

By: Senator(s) Gordon, Thames, Farris,
Kirby, Chaney, Frazier, Little, Walls,
Williamson

To: Appropriations

SENATE BILL NO. 3136
(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 2003.

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, 2002, and ending

10 June 30, 2003..... \$ 9,268,998.00.

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.. \$ 4,581,618.00

18 Travel and Subsistence..... 60,000.00

19 Contractual Services..... 2,819,720.00

20 Commodities..... 557,660.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00

23 Equipment..... 100,000.00

24 Subsidies, Loans and Grants..... 1,150,000.00

25 Total..... \$ 9,268,998.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 71



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

31 Funds are provided herein to adjust the Variable Compensation
32 Plan to ensure that all full-time employees receive a pay increase
33 equal to fifty percent (50%) of the realignment component of the
34 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
35 whichever is greater, beginning on January 1, 2003.

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 2004 do not exceed Fiscal Year 2003
40 funds appropriated for that purpose, unless programs, positions or
41 pay increases are added to the agency's budget by the Mississippi
42 Legislature. Based on data provided by the Legislative Budget
43 Office, the State Personnel Board shall, on July 1, 2002, publish
44 separate annual projection reports, based on July 1, 2002 data,
45 for the period of July 1, 2002 through December 31, 2002, and
46 January 1, 2003 through June 30, 2003, that project the annual
47 cost to fully fund all appropriated positions in compliance with
48 the provisions of this act. It shall be the responsibility of the
49 agency head to ensure that no single personnel action increases
50 this projected cost and/or the Fiscal Year 2003 appropriation for
51 "Personal Services," as annualized on a semi-annual basis in
52 accordance with the provisions of this act. If, at the end of any
53 calendar month, the State Personnel Board determines that the
54 agency has taken action(s) which would cause the agency to exceed
55 this projected annual cost or the Fiscal Year 2003 "Personal
56 Services" appropriated level, when annualized in compliance with
57 the provisions of this act, then only those actions which reduce
58 the projected annual cost and/or the appropriation requirement
59 will be processed by the State Personnel Board until such time as
60 the requirements of this provision are met.



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

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

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

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

87 **SECTION 5.** It is the intention of the Legislature that the
88 Secretary of State shall have the authority to accept proceeds and
89 revenues from fines, awards, or settlements produced by
90 administrative or court actions involving the enforcement of the
91 Mississippi Securities Act and the Regulation of Charitable
92 Solicitations Act. Such funds are to be escalated in accordance
93 with procedures for federal fund escalations as established in



94 Section 27-104-21, Mississippi Code of 1972, and expended for the
95 purposes of enforcement of the Mississippi Securities Act and the
96 regulation of the Charitable Solicitations Act in accordance with
97 applicable rules and regulations of the State Fiscal Officer. It
98 is the intention of the Legislature that the funds deposited to
99 the Securities Enforcement Act and Regulation of Charitable
100 Solicitations Act Fund be maintained separate and apart from other
101 special funds derived from fees charged by the Secretary of State
102 and shall remain in that fund to be used by the Secretary of State
103 as authorized herein.

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

120 **SECTION 7.** It is the intention of the Legislature that the
121 Secretary of State shall have the authority to accept proceeds and
122 revenues from the lease rentals of tidelands and submerged lands
123 in accordance with Section 29-1-107, Mississippi Code of 1972.
124 These funds shall be deposited into a special fund in the State
125 Treasury called the Public Trust Tidelands Fund. Such funds are
126 to be escalated in accordance with procedures for federal fund



127 escalations as established in Section 27-104-21, Mississippi Code
128 of 1972, and expended for the purposes of managing the state
129 tidelands and submerged lands in accordance with applicable rules
130 and regulations of the State Fiscal Officer. It is the intention
131 of the Legislature that the funds deposited to the Public Trust
132 Tidelands Fund be maintained separate and apart from other special
133 funds derived from fees charged by the Secretary of State and
134 shall be used by the Secretary of State as authorized herein.

135 **SECTION 8.** It is the intention of the Legislature that the
136 Office of the Secretary of State is hereby authorized to escalate,
137 budget and expend funds from Special Fund No. 3111 in an amount
138 not to exceed Five Hundred Thousand Dollars (\$500,000.00) in
139 accordance with rules and regulations of the Department of Finance
140 and Administration in a manner consistent with the escalation of
141 federal funds. The authority granted in this section is provided
142 in the event that amounts required to be rebated to Chancery
143 Clerks for their portion of Uniform Commercial Code filing fees
144 collected by the Office of the Secretary of State in Senate Bill
145 No. 2626, Regular Session of 2001, exceeds the appropriation
146 authority authorized in Section 1 of this act.

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, 2002.

