

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

To: Appropriations

SENATE BILL NO. 2937  
(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 2004.

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, 2003, and ending

10 June 30, 2004..... \$ 10,158,995.00.

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..	\$	4,829,409.00
18	Travel and Subsistence.....		75,000.00
19	Contractual Services.....		3,509,926.00
20	Commodities.....		494,660.00

21 Capital Outlay:

22	Other Than Equipment.....		0.00
23	Equipment.....		100,000.00
24	Subsidies, Loans and Grants.....		<u>1,150,000.00</u>
25	Total.....	\$	10,158,995.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 73



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

31 With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2005 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2004 appropriation for "Personal  
44 Services" when annualized. If, at the end of any calendar month,  
45 the State Personnel Board determines that the agency has taken  
46 action(s) which would cause the agency to exceed this projected  
47 annual cost or the Fiscal Year 2004 "Personal Services"  
48 appropriated level, when annualized, then only those actions which  
49 reduce the projected annual cost and/or the appropriation  
50 requirement will be processed by the State Personnel Board until  
51 such time as the requirements of this provision are met.

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

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

58 **SECTION 3.** None of the funds appropriated by this act shall  
59 be expended for any purpose that is not actually required or  
60 necessary for performing any of the powers or duties of the Office



61 of the Secretary of State that are authorized by the Mississippi  
62 Constitution of 1890, state or federal law, or rules or  
63 regulations that implement state or federal law.

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

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



93 and shall remain in that fund to be used by the Secretary of State  
94 as authorized herein.

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

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



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

138           **SECTION 9.** It is the intention of the Legislature that the  
139 Secretary of State shall have the authority to transfer Five  
140 Hundred Thousand Dollars (\$500,000.00) from Special Fund No. 3112  
141 to Special Fund No. 3111. The authority granted in this section  
142 is provided for the purpose of funding the Department of Human  
143 Services in accordance with Senate Bill No. 2327, Regular Session  
144 of 2003.

145           **SECTION 10.** The money herein appropriated shall be paid by  
146 the State Treasurer out of any money in the State Treasury to the  
147 credit of the proper fund or funds as set forth in this act, upon  
148 warrants issued by the State Fiscal Officer; and the State Fiscal  
149 Officer shall issue his warrants upon requisitions signed by the  
150 proper person, officer or officers in the manner provided by law.

151           **SECTION 11.** This act shall take effect and be in force from  
152 and after July 1, 2003, with the exception of Section 9 which  
153 shall take effect and be in force from and after its passage.

