

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

To: Appropriations

SENATE BILL NO. 3118

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 2008.

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, 2007, and ending

10 June 30, 2008..... \$ 13,286,634.00.

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..	\$	5,349,923.00
18	Travel and Subsistence.....		86,407.00
19	Contractual Services.....		5,550,968.00
20	Commodities.....		604,344.00

21 Capital Outlay:

22	Other Than Equipment.....		0.00
23	Equipment.....		299,992.00
24	Vehicles.....		0.00
25	Wireless Communication Devices.....		0.00
26	Subsidies, Loans and Grants.....		<u>1,395,000.00</u>
27	Total.....	\$	13,286,634.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	91
30		Part Time.....	0
31	Time-Limited:	Full Time.....	0
32		Part Time.....	0

33 Funds are provided herein to adjust the Variable Compensation
34 Plan to ensure that all full-time employees receive a pay increase
35 equal to the realignment component of the Variable Compensation
36 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
37 whichever is greater, to be awarded on July 1, 2007.

38 With the funds herein appropriated, it is the intention of
39 the Legislature that it shall be the agency's responsibility to
40 make certain that funds required to be appropriated for "Personal
41 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
42 funds appropriated for that purpose, unless programs or positions
43 are added to the agency's Fiscal Year 2009 budget by the
44 Mississippi Legislature. Based on data provided by the
45 Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this
48 act. It shall be the responsibility of the agency head to insure
49 that no single personnel action increases this projected annual
50 cost and/or the Fiscal Year 2008 appropriation for "Personal
51 Services" when annualized, with the exception of escalated funds.
52 If, at the time the agency takes any action to change "Personal
53 Services," the State Personnel Board determines that the agency
54 has taken an action which would cause the agency to exceed this
55 projected annual cost or the Fiscal Year 2008 "Personal Services"
56 appropriated level, when annualized, then only those actions which
57 reduce the projected annual cost and/or the appropriation
58 requirement will be processed by the State Personnel Board until
59 such time as the requirements of this provision are met.

60 Any transfers or escalations shall be made in accordance with
61 the terms, conditions and procedures established by law or
62 allowable under the terms set forth within this act. The State
63 Personnel Board shall not escalate positions without written
64 approval from the Department of Finance and Administration. The
65 Department of Finance and Administration shall not provide written
66 approval to escalate any funds for salaries and/or positions
67 without proof of availability of new or additional funds above the
68 appropriated level.

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

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

89 **SECTION 3.** None of the funds appropriated by this act shall
90 be expended for any purpose that is not actually required or
91 necessary for performing any of the powers or duties of the Office
92 of the Secretary of State that are authorized by the Mississippi

93 Constitution of 1890, state or federal law, or rules or
94 regulations that implement state or federal law.

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

109 **SECTION 5.** It is the intention of the Legislature that the
110 Secretary of State shall have the authority to accept proceeds and
111 revenues from fines, awards, or settlements produced by
112 administrative or court actions involving the enforcement of the
113 Mississippi Securities Act and the Regulation of Charitable
114 Solicitations Act. 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 enforcement of the Mississippi Securities Act and the
118 regulation of the Charitable Solicitations Act in accordance with
119 applicable rules and regulations of the State Fiscal Officer. It
120 is the intention of the Legislature that the funds deposited to
121 the Securities Enforcement Act and Regulation of Charitable
122 Solicitations Act Fund be maintained separate and apart from other
123 special funds derived from fees charged by the Secretary of State
124 and shall remain in that fund to be used by the Secretary of State
125 as authorized herein.

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

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

157 **SECTION 8.** It is the intention of the Legislature that the
158 Secretary of State shall have the authority to accept proceeds and

159 revenues generated from fees for producing information and data
160 from the statewide voter registration database. These funds shall
161 be deposited into the special fund in the State Treasury known as
162 the Help Mississippi Vote Fund. The Secretary of State shall have
163 the authority to escalate such funds in an amount not to exceed
164 Two Hundred Fifty Thousand Dollars (\$250,000.00) in accordance
165 with procedures for federal fund escalations. These funds shall
166 be expended for the purposes of supporting the state's maintenance
167 of efforts as required by the federal mandates of the Help America
168 Vote Act of 2002. It is the intention of the Legislature that the
169 funds deposited into the Help America Vote Fund be maintained
170 separate and apart from the other special funds derived from fees
171 charged by the Secretary of State and shall be used by the
172 Secretary of State as authorized herein.

173 **SECTION 9.** It is the intention of the Legislature that
174 whenever two (2) or more bids are received by this agency for the
175 purchase of commodities or equipment, and whenever all things
176 stated in such received bids are equal with respect to price,
177 quality and service, the Mississippi Industries for the Blind
178 shall be given preference. A similar preference shall be given to
179 the Mississippi Industries for the Blind whenever purchases are
180 made without competitive bids.

181 **SECTION 10.** It is legislative intent to ensure beneficial
182 information reaches as many Mississippians as possible. Further,
183 it is legislative intent that the expenditure of public funds for
184 this purpose be accomplished in an efficient and effective manner.

185 Therefore, state agencies as standard procedure, will observe
186 the following criteria:

187 (1) Develop goals and desired result for a campaign.

188 (2) Evaluate effectiveness through respected advertising
189 standards, including market reach and cost effectiveness.

190 (3) Seek public service announcements, which would be aired
191 by media without cost.

192 (4) Itemize and justify professional assistance and related
193 expenses for creative and production costs outside of the actual
194 media expenditures.

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

196 **SECTION 11.** The money herein appropriated shall be paid by
197 the State Treasurer out of any money in the State Treasury to the
198 credit of the proper fund or funds as set forth in this act, upon
199 warrants issued by the State Fiscal Officer; and the State Fiscal
200 Officer shall issue his warrants upon requisitions signed by the
201 proper person, officer or officers in the manner provided by law.

202 **SECTION 12.** This act shall take effect and be in force from
203 and after July 1, 2007.