

House Amendments to Senate Bill No. 3054

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, for the support and
7 maintenance of the Secretary of State for the fiscal year
8 beginning July 1, 2019, and ending June 30, 2020.....
9\$ 13,386,206.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby authorized for expenditure out of any special
12 source funds which are collected by or otherwise become available
13 for the purpose of defraying the expenses of the Secretary of
14 State for the fiscal year beginning July 1, 2019, and ending June
15 30, 2020.....\$ 17,733,541.00.

16 **SECTION 3.** Of the funds appropriated under the provisions of
17 Section 1, the following positions are authorized:

18 AUTHORIZED POSITIONS:

19	Permanent:	Full Time.....	98
20		Part Time.....	0

21 Time-Limited: Full Time..... 13
22 Part Time..... 0

23 With the funds herein appropriated, it shall be the agency's
24 responsibility to make certain that funds required to be
25 appropriated for "Personal Services" for Fiscal Year 2021 do not
26 exceed Fiscal Year 2020 funds appropriated for that purpose,
27 unless programs or positions are added to the agency's Fiscal Year
28 2020 budget by the Mississippi Legislature. Based on data
29 provided by the Legislative Budget Office, the State Personnel
30 Board shall determine and publish the projected annual cost to
31 fully fund all appropriated positions in compliance with the
32 provisions of this act. It shall be the responsibility of the
33 agency head to ensure that no single personnel action increases
34 this projected annual cost and/or the Fiscal Year 2020
35 appropriations for "Personal Services" when annualized, with the
36 exception of escalated funds and the award of benchmarks. If, at
37 the time the agency takes any action to change "Personal
38 Services," the State Personnel Board determines that the agency
39 has taken an action which would cause the agency to exceed this
40 projected annual cost or the Fiscal Year 2020 "Personal Services"
41 appropriated level, when annualized, then only those actions which
42 reduce the projected annual cost and/or the appropriation
43 requirement will be processed by the State Personnel Board until
44 such time as the requirements of this provision are met.

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

47 allowable under the terms set forth within this act. The State
48 Personnel Board shall not escalate positions without written
49 approval from the Department of Finance and Administration. The
50 Department of Finance and Administration shall not provide written
51 approval to escalate any funds for salaries and/or positions
52 without proof of availability of new or additional funds above the
53 appropriated level.

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 None of the funds herein appropriated shall be used in
59 violation of Internal Revenue Service's Publication 15-A relating
60 to the reporting of income paid to contract employees, as
61 interpreted by the Office of the State Auditor.

62 **SECTION 4.** None of the funds appropriated by this act shall
63 be expended for any purpose that is not actually required or
64 necessary for performing any of the powers or duties of the Office
65 of the Secretary of State that are authorized by the Mississippi
66 Constitution of 1890, state or federal law, or rules or
67 regulations that implement state or federal law.

68 **SECTION 5.** No part of the funds appropriated herein shall be
69 used, either directly or indirectly, for the purpose of paying any
70 clerk, stenographer, assistant, deputy, or other person who may be
71 related by blood or marriage within the third degree, computed by
72 the rules of the civil law, to the official employing or having

73 the right of employment or selection thereof; and in the event of
74 any such payment, then the official or person approving and making
75 or receiving such payment shall be jointly and severally liable to
76 return to the State of Mississippi and to pay into the State
77 Treasury three (3) times any such amount so paid or received, to
78 be recovered at suit of the Attorney General; provided that when
79 the relationship is by affinity and the person through whom the
80 relationship was established is dead, this provision shall not
81 apply.

82 **SECTION 6.** Of the funds appropriated in Section 1, the
83 Secretary of State may use funds appropriated for the purposes of
84 defraying litigation expenses associated with the enforcement of
85 the Mississippi Securities Act, the Regulation of Charitable
86 Solicitations Act, and the administration of the Public Trust.

87 **SECTION 7.** In compliance with the "Mississippi Performance
88 Budget and Strategic Planning Act of 1994," it is the intent of
89 the Legislature that the funds provided herein shall be utilized
90 in the most efficient and effective manner possible to achieve the
91 intended mission of this agency. Based on the funding authorized,
92 this agency shall make every effort to attain the targeted
93 performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Business Services	
Phone Calls Answered within 10 Seconds (%)	92.00
Elections	

99 Voter Registrations Updated via Secure
 100 Online Website (Number of) 50.00
 101 Poll Workers to Successfully Complete
 102 the Online Training Program (Number of) 82.00
 103 Poll Workers who Successfully Complete
 104 the Online Poll Manager Training on
 105 their First Attempt (%) 60.00

106 Publications

107 Visits to the Secretary of State's
 108 Website (Number of) 11,000,000.00

109 Public Lands

110 Tax-Forfeited Properties Sold (Number of) 500.00

111 Support Services

112 Support Services as a Percentage of
 113 Total Agency Expenditures (%) 27.00

114 A reporting of the degree to which the performance targets
 115 set above have been or are being achieved shall be provided in the
 116 agency's budget request submitted to the Joint Legislative Budget
 117 Committee for Fiscal Year 2021.

118 **SECTION 8.** Of the funds appropriated in Section 1, no more
 119 than Five Hundred Thousand Dollars (\$500,000.00) is provided for
 120 paying principal and interest on bond issues for county voting
 121 systems.

122 **SECTION 9.** Of the funds appropriated in Section 2, or so
 123 much thereof as may be necessary, is appropriated out of any money
 124 in the State Treasury to the credit of the Land Records

125 Maintenance Fund, for the purpose of making distributions to local
126 governments for taxes owed during the fiscal year.....
127\$ 1,750,000.00.

128 **SECTION 10.** Of the funds appropriated in Section 2, or so
129 much thereof as may be necessary, is appropriated out of any money
130 in the State Treasury to the credit of the Elections Support Fund,
131 for the purpose of acquiring, upgrading, maintaining, or repairing
132 voting equipment, systems, and supplies, hiring temporary
133 technical support, conducting elections using such voting
134 equipment or systems and training election officials during the
135 fiscal year.....\$ 1,500,000.00.

136 **SECTION 11.** Of the funds appropriated in Section 2, or so
137 much thereof as may be necessary, is appropriated out of any money
138 in the State Treasury to the credit of the Public Trust Tidelands
139 Fund, and is authorized to be transferred by the Secretary of
140 State to the Mississippi Department of Marine Resources in an
141 amount not to exceed Ten Million Dollars (\$10,000,000.00).

142 **SECTION 12.** It is the intention of the Legislature that
143 whenever two (2) or more bids are received by this agency for the
144 purchase of commodities or equipment, and whenever all things
145 stated in such received bids are equal with respect to price,
146 quality and service, the Mississippi Industries for the Blind
147 shall be given preference. A similar preference shall be given to
148 the Mississippi Industries for the Blind whenever purchases are
149 made without competitive bids.

150 **SECTION 13.** 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 14.** This act shall take effect and be in force from
157 and after July 1, 2019, and shall stand repealed June 30, 2019.

HR13\SB3054A.J

Andrew Ketchings
Clerk of the House of Representatives