3/30 2:12pm

Chapter No. 49
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SENATE BILL NO. 3082

Originated in Senate _____ Secretary

SENATE BILL NO. 3082

AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE EXPENSES OF THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2012.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Office of the Secretary of State, for the purpose of defraying the expenses incurred by said office for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... $ 11,971,882.00.

SECTION 2. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	99
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this

act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2012 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

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

SECTION 4. No part of the funds appropriated herein shall be used either directly or indirectly, for the purpose of paying any

clerk, stenographer, assistant, deputy, or other person who may be related by blood or marriage within the third degree, computed by the rules of the civil law, to the official employing or having the right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received, to be recovered at suit of the Attorney General; provided that when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

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

SECTION 6. It is the intention of the Legislature that the Secretary of State shall have the authority to accept proceeds and revenues from the sale of tax forfeited properties in accordance with Section 29-1-95. These funds shall be deposited into a

Special Fund in the State Treasury called the Land Records Maintenance Fund. Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of preserving state land records and disposition of tax forfeited properties in accordance with applicable rules and regulations of the State Fiscal Officer. It is the intention of the Legislature that the funds deposited to the Land Records Maintenance Fund be maintained separate and apart from other Special Funds derived from fees charged by the Secretary of State and shall remain in that fund to be used by the Secretary of State as authorized herein.

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

SECTION 8. It is the intention of the Legislature that the Secretary of State shall have the authority to accept proceeds and revenues generated from fees for producing information and data from the statewide voter registration database. These funds shall be deposited into the special fund in the State Treasury known as the Help Mississippi Vote Fund. The Secretary of State shall have

the authority to escalate and expend such funds in an amount not to exceed Five Hundred Thousand Dollars ($500,000.00) in accordance with procedures for federal fund escalations. These funds shall be expended for the purposes of supporting the state's maintenance of efforts as required by the federal mandates of the Help America Vote Act of 2002. It is the intention of the Legislature that the funds deposited into the Help America Vote Fund be maintained separate and apart from the other special funds derived from fees charged by the Secretary of State and shall be used by the Secretary of State as authorized herein.

SECTION 9. It is the intention of the Legislature that the Secretary of State shall have the authority to accept monies derived from annual report fees imposed upon limited liability companies under Section 79-29-1203, Mississippi Code of 1972. These funds shall be deposited into a special fund in the State Treasury called the Elections Support Fund under the direction of the Secretary of State. Such funds are to be escalated in an amount not to exceed Three Million Dollars ($3,000,000.00) in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972 and in accordance with applicable rules and regulations of the State Fiscal Officer and expended for the following purposes:

(1) Fifty percent (50%) of the monies shall be distributed annually to counties for the purpose of acquiring, upgrading, maintaining or repairing voting equipment, systems and supplies, hiring temporary technical support, conducting elections using such voting equipment or systems and training election officials.

(2) The remaining fifty percent (50%) of the monies in the special fund shall be allocated annually to the Secretary of State and expended for the purpose of maintaining, upgrading or equipping the Statewide Elections Management System.

SECTION 10. It is the intention of the Legislature that the funds deposited to the Elections Support Fund be maintained

separate and apart from other special funds derived from fees charged by the Secretary of State and shall be used by the Secretary of State as authorized herein.

SECTION 11. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 12. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

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

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

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

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

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

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

SECTION 13. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with

Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 14. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars ($20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 15. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 16. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE SENATE
February 17, 2011

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 24, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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