

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. 3118: 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, 2007, and ending
10 June 30, 2008..... \$ 13,303,471.00.

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..	\$	5,366,760.00
18 Travel and Subsistence.....		86,407.00
19 Contractual Services.....		5,550,968.00
20 Commodities.....		604,344.00
21 Capital Outlay:		
22 Other Than Equipment.....		0.00
23 Equipment.....		299,992.00
24 Vehicles.....		0.00
25 Wireless Communication Devices.....		0.00
26 Subsidies, Loans and Grants.....		<u>1,395,000.00</u>

27 Total..... \$ 13,303,471.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	91
30		Part Time.....	0
31	Time-Limited:	Full Time.....	0
32		Part Time.....	0

33 Funds are provided herein to adjust the Variable Compensation
34 Plan to ensure that all full-time employees receive a pay increase
35 equal to the realignment component of the Variable Compensation
36 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
37 is greater, to be awarded on July 1, 2007.

38 With the funds herein appropriated, it is the intention of
39 the Legislature that it shall be the agency's responsibility to
40 make certain that funds required to be appropriated for "Personal
41 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
42 funds appropriated for that purpose, unless programs or positions
43 are added to the agency's Fiscal Year 2008 budget by the
44 Mississippi Legislature. Based on data provided by the
45 Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this
48 act. It shall be the responsibility of the agency head to insure
49 that no single personnel action increases this projected annual
50 cost and/or the Fiscal Year 2008 appropriations for "Personal
51 Services" when annualized, with the exception of escalated funds
52 and educational benchmarks. If, at the time the agency takes any
53 action to change "Personal Services", the State Personnel Board
54 determines that the agency has taken an action which would cause
55 the agency to exceed this projected annual cost or the Fiscal Year
56 2008 "Personal Services" appropriated level, when annualized, then
57 only those actions which reduce the projected annual cost and/or
58 the appropriation requirement will be processed by the State

59 Personnel Board until such time as the requirements of this
60 provision are met. On January 1, 2008, the State Personnel Board
61 will make adjustments to the structure side of the compliance
62 report based on data provided by the Legislative Budget Office in
63 order for agencies to award educational benchmarks.

64 The agency shall not take any action to promote or otherwise
65 award salary increases through reallocation, reclassification,
66 realignment, education benchmark, career ladder, or any other
67 means to increase salaries of employees or positions unless
68 specifically exempted by the following conditions: the award of
69 teacher pay increases, the advancement of a trainee/cadet to the
70 next level of a bona fide career ladder, the award of an
71 educational benchmark for the attainment of Certified Public
72 Accountant License or higher level professional certification as
73 determined by the State Personnel Board, the immediate replacement
74 of a departing employee with an individual from within state
75 service or a new hire at a salary level equivalent to that of the
76 departing employee, and the emergency appointment of nurses,
77 pharmacists or other health care professionals at a salary to be
78 determined by the State Personnel Board, unless otherwise
79 authorized in this act.

80 Any transfers or escalations shall be made in accordance with
81 the terms, conditions and procedures established by law or
82 allowable under the terms set forth within this act. The State
83 Personnel Board shall not escalate positions without written
84 approval from the Department of Finance and Administration. The
85 Department of Finance and Administration shall not provide written
86 approval to escalate any funds for salaries and/or positions
87 without proof of availability of new or additional funds above the
88 appropriated level.

89 No general funds authorized to be expended herein shall be
90 used to replace federal funds and/or other special funds which are

91 being used for salaries authorized under the provisions of this
92 act and which are withdrawn and no longer available.

93 **SECTION 3.** None of the funds appropriated by this act shall
94 be expended for any purpose that is not actually required or
95 necessary for performing any of the powers or duties of the Office
96 of the Secretary of State that are authorized by the Mississippi
97 Constitution of 1890, state or federal law, or rules or
98 regulations that implement state or federal law.

99 **SECTION 4.** No part of the funds appropriated herein shall be
100 used either directly or indirectly, for the purpose of paying any
101 clerk, stenographer, assistant, deputy, or other person who may be
102 related by blood or marriage within the third degree, computed by
103 the rules of the civil law, to the official employing or having
104 the right of employment or selection thereof; and in the event of
105 any such payment, then the official or person approving and making
106 or receiving such payment shall be jointly and severally liable to
107 return to the State of Mississippi and to pay into the State
108 Treasury three (3) times any such amount so paid or received, to
109 be recovered at suit of the Attorney General; provided that when
110 the relationship is by affinity and the person through whom the
111 relationship was established is dead, this provision shall not
112 apply.

113 **SECTION 5.** It is the intention of the Legislature that the
114 Secretary of State shall have the authority to accept proceeds and
115 revenues from fines, awards, or settlements produced by
116 administrative or court actions involving the enforcement of the
117 Mississippi Securities Act and the Regulation of Charitable
118 Solicitations Act. Such funds are to be escalated in accordance
119 with procedures for federal fund escalations as established in
120 Section 27-104-21, Mississippi Code of 1972, and expended for the
121 purposes of enforcement of the Mississippi Securities Act and the
122 regulation of the Charitable Solicitations Act in accordance with

123 applicable rules and regulations of the State Fiscal Officer. It
124 is the intention of the Legislature that the funds deposited to
125 the Securities Enforcement Act and Regulation of Charitable
126 Solicitations Act Fund be maintained separate and apart from other
127 special funds derived from fees charged by the Secretary of State
128 and shall remain in that fund to be used by the Secretary of State
129 as authorized herein.

130 **SECTION 6.** It is the intention of the Legislature that the
131 Secretary of State shall have the authority to accept proceeds and
132 revenues from the sale of tax forfeited properties in accordance
133 with Section 29-1-95. These funds shall be deposited into a
134 Special Fund in the State Treasury called the Land Records
135 Maintenance Fund. 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 preserving state land records and disposition of tax
139 forfeited properties in accordance with applicable rules and
140 regulations of the State Fiscal Officer. It is the intention of
141 the Legislature that the funds deposited to the Land Records
142 Maintenance Fund be maintained separate and apart from other
143 Special Funds derived from fees charged by the Secretary of State
144 and shall remain in that fund to be used by the Secretary of State
145 as authorized herein.

146 **SECTION 7.** It is the intention of the Legislature that the
147 Secretary of State shall have the authority to accept proceeds and
148 revenues from the lease rentals of tidelands and submerged lands
149 in accordance with Section 29-1-107, Mississippi Code of 1972.
150 These funds shall be deposited into a special fund in the State
151 Treasury called the Public Trust Tidelands Fund. Such funds are
152 to be escalated in accordance with procedures for federal fund
153 escalations as established in Section 27-104-21, Mississippi Code
154 of 1972, and expended for the purposes of managing the state

155 tidelands and submerged lands in accordance with applicable rules
156 and regulations of the State Fiscal Officer. It is the intention
157 of the Legislature that the funds deposited to the Public Trust
158 Tidelands Fund be maintained separate and apart from other special
159 funds derived from fees charged by the Secretary of State and
160 shall be used by the Secretary of State as authorized herein.

161 **SECTION 8.** It is the intention of the Legislature that the
162 Secretary of State shall have the authority to accept proceeds and
163 revenues generated from fees for producing information and data
164 from the statewide voter registration database. These funds shall
165 be deposited into the special fund in the State Treasury known as
166 the Help Mississippi Vote Fund. The Secretary of State shall have
167 the authority to escalate and expend such funds in an amount not
168 to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) in
169 accordance with procedures for federal fund escalations. These
170 funds shall be expended for the purposes of supporting the state's
171 maintenance of efforts as required by the federal mandates of the
172 Help America Vote Act of 2002. It is the intention of the
173 Legislature that the funds deposited into the Help America Vote
174 Fund be maintained separate and apart from the other special funds
175 derived from fees charged by the Secretary of State and shall be
176 used by the Secretary of State as authorized herein.

177 **SECTION 9.** It is the intention of the Legislature that
178 whenever two (2) or more bids are received by this agency for the
179 purchase of commodities or equipment, and whenever all things
180 stated in such received bids are equal with respect to price,
181 quality and service, the Mississippi Industries for the Blind
182 shall be given preference. A similar preference shall be given to
183 the Mississippi Industries for the Blind whenever purchases are
184 made without competitive bids.

185 **SECTION 10.** It is legislative intent to ensure beneficial
186 information reaches as many Mississippians as possible. Further,

187 it is legislative intent that the expenditure of public funds for
188 this purpose be accomplished in an efficient and effective manner.

189 Therefore, state agencies as standard procedure, will observe
190 the following criteria:

191 (1) Develop goals and desired result for a campaign.

192 (2) Evaluate effectiveness through respected advertising
193 standards, including market reach and cost effectiveness.

194 (3) Seek public service announcements, which would be aired
195 by media without cost.

196 (4) Itemize and justify professional assistance and related
197 expenses for creative and production costs outside of the actual
198 media expenditures.

199 (5) Utilize Mississippi owned media companies when feasible.

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

206 **SECTION 12.** This act shall take effect and be in force from
207 and after July 1, 2007.

**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 2008.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)
Gordon

X (SIGNED)
Stringer

X (SIGNED)
Thames

X (SIGNED)
Coleman (29th)

X (SIGNED)
Williamson

X (SIGNED)
McBride