

By: Senator(s) Gordon, Little, Thames,
Chaney, Davis, Kirby, Williamson, Dearing,
Posey

To: Appropriations

SENATE BILL NO. 3010
(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 2007.

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, 2006, and ending

10 June 30, 2007..... \$ 11,198,496.00.

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.. \$ 5,112,608.00

18 Travel and Subsistence..... 86,407.00

19 Contractual Services..... 4,155,137.00

20 Commodities..... 584,344.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00

23 Equipment..... 110,000.00

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

25 Total..... \$ 11,198,496.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 72

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 the realignment component of the Variable Compensation
34 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
35 with not more than one-half (1/2) to be awarded on July 1, 2006,
36 with the remainder to be awarded on January 1, 2007.

37 With the funds herein appropriated, it is the intention of
38 the Legislature that it shall be the agency's responsibility to
39 make certain that funds required to be appropriated for "Personal
40 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
41 funds appropriated for that purpose, unless programs or positions
42 are added to the agency's Fiscal Year 2008 budget by the
43 Mississippi Legislature. Based on data provided by the
44 Legislative Budget Office, the State Personnel Board shall
45 determine and publish the projected annual cost to fully fund all
46 appropriated positions in compliance with the provisions of this
47 act. It shall be the responsibility of the agency head to insure
48 that no single personnel action increases this projected annual
49 cost and/or the Fiscal Year 2007 appropriation for "Personal
50 Services" when annualized, with the exception of escalated funds.
51 If, at the time the agency takes any action to change "Personal
52 Services," the State Personnel Board determines that the agency
53 has taken an action which would cause the agency to exceed this
54 projected annual cost or the Fiscal Year 2007 "Personal Services"
55 appropriated level, when annualized, then only those actions which
56 reduce the projected annual cost and/or the appropriation
57 requirement will be processed by the State Personnel Board until
58 such time as the requirements of this provision are met.

59 Any transfers or escalations shall be made in accordance with
60 the terms, conditions and procedures established by law or

61 allowable under the terms set forth within this act. The State
62 Personnel Board shall not escalate positions without written
63 approval from the Department of Finance and Administration. The
64 Department of Finance and Administration shall not provide written
65 approval to escalate any funds for salaries and/or positions
66 without proof of availability of new or additional funds above the
67 appropriated level.

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

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

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

92 **SECTION 5.** It is the intention of the Legislature that the
93 Secretary of State shall have the authority to accept proceeds and

94 revenues from fines, awards, or settlements produced by
95 administrative or court actions involving the enforcement of the
96 Mississippi Securities Act and the Regulation of Charitable
97 Solicitations Act. Such funds are to be escalated in accordance
98 with procedures for federal fund escalations as established in
99 Section 27-104-21, Mississippi Code of 1972, and expended for the
100 purposes of enforcement of the Mississippi Securities Act and the
101 regulation of the Charitable Solicitations Act in accordance with
102 applicable rules and regulations of the State Fiscal Officer. It
103 is the intention of the Legislature that the funds deposited to
104 the Securities Enforcement Act and Regulation of Charitable
105 Solicitations Act Fund be maintained separate and apart from other
106 special funds derived from fees charged by the Secretary of State
107 and shall remain in that fund to be used by the Secretary of State
108 as authorized herein.

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

125 **SECTION 7.** It is the intention of the Legislature that the
126 Secretary of State shall have the authority to accept proceeds and

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

140 **SECTION 8.** It is the intention of the Legislature that
141 whenever two (2) or more bids are received by this agency for the
142 purchase of commodities or equipment, and whenever all things
143 stated in such received bids are equal with respect to price,
144 quality and service, the Mississippi Industries for the Blind
145 shall be given preference. A similar preference shall be given to
146 the Mississippi Industries for the Blind whenever purchases are
147 made without competitive bids.

148 **SECTION 9.** It is legislative intent to ensure beneficial
149 information reaches as many Mississippians as possible. Further,
150 it is legislative intent that the expenditure of public funds for
151 this purpose be accomplished in an efficient and effective manner.

152 Therefore, state agencies as standard procedure, will observe
153 the following criteria:

- 154 (1) Develop goals and desired result for a campaign.
- 155 (2) Evaluate effectiveness through respected advertising
156 standards, including market reach and cost effectiveness.
- 157 (3) Seek public service announcements, which would be aired
158 by media without cost.

159 (4) Itemize and justify professional assistance and related
160 expenses for creative and production costs outside of the actual
161 media expenditures.

162 (5) Utilize Mississippi owned media companies when feasible.

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

169 **SECTION 11.** This act shall take effect and be in force from
170 and after July 1, 2006.