

By: Senator(s) Gordon, Little, Thames, Chaney, Davis, Kirby, Williamson To: Appropriations

SENATE BILL NO. 2031

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 2006.

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, 2005, and ending

10 June 30, 2006..... \$ 9,508,624.00.

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.. \$ 4,833,543.00

18 Travel and Subsistence..... 31,407.00

19 Contractual Services..... 2,972,047.00

20 Commodities..... 511,627.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00

23 Equipment..... 10,000.00

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

25 Total..... \$ 9,508,624.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 72

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 2007 do not exceed Fiscal Year 2006
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2007 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 2006 appropriation for "Personal
44 Services" when annualized, with the exception of escalated funds.
45 If, at the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this
48 projected annual cost or the Fiscal Year 2006 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

53 Any transfers or escalations shall be made in accordance with
54 the terms, conditions and procedures established by law or
55 allowable under the terms set forth within this act. The State
56 Personnel Board shall not escalate positions without written
57 approval from the Department of Finance and Administration. The
58 Department of Finance and Administration shall not provide written
59 approval to escalate any funds for salaries and/or positions

60 without proof of availability of new or additional funds above the
61 appropriated level.

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 The agency shall not take any action to promote or otherwise
67 award salary increases through reallocation, reclassification,
68 realignment, education benchmark, career ladder, or any other
69 means to increase salaries of employees or positions unless
70 specifically exempted by the following conditions: the award of
71 teacher pay increases, the advancement of a trainee/cadet to the
72 next level of a bona fide career ladder, the award of an
73 educational benchmark for the attainment of Certified Public
74 Accountant License or higher level professional certification as
75 determined by the State Personnel Board, the immediate replacement
76 of a departing employee with an individual from within state
77 service or a new hire at a salary level equivalent to that of the
78 departing employee, and the emergency appointment of nurses,
79 pharmacists or other health care professionals at a salary to be
80 determined by the State Personnel Board, unless otherwise
81 authorized in this act.

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

88 **SECTION 4.** No part of the funds appropriated herein shall be
89 used either directly or indirectly, for the purpose of paying any
90 clerk, stenographer, assistant, deputy, or other person who may be
91 related by blood or marriage within the third degree, computed by
92 the rules of the civil law, to the official employing or having

93 the right of employment or selection thereof; and in the event of
94 any such payment, then the official or person approving and making
95 or receiving such payment shall be jointly and severally liable to
96 return to the State of Mississippi and to pay into the State
97 Treasury three (3) times any such amount so paid or received, to
98 be recovered at suit of the Attorney General; provided that when
99 the relationship is by affinity and the person through whom the
100 relationship was established is dead, this provision shall not
101 apply.

102 **SECTION 5.** It is the intention of the Legislature that the
103 Secretary of State shall have the authority to accept proceeds and
104 revenues from fines, awards, or settlements produced by
105 administrative or court actions involving the enforcement of the
106 Mississippi Securities Act and the Regulation of Charitable
107 Solicitations Act. Such funds are to be escalated in accordance
108 with procedures for federal fund escalations as established in
109 Section 27-104-21, Mississippi Code of 1972, and expended for the
110 purposes of enforcement of the Mississippi Securities Act and the
111 regulation of the Charitable Solicitations Act in accordance with
112 applicable rules and regulations of the State Fiscal Officer. It
113 is the intention of the Legislature that the funds deposited to
114 the Securities Enforcement Act and Regulation of Charitable
115 Solicitations Act 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 6.** 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 sale of tax forfeited properties in accordance
122 with Section 29-1-95. These funds shall be deposited into a
123 Special Fund in the State Treasury called the Land Records
124 Maintenance Fund. Such funds are to be escalated in accordance
125 with procedures for federal fund escalations as established in

126 Section 27-104-21, Mississippi Code of 1972, and expended for the
127 purposes of preserving state land records and disposition of tax
128 forfeited properties in accordance with applicable rules and
129 regulations of the State Fiscal Officer. It is the intention of
130 the Legislature that the funds deposited to the Land Records
131 Maintenance Fund be maintained separate and apart from other
132 Special Funds derived from fees charged by the Secretary of State
133 and shall remain in that fund to be used by the Secretary of State
134 as authorized herein.

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

150 **SECTION 8.** The money herein appropriated shall be paid by
151 the State Treasurer out of any money in the State Treasury to the
152 credit of the proper fund or funds as set forth in this act, upon
153 warrants issued by the State Fiscal Officer; and the State Fiscal
154 Officer shall issue his warrants upon requisitions signed by the
155 proper person, officer or officers in the manner provided by law.

156 **SECTION 9.** This act shall take effect and be in force from
157 and after July 1, 2005.