

House Amendments to Senate Bill No. 3010

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, 2006, and ending
10 June 30, 2007..... \$ 10,971,660.00.

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..	\$	4,885,772.00
18 Travel and Subsistence.....		86,407.00
19 Contractual Services.....		4,155,137.00
20 Commodities.....		584,344.00
21 Capital Outlay:		
22 Other Than Equipment.....		0.00
23 Equipment.....		110,000.00
24 Subsidies, Loans and Grants.....		<u>1,150,000.00</u>
25 Total.....	\$	10,971,660.00

26 **AUTHORIZED POSITIONS:**

27 Permanent:	Full Time.....	71
28	Part Time.....	0
29 Time-Limited:	Full Time.....	19
30	Part Time.....	0

31 For the fiscal year beginning on July 1, 2006, funds are
32 provided herein to adjust the annual compensation of each employee
33 who has been employed for twelve (12) months or longer by an
34 amount equal to One Thousand Dollars (\$1,000.00), effective on
35 July 1, 2006.

36 With the funds herein appropriated, it is the intention of
37 the Legislature that it shall be the agency's responsibility to
38 make certain that funds required to be appropriated for "Personal
39 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2008 budget by the
42 Mississippi Legislature. Based on data provided by the
43 Legislative Budget Office, the State Personnel Board shall
44 determine and publish the projected annual cost to fully fund all
45 appropriated positions in compliance with the provisions of this
46 act. It shall be the responsibility of the agency head to insure
47 that no single personnel action increases this projected annual
48 cost and/or the Fiscal Year 2007 appropriation for "Personal
49 Services" when annualized, with the exception of escalated funds.
50 If, at the time the agency takes any action to change "Personal
51 Services," the State Personnel Board determines that the agency
52 has taken an action which would cause the agency to exceed this
53 projected annual cost or the Fiscal Year 2007 "Personal Services"
54 appropriated level, when annualized, then only those actions which
55 reduce the projected annual cost and/or the appropriation
56 requirement will be processed by the State Personnel Board until
57 such time as the requirements of this provision are met.

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

65 without proof of availability of new or additional funds above the
66 appropriated level.

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

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

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

91 **SECTION 5.** It is the intention of the Legislature that the
92 Secretary of State shall have the authority to accept proceeds and
93 revenues from fines, awards, or settlements produced by
94 administrative or court actions involving the enforcement of the
95 Mississippi Securities Act and the Regulation of Charitable
96 Solicitations Act. Such funds are to be escalated in accordance
97 with procedures for federal fund escalations as established in
98 Section 27-104-21, Mississippi Code of 1972, and expended for the
99 purposes of enforcement of the Mississippi Securities Act and the

100 regulation of the Charitable Solicitations Act in accordance with
101 applicable rules and regulations of the State Fiscal Officer. It
102 is the intention of the Legislature that the funds deposited to
103 the Securities Enforcement Act and Regulation of Charitable
104 Solicitations Act Fund be maintained separate and apart from other
105 special funds derived from fees charged by the Secretary of State
106 and shall remain in that fund to be used by the Secretary of State
107 as authorized herein.

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

124 **SECTION 7.** It is the intention of the Legislature that the
125 Secretary of State shall have the authority to accept proceeds and
126 revenues from the lease rentals of tidelands and submerged lands
127 in accordance with Section 29-1-107, Mississippi Code of 1972.
128 These funds shall be deposited into a special fund in the State
129 Treasury called the Public Trust Tidelands Fund. Such funds are
130 to be escalated in accordance with procedures for federal fund
131 escalations as established in Section 27-104-21, Mississippi Code
132 of 1972, and expended for the purposes of managing the state
133 tidelands and submerged lands in accordance with applicable rules
134 and regulations of the State Fiscal Officer. It is the intention

135 of the Legislature that the funds deposited to the Public Trust
136 Tidelands Fund be maintained separate and apart from other special
137 funds derived from fees charged by the Secretary of State and
138 shall be used by the Secretary of State as authorized herein.

139 **SECTION 8.** It is the intention of the Legislature that
140 whenever two (2) or more bids are received by this agency for the
141 purchase of commodities or equipment, and whenever all things
142 stated in such received bids are equal with respect to price,
143 quality and service, the Mississippi Industries for the Blind
144 shall be given preference. A similar preference shall be given to
145 the Mississippi Industries for the Blind whenever purchases are
146 made without competitive bids.

147 **SECTION 9.** All expenditures of funds appropriated by this
148 act for the purposes of advertising through the media shall comply
149 with the provisions of this section. All notices, advertisements,
150 or announcements designed to accomplish distribution of vital
151 information paid for wholly or in part through funds appropriated
152 by this act and distributed through the media shall be placed
153 according to a formula based upon the following criteria:

154 (a) Outlets of the Mississippi Public Broadcasting
155 System shall receive twenty percent (20%) of all expenditures
156 allotted for any advertising campaign undertaken by the agency to
157 which funds are appropriated by this act. All distribution of
158 information undertaken by the Mississippi Broadcasting System
159 under these requirements shall conform to the accepted standards
160 of information distribution common to public media.

161 (b) Media outlets, other than outlets of the
162 Mississippi Public Broadcasting System, shall receive placement of
163 such notices through the following method of distribution and
164 based upon commonly accepted boundaries of distribution:

165 (i) Newspapers. Newspapers demonstrating
166 established market reach through verifiable and auditable
167 circulation numbers shall receive twenty-five percent (25%) of all
168 expenditures allotted for distribution of vital information, and
169 such expenditures to the individual newspapers shall be determined

170 and prorated based upon the verifiable and auditable share of
171 total circulation within the individual counties. This
172 requirement does not replace the requirements and systems
173 currently in place regarding legal notices in the newspapers.

174 (ii) Radio. Radio stations demonstrating
175 established market reach through verifiable and auditable market
176 share information as recorded through reputable and established
177 rating services shall receive twenty percent (20%) of all
178 expenditures allotted for such distribution of vital information,
179 and such expenditures to the individual stations shall be
180 determined and prorated based upon the verifiable and auditable
181 share of total market reach within the individual counties.

182 (iii) Television. Television stations and
183 television cable outlets demonstrating established market reach
184 through verifiable and auditable market share information as
185 recorded through reputable and established rating services shall
186 receive twenty percent (20%) of all expenditures allotted for such
187 distribution of vital information, and such expenditures to the
188 individual stations shall be determined and prorated based upon
189 the verifiable and auditable share of total market reach within
190 the individual demonstrated market reach area of the station or
191 cable outlet.

192 (iv) Magazines. Magazines demonstrating
193 established market reach through verifiable and auditable
194 circulation numbers shall receive ten percent (10%) of all
195 expenditures allotted for such distribution of vital information,
196 and such expenditures to the individual magazines shall be
197 determined and prorated based upon the verifiable and auditable
198 circulation numbers within the counties. If no magazine exists
199 which meets the criteria stated above, the portion of those funds
200 so allotted shall be distributed among the other media outlets
201 equally.

202 (v) Electronic media. Electronic media
203 demonstrating established market reach through verifiable and
204 auditable circulation numbers shall receive five percent (5%) of

205 all expenditures allotted for such distribution of vital
206 information, and such expenditures to the individual electronic
207 media outlets shall be determined and prorated based upon the
208 verifiable and auditable circulation numbers within the counties.
209 If no electronic media exists which meets the criteria stated
210 above, the portion of those funds so allotted shall be distributed
211 equally among the other media outlets.

212 Provisions of this section do not apply to the placement of
213 advertisements in national media outlets to recruit economic
214 development or to promote tourism in the state.

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

221 **SECTION 11.** This act shall take effect and be in force from
222 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE
2 EXPENSES OF THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR
3 2007.

HR03\SB3010PH.J

Don Richardson
Clerk of the House of Representatives