

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.