

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

To: Appropriations

SENATE BILL NO. 3109
(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 2005.

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, 2004, and ending

10 June 30, 2005..... \$ 9,964,285.00.

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.. \$ 4,921,128.00

18 Travel and Subsistence..... 60,000.00

19 Contractual Services..... 3,227,427.00

20 Commodities..... 580,730.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00

23 Equipment..... 25,000.00

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

25 Total..... \$ 9,964,285.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 73

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 2006 do not exceed Fiscal Year 2005
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2006 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 2005 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 2005 "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 **SECTION 3.** None of the funds appropriated by this act shall
67 be expended for any purpose that is not actually required or
68 necessary for performing any of the powers or duties of the Office
69 of the Secretary of State that are authorized by the Mississippi
70 Constitution of 1890, state or federal law, or rules or
71 regulations that implement state or federal law.

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

86 **SECTION 5.** It is the intention of the Legislature that the
87 Secretary of State shall have the authority to accept proceeds and
88 revenues from fines, awards, or settlements produced by
89 administrative or court actions involving the enforcement of the
90 Mississippi Securities Act and the Regulation of Charitable
91 Solicitations Act. Such funds are to be escalated in accordance
92 with procedures for federal fund escalations as established in

93 Section 27-104-21, Mississippi Code of 1972, and expended for the
94 purposes of enforcement of the Mississippi Securities Act and the
95 regulation of the Charitable Solicitations Act in accordance with
96 applicable rules and regulations of the State Fiscal Officer. It
97 is the intention of the Legislature that the funds deposited to
98 the Securities Enforcement Act and Regulation of Charitable
99 Solicitations Act Fund be maintained separate and apart from other
100 special funds derived from fees charged by the Secretary of State
101 and shall remain in that fund to be used by the Secretary of State
102 as authorized herein.

103 **SECTION 6.** It is the intention of the Legislature that the
104 Secretary of State shall have the authority to accept proceeds and
105 revenues from the sale of tax forfeited properties in accordance
106 with Section 29-1-95. These funds shall be deposited into a
107 Special Fund in the State Treasury called the Land Records
108 Maintenance Fund. Such funds are to be escalated in accordance
109 with procedures for federal fund escalations as established in
110 Section 27-104-21, Mississippi Code of 1972, and expended for the
111 purposes of preserving state land records and disposition of tax
112 forfeited properties in accordance with applicable rules and
113 regulations of the State Fiscal Officer. It is the intention of
114 the Legislature that the funds deposited to the Land Records
115 Maintenance 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 7.** 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 lease rentals of tidelands and submerged lands
122 in accordance with Section 29-1-107, Mississippi Code of 1972.
123 These funds shall be deposited into a special fund in the State
124 Treasury called the Public Trust Tidelands Fund. Such funds are
125 to be escalated in accordance with procedures for federal fund

126 escalations as established in Section 27-104-21, Mississippi Code
127 of 1972, and expended for the purposes of managing the state
128 tidelands and submerged lands in accordance with applicable rules
129 and regulations of the State Fiscal Officer. It is the intention
130 of the Legislature that the funds deposited to the Public Trust
131 Tidelands Fund be maintained separate and apart from other special
132 funds derived from fees charged by the Secretary of State and
133 shall be used by the Secretary of State as authorized herein.

134 **SECTION 8.** It is the intention of the Legislature that the
135 agency shall provide a report reflecting Fiscal Year 2004 usage of
136 wireless communication devices which shall include cellular
137 phones, two-way radios, pagers, or any other means of wireless
138 communications to the Chairman of the House Appropriations
139 Committee, the Chairman of the Senate Appropriations Committee,
140 and the State Auditor by September 1, 2004. The report shall
141 contain, but not be limited to, the following:

142 (1) The number of wireless communication devices provided to
143 employees by the agency;

144 (2) The annual cost of usage of wireless communication
145 devices by each employee of the agency who is issued a wireless
146 communication device;

147 (3) Separate justification of the usage of wireless
148 communication devices by those employees issued wireless
149 communication devices; and

150 (4) To determine whether quantifiable benefits are
151 associated with the utilization of wireless communications and
152 whether such service provides more efficient or effective service
153 delivery.

154 **SECTION 9.** The money herein appropriated shall be paid by
155 the State Treasurer out of any money in the State Treasury to the
156 credit of the proper fund or funds as set forth in this act, upon
157 warrants issued by the State Fiscal Officer; and the State Fiscal

158 Officer shall issue his warrants upon requisitions signed by the
159 proper person, officer or officers in the manner provided by law.

160 **SECTION 10.** This act shall take effect and be in force from
161 and after July 1, 2004.