid by
179 the State Treasurer out of any money in the State Treasury to the
180 credit of the proper fund or funds as set forth in this act, upon
181 warrants issued by the State Fiscal Officer; and the State Fiscal
182 Officer shall issue his warrants upon requisitions signed by the
183 proper person, officer or officers in the manner provided by law.

184 **SECTION 12.** This act shall take effect and be in force from
185 and after July 1, 2004.

HR05\SB3109A.J

Don Richardson
Clerk of the House of Representatives