MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

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

To: Appropriations

SENATE BILL NO. 3136
(As Sent to Governor)


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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Office of the Secretary of State, for the purpose of defraying the expenses incurred by said office for the fiscal year beginning July 1, 2002, and ending June 30, 2003................................. $ 9,268,998.00.

SECTION 2. Of the funds appropriated under the provisions of Section 1, not more than the amounts set forth below shall be expended for the respective major objects or purposes of expenditure:

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits.. $ 4,581,618.00
Travel and Subsistence................ 60,000.00
Contractual Services....................... 2,819,720.00
Commodities................................ 557,660.00

Capital Outlay:

Other Than Equipment.................. 0.00
Equipment................................ 100,000.00
Subsidies, Loans and Grants.............. 1,150,000.00

Total................................ $ 9,268,998.00

AUTHORIZED POSITIONS:

Permanent: Full Time............ 71
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<tr>
<th>Time-Limited:</th>
<th>Full Time............</th>
<th>19</th>
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<tbody>
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<td>Part Time....</td>
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Funds are provided herein to adjust the Variable Compensation Plan to ensure that all full-time employees receive a pay increase equal to fifty percent (50%) of the realignment component of the Variable Compensation Plan or Six Hundred Dollars ($600.00), whichever is greater, beginning on January 1, 2003.

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003 funds appropriated for that purpose, unless programs, positions or pay increases are added to the agency's budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall, on July 1, 2002, publish separate annual projection reports, based on July 1, 2002 data, for the period of July 1, 2002 through December 31, 2002, and January 1, 2003 through June 30, 2003, that project the annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected cost and/or the Fiscal Year 2003 appropriation for "Personal Services," as annualized on a semi-annual basis in accordance with the provisions of this act. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2003 "Personal Services" appropriated level, when annualized in compliance with the provisions of this act, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.
Any transfers or escalations shall be made in accordance with the terms, conditions, and procedures established by law.

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

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

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

SECTION 5. It is the intention of the Legislature that the Secretary of State shall have the authority to accept proceeds and revenues from fines, awards, or settlements produced by administrative or court actions involving the enforcement of the Mississippi Securities Act and the Regulation of Charitable Solicitations Act. Such funds are to be escalated in accordance with procedures for federal fund escalations as established in
Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of enforcement of the Mississippi Securities Act and the regulation of the Charitable Solicitations Act in accordance with applicable rules and regulations of the State Fiscal Officer. It is the intention of the Legislature that the funds deposited to the Securities Enforcement Act and Regulation of Charitable Solicitations Act Fund be maintained separate and apart from other special funds derived from fees charged by the Secretary of State and shall remain in that fund to be used by the Secretary of State as authorized herein.

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

SECTION 7. It is the intention of the Legislature that the Secretary of State shall have the authority to accept proceeds and revenues from the lease rentals of tidelands and submerged lands in accordance with Section 29-1-107, Mississippi Code of 1972. These funds shall be deposited into a special fund in the State Treasury called the Public Trust Tidelands Fund. Such funds are to be escalated in accordance with procedures for federal fund
escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of managing the state tidelands and submerged lands in accordance with applicable rules and regulations of the State Fiscal Officer. It is the intention of the Legislature that the funds deposited to the Public Trust Tidelands Fund be maintained separate and apart from other special funds derived from fees charged by the Secretary of State and shall be used by the Secretary of State as authorized herein.

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

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

SECTION 10. This act shall take effect and be in force from and after July 1, 2002.