

By: Senator(s) Hall, Burton, Dearing, Kirby, To: Appropriations
Mettetal, Ross, Walls, White (5th)

SENATE BILL NO. 3131
(As Passed the Senate)

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 2000.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 1999, and ending

10 June 30, 2000..... \$ 8,093,200.00.

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..	\$ 4,301,590.00
18	Travel and Subsistence.....	81,600.00
19	Contractual Services.....	2,862,460.00
20	Commodities.....	503,550.00

21 Capital Outlay:

22	Other Than Equipment.....	0.00
23	Equipment.....	143,000.00
24	Subsidies, Loans and Grants.....	<u>201,000.00</u>
25	Total.....	\$ 8,093,200.00

26 AUTHORIZED POSITIONS:

27	Permanent:	Full Time.	72
28		Part Time.	0
29	Time-Limited:	Full Time.	19
30		Part Time.	0

31 From the funds provided in the budget category "Personal
32 Services: Salaries, Wages and Fringe Benefits," funds may be
33 expended for the following purposes, in compliance with the
34 policies established by the State Personnel Board and any
35 conditions placed on such expenditures:

36 (a) The components of the Variable Compensation Plan
37 shall be maintained within the constraints of the funds
38 appropriated herein.

39 (b) Funds are provided to adjust the Variable
40 Compensation Plan, including realignment, to ensure that all
41 full-time employees with at least six (6) months of continuous
42 current service, as of June 30, 1999, receive an increase of One
43 Thousand Five Hundred Dollars (\$1,500.00). Funds are provided to
44 adjust critical job classes up to an additional One Thousand
45 Dollars (\$1,000.00).

46 (c) If an employee is currently at or above the end
47 salary for his or her job classification, then the increase shall
48 be built into the employee's base salary. To be eligible for any
49 increase authorized in this section, employees may not have a
50 current performance rating below "meets expectations" as of the
51 effective date of the increase. Employees who subsequently
52 receive a performance rating of "meets expectations" or above
53 during Fiscal Year 2000 shall receive the salary increase
54 effective the date of the rating.

55 It is the agency's responsibility to make certain that funds
56 required to be appropriated for "Personal Services" for Fiscal
57 Year 2001 do not exceed Fiscal Year 2000 funds appropriated for
58 that purpose unless programs or positions are added to the
59 agency's budget by the Mississippi Legislature.

60 Any transfers or escalations shall be made in accordance with
61 the terms, conditions, and procedures established by law.

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. Funds are provided in this act to reallocate one
135 (1) position from Accounting and Finance Director to Bureau
136 Director II at an annualized cost not to exceed Eleven Thousand
137 Eight Hundred Two Dollars (\$11,802.00).

138 SECTION 9. The money herein appropriated shall be paid by
139 the State Treasurer out of any money in the State Treasury to the
140 credit of the proper fund or funds as set forth in this act, upon
141 warrants issued by the State Fiscal Officer; and the State Fiscal
142 Officer shall issue his warrants upon requisitions signed by the
143 proper person, officer or officers in the manner provided by law.
144

145 SECTION 10. This act shall take effect and be in force from
146 and after July 1, 1999.