

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

To: Appropriations

HOUSE BILL NO. 1702  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL  
3 YEAR 2008.

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, 2007, and ending June 30, 2008.....

10 ..... \$ 1,406,259.00.

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, 2007, and ending June 30, 2008.

18 ..... \$ 1,448,177.00.

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

21 AUTHORIZED POSITIONS:

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

26 Funds are provided herein to adjust the Variable Compensation  
27 Plan to ensure that all full-time employees receive a pay increase

28 equal to the realignment component of the Variable Compensation  
29 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
30 is greater, to be awarded on July 1, 2007.

31 With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2008 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2008 appropriations for "Personal  
44 Services" when annualized, with the exception of escalated funds  
45 and educational benchmarks. If, at the time the agency takes any  
46 action to change "Personal Services", the State Personnel Board  
47 determines that the agency has taken an action which would cause  
48 the agency to exceed this projected annual cost or the Fiscal Year  
49 2008 "Personal Services" appropriated level, when annualized, then  
50 only those actions which reduce the projected annual cost and/or  
51 the appropriation requirement will be processed by the State  
52 Personnel Board until such time as the requirements of this  
53 provision are met. On January 1, 2008, the State Personnel Board  
54 will make adjustments to the structure side of the compliance  
55 report based on data provided by the Legislative Budget Office in  
56 order for agencies to award educational benchmarks.

57 Any transfers or escalations shall be made in accordance with  
58 the terms, conditions and procedures established by law or  
59 allowable under the terms set forth within this act. The State  
60 Personnel Board shall not escalate positions without written

61 approval from the Department of Finance and Administration. The  
62 Department of Finance and Administration shall not provide written  
63 approval to escalate any funds for salaries and/or positions  
64 without proof of availability of new or additional funds above the  
65 appropriated level.

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

70 **SECTION 4.** It is the intention of the Legislature that the  
71 Mississippi Arts Commission shall maintain complete accounting and  
72 personnel records related to the expenditure of all funds  
73 appropriated under this act and that such records shall be in the  
74 same format and level of detail as maintained for Fiscal Year  
75 2007. It is further the intention of the Legislature that the  
76 agency's budget request for Fiscal Year 2009 shall be submitted to  
77 the Joint Legislative Budget Committee in a format and level of  
78 detail comparable to the format and level of detail provided  
79 during the Fiscal Year 2008 budget request process.

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

85 Training of educators and promotion  
86 of arts programs in public schools . . . \$100,000.00  
87 Miscellaneous grants and programs . . . . \$350,000.00

88 **SECTION 6.** It is the intention of the Legislature that the  
89 Arts Commission shall have the authority to transfer dollars  
90 appropriated herein designated for the "Challenge Program,"  
91 specific amounts to a special fund in the State Treasury called  
92 the Arts Commission Challenge Initiative Fund. The unexpended  
93 amounts remaining in the fund at the end of a fiscal year shall

94 not lapse into the State General Fund and may be expended by the  
95 commission in subsequent fiscal years upon appropriation of the  
96 Legislature. Any interest earned on the fund shall be deposited  
97 to the credit of the fund and may be disbursed by the commission  
98 upon appropriations of the Legislature. It is the intention of  
99 the Legislature that the commission may award grants to arts  
100 organizations from monies in the fund and the grantees will be  
101 required to provide matching funds for the grants in an amount of  
102 not less than two (2) times the amount of the grant.

103       **SECTION 7.** It is the intention of the Legislature that the  
104 Mississippi Arts Commission shall have the authority to escalate  
105 its budget and expend funds from any source available not to  
106 exceed One Million Dollars (\$1,000,000.00), that may become  
107 available to the commission in accordance with the rules and  
108 regulations of the Department of Finance and Administration in a  
109 manner consistent with the escalation of federal funds.

110       **SECTION 8.** It is the intention of the Legislature that  
111 whenever two (2) or more bids are received by this agency for the  
112 purchase of commodities or equipment, and whenever all things  
113 stated in such received bids are equal with respect to price,  
114 quality and service, the Mississippi Industries for the Blind  
115 shall be given preference. A similar preference shall be given to  
116 the Mississippi Industries for the Blind whenever purchases are  
117 made without competitive bids.

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

124       **SECTION 10.** This act shall take effect and be in force from  
125 and after July 1, 2007.