

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

To: Appropriations

HOUSE BILL NO. 74

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL  
3 YEAR 2006.

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, 2005, and ending June 30, 2006.....  
10 ..... \$ 1,118,498.00.

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, 2005, and ending June 30, 2006.  
18 ..... \$ 1,610,172.00.

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

22 AUTHORIZED POSITIONS:

23	Permanent:	Full Time.....	12
24		Part Time.....	0
25	Time-Limited:	Full Time.....	1
26		Part Time.....	0

27           With the funds herein appropriated, it is the intention of  
28 the Legislature that it shall be the agency's responsibility to  
29 make certain that funds required to be appropriated for "Personal  
30 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
31 funds appropriated for that purpose, unless programs or positions  
32 are added to the agency's Fiscal Year 2007 budget by the  
33 Mississippi Legislature. Based on data provided by the  
34 Legislative Budget Office, the State Personnel Board shall  
35 determine and publish the projected annual cost to fully fund all  
36 appropriated positions in compliance with the provisions of this  
37 act. It shall be the responsibility of the agency head to insure  
38 that no single personnel action increases this projected annual  
39 cost and/or the Fiscal Year 2006 appropriation for "Personal  
40 Services" when annualized, with the exception of escalated funds.  
41 If, at the time the agency takes any action to change "Personal  
42 Services," the State Personnel Board determines that the agency  
43 has taken an action which would cause the agency to exceed this  
44 projected annual cost or the Fiscal Year 2006 "Personal Services"  
45 appropriated level, when annualized, then only those actions which  
46 reduce the projected annual cost and/or the appropriation  
47 requirement will be processed by the State Personnel Board until  
48 such time as the requirements of this provision are met.

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

58           No general funds authorized to be expended herein shall be  
59 used to replace federal funds and/or other special funds which are

60 being used for salaries authorized under the provisions of this  
61 act and which are withdrawn and no longer available.

62 The agency shall not take any action to promote or otherwise  
63 award salary increases through reallocation, reclassification,  
64 realignment, education benchmark, career ladder, or any other  
65 means to increase salaries of employees or positions unless  
66 specifically exempted by the following conditions: the award of  
67 teacher pay increases, the advancement of a trainee/cadet to the  
68 next level of a bona fide career ladder, the award of an  
69 educational benchmark for the attainment of Certified Public  
70 Accountant License or higher level professional certification as  
71 determined by the State Personnel Board, the immediate replacement  
72 of a departing employee with an individual from within state  
73 service or a new hire at a salary level equivalent to that of the  
74 departing employee, and the emergency appointment of nurses,  
75 pharmacists or other health care professionals at a salary to be  
76 determined by the State Personnel Board, unless otherwise  
77 authorized in this act.

78 **SECTION 4.** It is the intention of the Legislature that the  
79 Mississippi Arts Commission shall maintain complete accounting and  
80 personnel records related to the expenditure of all funds  
81 appropriated under this act and that such records shall be in the  
82 same format and level of detail as maintained for Fiscal Year  
83 2005. It is further the intention of the Legislature that the  
84 agency's budget request for Fiscal Year 2007 shall be submitted to  
85 the Joint Legislative Budget Committee in a format and level of  
86 detail comparable to the format and level of detail provided  
87 during the Fiscal Year 2006 budget request process.

88 **SECTION 5.** Of the funds appropriated under the provisions of  
89 Section 2, funds in the amount of Four Hundred Fifty Thousand  
90 Dollars (\$450,000.00) shall be derived from the Education  
91 Enhancement Fund pursuant to Sections 27-65-75 and 27-67-31,  
92 Mississippi Code of 1972, for the following:

93 Training of educators and promotion  
94 of arts programs in public schools . . . \$100,000.00  
95 Miscellaneous grants and programs . . . . \$350,000.00

96 **SECTION 6.** It is the intention of the Legislature that the  
97 Arts Commission shall have the authority to transfer dollars  
98 appropriated herein designated for the "Challenge Program,"  
99 specific amounts to a special fund in the State Treasury called  
100 the Arts Commission Challenge Initiative Fund. The unexpended  
101 amounts remaining in the fund at the end of a fiscal year shall  
102 not lapse into the State General Fund and may be expended by the  
103 commission in subsequent fiscal years upon appropriation of the  
104 Legislature. Any interest earned on the fund shall be deposited  
105 to the credit of the fund and may be disbursed by the commission  
106 upon appropriations of the Legislature. It is the intention of  
107 the Legislature that the commission may award grants to arts  
108 organizations from monies in the fund and the grantees will be  
109 required to provide matching funds for the grants in an amount of  
110 not less than two (2) times the amount of the grant.

111 **SECTION 7.** It is the intention of the Legislature that the  
112 Mississippi Arts Commission shall have the authority to escalate  
113 its budget and expend funds from any source available not to  
114 exceed Five Hundred Thousand Dollars (\$500,000.00), that may  
115 become available to the commission in accordance with the rules  
116 and regulations of the Department of Finance and Administration in  
117 a manner consistent with the escalation of federal funds.

118 **SECTION 8.** Of the funds provided herein, the sum of  
119 Forty-one Thousand Two Hundred Eighty-two Dollars (\$41,282.00) is  
120 hereby assessed on any nonfederal special funds and shall be  
121 deposited to the Budget Contingency Fund created in Section  
122 27-103-301, Mississippi Code of 1972, on or before October 1,  
123 2005, for the purpose of reimbursing the State of Mississippi for  
124 administrative costs.

125           **SECTION 9.** The money herein appropriated shall be paid by  
126 the State Treasurer out of any money in the State Treasury to the  
127 credit of the proper fund or funds as set forth in this act, upon  
128 warrants issued by the State Fiscal Officer; and the State Fiscal  
129 Officer shall issue his warrants upon requisitions signed by the  
130 proper person, officer or officers, in the manner provided by law.

131           **SECTION 10.** This act shall take effect and be in force from  
132 and after July 1, 2005.