

By: Representatives Peranich, Jennings,  
Broomfield, Capps, Coleman (29th), Denny,  
Dickson, Flagg, Martinson, Stevens,  
Straughter, Scott

To: Appropriations

HOUSE BILL NO. 1739

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE DEPARTMENT OF ARCHIVES AND HISTORY, FOR THE  
3 FISCAL YEAR 2005; AND FOR RELATED PURPOSES.

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 General Fund not otherwise appropriated, for the purpose of  
8 defraying the expenses of the Department of Archives and History  
9 for the fiscal year beginning July 1, 2004, and ending  
10 June 30, 2005..... \$ 8,142,801.00.

11 SECTION 2. The following sum, or so much thereof as may be  
12 necessary, is hereby appropriated out of any money in the special  
13 fund in the State Treasury to the credit of the Department of  
14 Archives and History which is comprised of special source funds  
15 collected by or otherwise available to the department, for the  
16 purpose of defraying the expenses of the department for the fiscal  
17 year beginning July 1, 2004, and ending June 30, 2005.....  
18 ..... \$ 2,614,131.00.

19 SECTION 3. With funds appropriated under the provisions of  
20 Sections 1 and 2, the following positions are authorized:

21 AUTHORIZED POSITIONS:

|    |               |                |     |
|----|---------------|----------------|-----|
| 22 | Permanent:    | Full Time..... | 128 |
| 23 |               | Part Time..... | 26  |
| 24 | Time-Limited: | Full Time..... | 1   |
| 25 |               | Part Time..... | 0   |

26 With the funds herein appropriated, it is the intention of  
27 the Legislature that it shall be the agency's responsibility to

28 make certain that funds required to be appropriated for "Personal  
29 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
30 funds appropriated for that purpose, unless programs or positions  
31 are added to the agency's Fiscal Year 2006 budget by the  
32 Mississippi Legislature. Based on data provided by the  
33 Legislative Budget Office, the State Personnel Board shall  
34 determine and publish the projected annual cost to fully fund all  
35 appropriated positions in compliance with the provisions of this  
36 act. It shall be the responsibility of the agency head to insure  
37 that no single personnel action increases this projected annual  
38 cost and/or the Fiscal Year 2005 appropriation for "Personal  
39 Services" when annualized, with the exception of escalated funds.  
40 If, at the time the agency takes any action to change "Personal  
41 Services," the State Personnel Board determines that the agency  
42 has taken an action which would cause the agency to exceed this  
43 projected annual cost or the Fiscal Year 2005 "Personal Services"  
44 appropriated level, when annualized, then only those actions which  
45 reduce the projected annual cost and/or the appropriation  
46 requirement will be processed by the State Personnel Board until  
47 such time as the requirements of this provision are met.

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

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

61           **SECTION 4.** The funds authorized herein shall be used to fund  
62 all operations of the agency with the following prohibitions:

63           (1) The agency shall not fill any current or future vacant  
64 positions;

65           (2) The agency shall not take any action to promote or  
66 otherwise award salary increases through reallocation,  
67 reclassification, realignment, education benchmark, career ladder,  
68 or any other means to increase salaries of employees or positions  
69 except as allowed under the provisions set forth in House Bill No.  
70 1279, 2004 Regular Legislative Session;

71           (3) The agency shall not expend funds for out-of-state  
72 travel except as allowed under the provisions set forth in House  
73 Bill No. 1279, 2004 Regular Legislative Session;

74           (4) The agency shall not expend funds for the purchase of or  
75 contract for cellular phones, two-way radios or pagers, except for  
76 support of employees in the Department of Public Safety and the  
77 Bureau of Narcotics as recommended by Information Technology  
78 Services or as allowed under the provisions set forth in House  
79 Bill No. 1279, 2004 Regular Legislative Session;

80           (5) The agency shall not expend funds to publish or  
81 distribute any annual reports or other publications;

82           (6) The agency shall not expend funds for public relation  
83 activities regarding the functions, programs or services of the  
84 agency except as allowed under the provisions set forth in House  
85 Bill No. 1279, 2004 Regular Legislative Session;

86           (7) The agency shall not advertise the functions, programs  
87 or services of the agency except that the Mississippi Development  
88 Authority is authorized to expend funds for advertising to carry  
89 out the purposes of key programs administered by the authority;

90           (8) The agency shall not expend funds for staff development  
91 or training services;

92           (9) The agency shall not expend funds for the purchase of  
93 new or replacement equipment or furniture, excluding lease

94 purchase payments on agreements in effect upon passage of this  
95 appropriation bill, except as allowed under the provisions set  
96 forth in House Bill No. 1279, 2004 Regular Legislative Session.

97       **SECTION 5.** It is the intention of the Legislature that none  
98 of the funds appropriated above shall be expended unless members  
99 of the Mississippi House of Representatives and Mississippi Senate  
100 are notified at least five (5) days prior to a public ceremony  
101 announcing the award of any grant in their district or any public  
102 announcement or ceremony regarding the groundbreaking or opening  
103 of a facility, roadway or bridge for which the Legislature has  
104 made funds available. Any signage regarding any public event or  
105 any new facility, roadway or bridge shall include the following  
106 language: "Funds were made available for this project by the  
107 Mississippi State Legislature."

108       **SECTION 6.** It is the intention of the Legislature that the  
109 Department of Archives and History shall maintain complete  
110 accounting and personnel records related to the expenditure of all  
111 funds appropriated under this act and that such records shall be  
112 in the same format and level of detail as maintained for Fiscal  
113 Year 2004. It is further the intention of the Legislature that  
114 the agency's budget request for Fiscal Year 2006 shall be  
115 submitted to the Joint Legislative Budget Committee in a format  
116 and level of detail comparable to the format and level of detail  
117 provided during the Fiscal Year 2005 budget request process.

118       **SECTION 7.** The Mississippi Department of Archives and  
119 History is hereby authorized to accept and expend any grant,  
120 donation or contribution from any individual, public or private  
121 organization, or government entity for purposes of defraying the  
122 operational costs of the department. Such grants, donations or  
123 contributions shall be received and expended under the rules and  
124 regulations of the Department of Finance and Administration in a  
125 manner consistent with the escalation of federal funds.

126           **SECTION 8.** It is the intent of the Legislature that the  
127 Mississippi Department of Archives and History shall charge the  
128 maximum amount allowable for services rendered, consistent with  
129 the cost of providing such services. The funds derived from these  
130 charges shall be deposited into a special fund account in the  
131 State Treasury to the credit of the Mississippi Department of  
132 Archives and History.

133           **SECTION 9.** It is the intent of the Legislature that no part  
134 of the funds herein appropriated shall be required to be used for  
135 the payment of rent for the museum and public space in the State  
136 Historical Museum, Old Capitol Restoration.

137           **SECTION 10.** In addition to all other sums herein  
138 appropriated, the following sum, or so much thereof as may be  
139 necessary, is hereby appropriated out of any funds from the Local  
140 Government Records Fund in the State Treasury to defray the cost  
141 of such program for the fiscal year beginning July 1, 2004, and  
142 ending June 30, 2005..... \$           73,918.00.

143           Of the funds appropriated in this section, not more than the  
144 amounts set forth below shall be expended for the respective major  
145 objects or purposes of expenditure:

146           MAJOR OBJECTS OF EXPENDITURE:

147           Personal Services:

|   |    |           |
|---|----|-----------|
| 148           Salaries, Wages and Fringe Benefits.. | \$ | 65,718.00 |
| 149           Travel and Subsistence.....           |    | 1,000.00  |
| 150           Contractual Services.....             |    | 4,000.00  |
| 151           Commodities.....                      |    | 1,500.00  |
| 152           Capital Outlay:                       |    |           |
| 153           Other Than Equipment.....             |    | 0.00      |
| 154           Equipment.....                        |    | 1,700.00  |
| 155           Subsidies, Loans and Grants.....      |    | 0.00      |
| 156           Total.....                            | \$ | 73,918.00 |

157           FUNDING:

|                                  |    |      |
|----------------------------------|----|------|
| 158           General Funds..... | \$ | 0.00 |
|----------------------------------|----|------|

|     |                    |                  |
|-----|--------------------|------------------|
| 159 | Special Funds..... | <u>73,918.00</u> |
| 160 | Total..... \$      | 73,918.00        |

161 AUTHORIZED POSITIONS:

162 Permanent: Full Time 1

163 With the funds herein appropriated, it is the intention of  
 164 the Legislature that it shall be the agency's responsibility to  
 165 make certain that funds required to be appropriated for "Personal  
 166 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
 167 funds appropriated for that purpose, unless programs or positions  
 168 are added to the agency's Fiscal Year 2006 budget by the  
 169 Mississippi Legislature. Based on data provided by the  
 170 Legislative Budget Office, the State Personnel Board shall  
 171 determine and publish the projected annual cost to fully fund all  
 172 appropriated positions in compliance with the provisions of this  
 173 act. It shall be the responsibility of the agency head to insure  
 174 that no single personnel action increases this projected annual  
 175 cost and/or the Fiscal Year 2005 appropriation for "Personal  
 176 Services" when annualized, with the exception of escalated funds.  
 177 If, at the time the agency takes any action to change "Personal  
 178 Services," the State Personnel Board determines that the agency  
 179 has taken an action which would cause the agency to exceed this  
 180 projected annual cost or the Fiscal Year 2005 "Personal Services"  
 181 appropriated level, when annualized, then only those actions which  
 182 reduce the projected annual cost and/or the appropriation  
 183 requirement will be processed by the State Personnel Board until  
 184 such time as the requirements of this provision are met.

185 Any transfers or escalations shall be made in accordance with  
 186 the terms, conditions and procedures established by law or  
 187 allowable under the terms set forth within this act. The State  
 188 Personnel Board shall not escalate positions without written  
 189 approval from the Department of Finance and Administration. The  
 190 Department of Finance and Administration shall not provide written  
 191 approval to escalate any funds for salaries and/or positions

192 without proof of availability of new or additional funds above the  
193 appropriated level.

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

198 **SECTION 11.** Of the funds provided in Section 2, One Million  
199 Dollars (\$1,000,000.00) is provided to the Department of Archives  
200 and History from the Mississippi Landmark Grant Fund as created in  
201 House Bill No. 1082, Regular Session of 1999, to help support the  
202 preservation of Mississippi Landmark Properties.

203 **SECTION 12.** It is the intention of the Legislature that the  
204 Department of Archives and History is hereby authorized to accept,  
205 budget and expend funds, not to exceed Five Hundred Thousand  
206 Dollars (\$500,000.00), from special funds in the State Treasury to  
207 the credit of the New Capitol Repair and Renovation Fund created  
208 in Section 27-19-56.69 (8), Mississippi Code of 1972, for the  
209 purpose of paying the costs of repair and renovation of the New  
210 Capitol, in accordance with rules and regulations of the  
211 Department of Finance and Administration in a manner consistent  
212 with the escalation of federal funds.

213 **SECTION 13.** Of the funds provided under the provisions of  
214 this act, One Hundred Ten Thousand Dollars (\$110,000.00) is  
215 provided for the purpose of developing, maintaining and operating  
216 Beauvoir Shrine, the last home of Jefferson Davis, the only  
217 President of the Confederate States of America.

218 **SECTION 14.** The money herein appropriated shall be paid by  
219 the State Treasurer out of any money in the State Treasury to the  
220 credit of the proper fund or funds as set forth in this act, upon  
221 warrants issued by the State Fiscal Officer; and the State Fiscal  
222 Officer shall issue his warrants upon requisitions signed by the  
223 proper person, officer or officers, in the manner provided by law.

224           **SECTION 15.** This act shall take effect and be in force from  
225 and after July 1, 2004.