

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

SENATE BILL NO. 3131  
(As Sent to Governor)

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.