

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

To: Appropriations

SENATE BILL NO. 3010

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..... \$ 11,096,849.00.

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.. \$ 5,010,961.00

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..... \$ 11,096,849.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 71

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 Twelve Hundred Dollars (\$1,200.00), whichever is greater,
35 beginning on July 1, 2006.

36 Pursuant to policies established by the State Personnel
37 Board, agency heads may, on a case by case basis and within funds
38 available, recommend equity salary adjustments to Fiscal Year 2006
39 agency appropriation acts where application of limitations result
40 in awarding one employee a salary increase greater than another
41 employee within the same agency, with the same job classification
42 series and greater longevity.

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

61 appropriated level, when annualized, then only those actions which
62 reduce the projected annual cost and/or the appropriation
63 requirement will be processed by the State Personnel Board until
64 such time as the requirements of this provision are met.

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

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

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

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

94 be recovered at suit of the Attorney General; provided that when
95 the relationship is by affinity and the person through whom the
96 relationship was established is dead, this provision shall not
97 apply.

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

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

127 Maintenance Fund be maintained separate and apart from other
128 Special Funds derived from fees charged by the Secretary of State
129 and shall remain in that fund to be used by the Secretary of State
130 as authorized herein.

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

146 **SECTION 8.** The money herein appropriated shall be paid by
147 the State Treasurer out of any money in the State Treasury to the
148 credit of the proper fund or funds as set forth in this act, upon
149 warrants issued by the State Fiscal Officer; and the State Fiscal
150 Officer shall issue his warrants upon requisitions signed by the
151 proper person, officer or officers in the manner provided by law.

152 **SECTION 9.** This act shall take effect and be in force from
153 and after July 1, 2006.