4/18/19 10:47 A.m.

Chapter No. 75
19/SS26/A111SG
LR / TB/LR

# *SENATE BILL NO. 3054*

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 3054

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2020.

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 General Fund not otherwise appropriated, for the support and maintenance of the Secretary of State for the fiscal year beginning July 1, 2019, and ending June 30, 2020 ..... $ 13,462,659.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is hereby authorized for expenditure out of any special source funds which are collected by or otherwise become available for the purpose of defraying the expenses of the Secretary of State for the fiscal year beginning July 1, 2019, and ending June 30, 2020 ..... $ 19,973,541.00.

**SECTION 3.** 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 ..... | 13 |
| | Part Time ..... | 0 |

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 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 2020 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. 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 2020 "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 all full-time employees to receive up to a Three Percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

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.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**SECTION 4.** 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 5.** 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 6.** Of the funds appropriated in Section 1, the Secretary of State may use funds appropriated for the purposes of defraying litigation expenses associated with the enforcement of the Mississippi Securities Act, the Regulation of Charitable Solicitations Act, and the administration of the Public Trust.

**SECTION 7.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of

the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

| Performance Measures | FY2020 Target |
|---|---|
| Business Services | |
| Phone Calls Answered within 10 Seconds (%) | 92.00 |
| Elections | |
| Voter Registrations Updated via Secure Online Website (Number of) | 50.00 |
| Poll Workers to Successfully Complete the Online Training Program (Number of) | 82.00 |
| Poll Workers who Successfully Complete the Online Poll Manager Training on their First Attempt (%) | 60.00 |
| Publications | |
| Visits to the Secretary of State's Website (Number of) | 11,000,000.00 |
| Public Lands | |
| Tax-Forfeited Properties Sold (Number of) | 500.00 |
| Support Services | |
| Support Services as a Percentage of Total Agency Expenditures (%) | 27.00 |

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

**SECTION 8.** Of the funds appropriated in Section 1, no more than Five Hundred Thousand Dollars ($500,000.00) is provided for paying principal and interest on bond issues for county voting systems.

**SECTION 9.** Of the funds appropriated in Section 2, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Land Records Maintenance Fund, for the purpose of making distributions to local governments for taxes owed during the fiscal year ..... $ 1,750,000.00.

**SECTION 10.** Of the funds appropriated in Section 2, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Elections Support Fund, 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 during the fiscal year ..... $ 1,500,000.00.

**SECTION 11.** Of the funds appropriated in Section 2, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Public Trust Tidelands

Fund, and is authorized to be transferred by the Secretary of State to the Mississippi Department of Marine Resources in an amount not to exceed Eleven Million Seven Hundred Forty Thousand Dollars ($11,740,000.00).

**SECTION 12.** 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 13.** 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 14.** This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE SENATE
March 28, 2019

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

4/18/19
10:47 AM