

By: Representatives Frierson, Moore, Arnold, To: Appropriations  
Banks, Barker, Beckett, Bennett, Bounds,  
Brown, Busby, Clarke, Cockerham, Coleman,  
Currie, DeLano, Denny, Eure, Gipson, Holland,  
Huddleston (30th), Ladner, Mettetal, Monsour,  
Read, Shows, Staples, Sullivan, Turner, Watson

## HOUSE BILL NO. 1646

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL  
3 YEAR 2017.

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 appropriated out of any money in the State General  
7 Fund not otherwise appropriated, for the purpose of defraying the  
8 expenses of the Mississippi Arts Commission for the fiscal year  
9 beginning July 1, 2016, and ending June 30, 2017.....  
10 .....\$ 1,560,454.00.

11 **SECTION 2.** The following sum, or so much thereof as may be  
12 necessary, is appropriated out of any money in the special fund in  
13 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, 2016, and ending June 30, 2017..  
18 .....\$ 1,606,524.00.



**SECTION 3.** Of the funds appropriated under the provisions of this act, the following positions are authorized:

**AUTHORIZED POSITIONS:**

Permanent:	Full Time.....	11
	Part Time.....	0
Time-Limited:	Full Time.....	2
	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 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 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 2017 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 2017 "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 None of the funds herein appropriated shall be used in  
62 violation of Internal Revenue Service's Publication 15-A relating  
63 to the reporting of income paid to contract employees, as  
64 interpreted by the Office of the State Auditor.

65 **SECTION 4.** It is the intention of the Legislature that the  
66 Mississippi Arts Commission shall maintain complete accounting and  
67 personnel records related to the expenditure of all funds  
68 appropriated under this act and that such records shall be in the



69 same format and level of detail as maintained for Fiscal Year  
70 2016. It is further the intention of the Legislature that the  
71 agency's budget request for Fiscal Year 2018 shall be submitted to  
72 the Joint Legislative Budget Committee in a format and level of  
73 detail comparable to the format and level of detail provided  
74 during the Fiscal Year 2017 budget request process.

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

80       Training of educators and promotion  
81       of arts programs in public schools.....\$178,000.00  
82       Miscellaneous grants and programs.....\$272,000.00

83       **SECTION 6.** It is the intention of the Legislature that the  
84 Arts Commission shall have the authority to transfer dollars  
85 appropriated herein designated for the "Challenge Program,"  
86 specific amounts to a special fund in the State Treasury called  
87 the Arts Commission Challenge Initiative Fund. The unexpended  
88 amounts remaining in the fund at the end of a fiscal year shall  
89 not lapse into the State General Fund and may be expended by the  
90 commission in subsequent fiscal years upon appropriation of the  
91 Legislature. Any interest earned on the fund shall be deposited  
92 to the credit of the fund and may be disbursed by the commission  
93 upon appropriations of the Legislature. It is the intention of



94 the Legislature that the commission may award grants to arts  
95 organizations from monies in the fund and the grantees will be  
96 required to provide matching funds for the grants in an amount of  
97 not less than two (2) times the amount of the grant.

98       **SECTION 7.** It is the intention of the Legislature that  
99 whenever two (2) or more bids are received by this agency for the  
100 purchase of commodities or equipment, and whenever all things  
101 stated in such received bids are equal with respect to price,  
102 quality and service, the Mississippi Industries for the Blind  
103 shall be given preference. A similar preference shall be given to  
104 the Mississippi Industries for the Blind whenever purchases are  
105 made without competitive bids.

106       **SECTION 8.** Of the funds appropriated herein, Forty Thousand  
107 Dollars (\$40,000.00) shall be provided by the Department of  
108 Education for the purpose of funding the Whole Schools Summer  
109 Institute.

110       **SECTION 9.** It is the intention of the Legislature that the  
111 funds herein appropriated shall be expended in compliance with  
112 Section 27-104-25, Mississippi Code of 1972, that no state agency  
113 shall incur obligations or indebtedness in excess of their  
114 appropriation and that the responsible officers, either personally  
115 or upon their official bonds, shall be held responsible for  
116 actions contrary to this provision.

117       **SECTION 10.** The amount of funds appropriated from the State  
118 General Fund in this bill are conditioned upon the availability



for appropriation of the full amount of the state general funds that were projected in the general fund revenue estimate for fiscal year 2017 that was determined under the provision of Section 27-103-125.

If the amount of general funds projected to be available for appropriation for fiscal year 2017 would be reduced by the enactment into law of any revenue bills, as defined in Joint Rule 40, that have been passed by the House of Representatives by March 17, 2016, then the amount of funds appropriated from the State General Fund in this bill shall be reduced by the same percentage reduction in the amount of general funds that would be available for appropriation for fiscal year 2017, and the reduced amount shall be engrossed into this bill before it is transmitted to Senate.

The determination of whether the House has passed any such revenue bills by March 17, 2016, and the amount and percentage of the resulting reduction in the amount of general funds projected to be available for appropriation for fiscal year 2017, shall be determined by the Legislative Budget Office and certified in writing to the Chairman of the House Appropriations Committee by the Director of the Legislative Budget Office.

**SECTION 11.** 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



144 Officer shall issue his warrants upon requisitions signed by the  
145 proper person, officer or officers, in the manner provided by law.

146       **SECTION 12.** This act shall take effect and be in force from  
147 and after July 1, 2016; and shall stand repealed from and after  
148 June 30, 2016.

