

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

To: Appropriations

HOUSE BILL NO. 1740

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL
3 YEAR 2005.

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 Mississippi Arts Commission for the
9 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
10 \$ 1,211,551.00.

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 Mississippi Arts
14 Commission which is comprised of special source funds and
15 donations collected by or otherwise available to the commission,
16 for the purpose of defraying the expenses of the commission for
17 the fiscal year beginning July 1, 2004, and ending June 30, 2005.
18 \$ 1,564,274.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Section 1 and Section 2, not more than the amounts set forth below
21 shall be expended for the respective major objects or purposes of
22 expenditure:

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25	Salaries, Wages and Fringe Benefits..	\$	577,587.00
26	Travel and Subsistence.....		39,850.00
27	Contractual Services.....		720,935.00

28	Commodities.....	72,548.00
29	Capital Outlay:	
30	Other Than Equipment.....	0.00
31	Equipment.....	7,387.00
32	Subsidies, Loans and Grants.....	<u>1,357,518.00</u>
33	Total..... \$	2,775,825.00

34 FUNDING:

35	General Funds..... \$	1,211,551.00
36	Special Funds.....	<u>1,564,274.00</u>
37	Total..... \$	2,775,825.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	12
40	Part Time.....	0
41	Time-Limited: Full Time.....	1
42	Part Time.....	0

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 2006 do not exceed Fiscal Year 2005
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2006 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 2005 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 2005 "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 4.** The funds authorized herein shall be used to fund
79 all operations of the agency with the following prohibitions:

80 (1) The agency shall not fill any current or future vacant
81 positions;

82 (2) The agency shall not take any action to promote or
83 otherwise award salary increases through reallocation,
84 reclassification, realignment, education benchmark, career ladder,
85 or any other means to increase salaries of employees or positions
86 except as allowed under the provisions set forth in House Bill No.
87 1279, 2004 Regular Legislative Session;

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

91 (4) The agency shall not expend funds for the purchase of or
92 contract for cellular phones, two-way radios or pagers, except for
93 support of employees in the Department of Public Safety and the

94 Bureau of Narcotics as recommended by Information Technology
95 Services or as allowed under the provisions set forth in House
96 Bill No. 1279, 2004 Regular Legislative Session;

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

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

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

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

109 (9) The agency shall not expend funds for the purchase of
110 new or replacement equipment or furniture, excluding lease
111 purchase payments on agreements in effect upon passage of this
112 appropriation bill, except as allowed under the provisions set
113 forth in House Bill No. 1279, 2004 Regular Legislative Session.

114 **SECTION 5.** It is the intention of the Legislature that none
115 of the funds appropriated above shall be expended unless members
116 of the Mississippi House of Representatives and Mississippi Senate
117 are notified at least five (5) days prior to a public ceremony
118 announcing the award of any grant in their district or any public
119 announcement or ceremony regarding the groundbreaking or opening
120 of a facility, roadway or bridge for which the Legislature has
121 made funds available. Any signage regarding any public event or
122 any new facility, roadway or bridge shall include the following
123 language: "Funds were made available for this project by the
124 Mississippi State Legislature."

125 **SECTION 6.** It is the intention of the Legislature that the
126 Mississippi Arts Commission shall maintain complete accounting and

127 personnel records related to the expenditure of all funds
128 appropriated under this act and that such records shall be in the
129 same format and level of detail as maintained for Fiscal Year
130 2004. It is further the intention of the Legislature that the
131 agency's budget request for Fiscal Year 2006 shall be submitted to
132 the Joint Legislative Budget Committee in a format and level of
133 detail comparable to the format and level of detail provided
134 during the Fiscal Year 2005 budget request process.

135 **SECTION 7.** Of the funds appropriated under the provisions of
136 Section 2, funds in the amount of Four Hundred Fifty Thousand
137 Dollars (\$450,000.00) shall be derived from the Education
138 Enhancement Fund pursuant to Sections 27-65-75 and 27-67-31,
139 Mississippi Code of 1972, for the following:

140 Training of educators and promotion
141 of arts programs in public schools . . . \$100,000.00
142 Miscellaneous grants and programs \$350,000.00

143 **SECTION 8.** It is the intention of the Legislature that the
144 Arts Commission shall have the authority to transfer dollars
145 appropriated in the major object of expenditure "Subsidies, Loans
146 and Grants," designated for the "Challenge Program," specific
147 amounts to a special fund in the State Treasury called the Arts
148 Commission Challenge Initiative Fund. The unexpended amounts
149 remaining in the fund at the end of a fiscal year shall not lapse
150 into the State General Fund and may be expended by the commission
151 in subsequent fiscal years upon appropriation of the Legislature.
152 Any interest earned on the fund shall be deposited to the credit
153 of the fund and may be disbursed by the commission upon
154 appropriations of the Legislature. It is the intention of the
155 Legislature that the commission may award grants to arts
156 organizations from monies in the fund and the grantees will be
157 required to provide matching funds for the grants in an amount of
158 not less than two (2) times the amount of the grant.

159 **SECTION 9.** It is the intention of the Legislature that the
160 Mississippi Arts Commission shall have the authority to escalate
161 its budget and expend funds from any source available not to
162 exceed Five Hundred Thousand Dollars (\$500,000.00), that may
163 become available to the commission in accordance with the rules
164 and regulations of the Department of Finance and Administration in
165 a manner consistent with the escalation of federal funds.

166 **SECTION 10.** The money herein appropriated shall be paid by
167 the State Treasurer out of any money in the State Treasury to the
168 credit of the proper fund or funds as set forth in this act, upon
169 warrants issued by the State Fiscal Officer; and the State Fiscal
170 Officer shall issue his warrants upon requisitions signed by the
171 proper person, officer or officers, in the manner provided by law.

172 **SECTION 11.** This act shall take effect and be in force from
173 and after July 1, 2004.