

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 3010**

**BY: 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, 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..... 1,150,000.00  
 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.** The money herein appropriated shall be paid by  
148 the State Treasurer out of any money in the State Treasury to the  
149 credit of the proper fund or funds as set forth in this act, upon  
150 warrants issued by the State Fiscal Officer; and the State Fiscal

151 Officer shall issue his warrants upon requisitions signed by the  
152 proper person, officer or officers in the manner provided by law.

153         **SECTION 10.** This act shall take effect and be in force from  
154 and after July 1, 2006.