

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

To: Appropriations

SENATE BILL NO. 3118
(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 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..... \$ 13,321,831.00.

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.. | \$ | 5,385,120.00 |
| 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..... \$ 13,321,831.00

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 Five Hundred Dollars (\$1,500.00), whichever
37 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 2008 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 appropriations for "Personal
51 Services" when annualized, with the exception of escalated funds
52 and educational benchmarks. If, at the time the agency takes any
53 action to change "Personal Services," the State Personnel Board
54 determines that the agency has taken an action which would cause
55 the agency to exceed this projected annual cost or the Fiscal Year
56 2008 "Personal Services" appropriated level, when annualized, then
57 only those actions which reduce the projected annual cost and/or
58 the appropriation requirement will be processed by the State
59 Personnel Board until such time as the requirements of this
60 provision are met. On January 1, 2008, the State Personnel Board

61 will make adjustments to the structure side of the compliance
62 report based on data provided by the Legislative Budget Office in
63 order for agencies to award educational benchmarks.

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

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76 act and which are withdrawn and no longer available.

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

83 **SECTION 4.** No part of the funds appropriated herein shall be
84 used either directly or indirectly, for the purpose of paying any
85 clerk, stenographer, assistant, deputy, or other person who may be
86 related by blood or marriage within the third degree, computed by
87 the rules of the civil law, to the official employing or having
88 the right of employment or selection thereof; and in the event of
89 any such payment, then the official or person approving and making
90 or receiving such payment shall be jointly and severally liable to
91 return to the State of Mississippi and to pay into the State
92 Treasury three (3) times any such amount so paid or received, to
93 be recovered at suit of the Attorney General; provided that when

94 the relationship is by affinity and the person through whom the
95 relationship was established is dead, this provision shall not
96 apply.

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

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

127 Special Funds derived from fees charged by the Secretary of State
128 and shall remain in that fund to be used by the Secretary of State
129 as authorized herein.

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

145 **SECTION 8.** It is the intention of the Legislature that the
146 Secretary of State shall have the authority to accept proceeds and
147 revenues generated from fees for producing information and data
148 from the statewide voter registration database. These funds shall
149 be deposited into the special fund in the State Treasury known as
150 the Help Mississippi Vote Fund. The Secretary of State shall have
151 the authority to escalate and expend such funds in an amount not
152 to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) in
153 accordance with procedures for federal fund escalations. These
154 funds shall be expended for the purposes of supporting the state's
155 maintenance of efforts as required by the federal mandates of the
156 Help America Vote Act of 2002. It is the intention of the
157 Legislature that the funds deposited into the Help America Vote
158 Fund be maintained separate and apart from the other special funds

159 derived from fees charged by the Secretary of State and shall be
160 used by the Secretary of State as authorized herein.

161 **SECTION 9.** It is the intention of the Legislature that
162 whenever two (2) or more bids are received by this agency for the
163 purchase of commodities or equipment, and whenever all things
164 stated in such received bids are equal with respect to price,
165 quality and service, the Mississippi Industries for the Blind
166 shall be given preference. A similar preference shall be given to
167 the Mississippi Industries for the Blind whenever purchases are
168 made without competitive bids.

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

173 Therefore, state agencies as standard procedure, will observe
174 the following criteria:

175 (a) Develop goals and desired result for a campaign.

176 (b) Evaluate effectiveness through respected
177 advertising standards, including market reach and cost
178 effectiveness.

179 (c) Seek public service announcements, which would be
180 aired by media without cost.

181 (d) Itemize and justify professional assistance and
182 related expenses for creative and production costs outside of the
183 actual media expenditures.

184 (e) Utilize Mississippi-owned media companies when
185 feasible.

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

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