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Chapter No. 98
14/SS26/A111SG
LR 1/21/13

SENATE BILL NO. 2907

Originated in Senate *Lizulla* Secretary

SENATE BILL NO. 2907

AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE EXPENSES OF THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2015.

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, 2014, and ending June 30, 2015 \$ 17,091,774.00.

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	98
	Part Time	0
Time-Limited:	Full Time	11
	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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or prorated for part-time employees, which shall be awarded to each employee

that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed five percent (5%); however, the following conditions are to be exempted: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

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 pursuant to Section 29-15-9, Mississippi Code of 1972, and 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 pursuant to Section 29-15-9, Mississippi Code of 1972, and 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 Mississippi 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. In addition to all other sums herein appropriated, 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 Secretary of State, for the purpose of defraying the expenses associated with the litigation of voter

identification for the fiscal year beginning July 1, 2014, and ending June 30, 2015 \$ 395,000.00.

It is the intention of the Legislature that the funds appropriated herein shall 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 12. It is the intention of the Legislature that the Secretary of State shall have the authority to escalate and expend funds in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) from the Secretary of State's Special Fund 3111 for the purposes of defraying the expenses associated with the litigation of voter identification. Such funds are to be escalated in accordance with procedures for federal escalations as established in Section 27-104-21, Mississippi Code of 1972, in accordance with applicable rules and regulations of the State Fiscal Officer.

SECTION 13. It is the intention of the Legislature that the Secretary of State shall have the authority to accept proceeds and revenues from registrations, fines, awards, or settlements produced by administrative or court actions involving the regulation and enforcement of the Pre-need Cemetery and Funeral Registration Act under Section 75-63-51 et seq.; the Cemetery Law under Section 41-43-31 et seq.; the Uniform Athlete Agents Act under Section 73-42-1 et seq.; and the Scrap Metal Dealer Act

under Section 97-17-71. These funds shall be deposited into a special fund in the State Treasury called the Regulation Enforcement Fund under the direction of the Secretary of State. Such funds are to be escalated in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972. These funds shall be expended for the purposes of regulation and enforcement of the Pre-need Cemetery and Funeral Registration Act, the Cemetery Law, the Uniform Athlete Agents Act, and the Scrap Metal Dealer Act. It is the intention of the Legislature that the funds deposited into the Regulation Enforcement Fund be maintained separate and apart from the other special funds used by the Secretary of State as authorized herein.

SECTION 14. 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 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. With the funds appropriated herein, it is the intention of the Legislature that the Secretary of State is authorized to award nonstate service increases to sixteen (16) positions at a total cost not to exceed Forty-two Thousand One Hundred Twenty Dollars (\$42,120.00) plus fringe, increase the starting salary of eight (8) positions at a total cost not to exceed Seven Thousand Six Hundred Thirty Dollars (\$7,630.00) plus fringe, and reallocate two (2) positions at a total cost not to exceed Four Thousand Two Hundred Fifty Dollars (\$4,250.00) plus fringe.

SECTION 17. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE SENATE
March 31, 2014



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2014



SPEAKER OF THE HOUSE OF REPRESENTATIVES

~~APPROVED BY THE GOVERNOR~~



GOVERNOR

4/23/14

1:30pm