

By: Representatives Read, Bennett, Arnold, Banks, Barton, Beckett, Bounds, Boyd, Brown, Busby, Clarke, Cockerham, DeLano, Eure, Holland, Ladner, Massengill, Mettetal, Sullivan, Turner, Watson, Willis, Sykes

To: Appropriations

HOUSE BILL NO. 1647
(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 2020.

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, 2019, and ending June 30, 2020.....
10\$ 1,169,421.00.

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, 2019, and ending June 30, 2020..
18\$ 1,461,722.00.



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

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	11
23		Part Time.....	0
24	Time-Limited:	Full Time.....	2
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required to be
28 appropriated for "Personal Services" for Fiscal Year 2021 do not
29 exceed Fiscal Year 2020 funds appropriated for that purpose,
30 unless programs or positions are added to the agency's Fiscal Year
31 2020 budget by the Mississippi Legislature. Based on data
32 provided by the Legislative Budget Office, the State Personnel
33 Board shall determine and publish the projected annual cost to
34 fully fund all appropriated positions in compliance with the
35 provisions of this act. It shall be the responsibility of the
36 agency head to ensure that no single personnel action increases
37 this projected annual cost and/or the Fiscal Year 2020
38 appropriations for "Personal Services" when annualized, with the
39 exception of escalated funds and the award of benchmarks. If, at
40 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 2020 "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 Funds are provided herein for all full-time employees to
49 receive up to a Three Percent (3%) pay increase to the realignment
50 component of the Variable Compensation Plan, excluding head of
51 agencies, board members and commission members.

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

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

65 None of the funds herein appropriated shall be used in
66 violation of Internal Revenue Service's Publication 15-A relating
67 to the reporting of income paid to contract employees, as
68 interpreted by the Office of the State Auditor.



69 **SECTION 4.** It is the intention of the Legislature that the
70 Mississippi Arts Commission shall maintain complete accounting and
71 personnel records related to the expenditure of all funds
72 appropriated under this act and that such records shall be in the
73 same format and level of detail as maintained for Fiscal Year
74 2019. It is further the intention of the Legislature that the
75 agency's budget request for Fiscal Year 2021 shall be submitted to
76 the Joint Legislative Budget Committee in a format and level of
77 detail comparable to the format and level of detail provided
78 during the Fiscal Year 2020 budget request process.

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

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

87 **SECTION 6.** It is the intention of the Legislature that the
88 Arts Commission shall have the authority to transfer dollars
89 appropriated herein designated for the "Challenge Program,"
90 specific amounts to a special fund in the State Treasury called
91 the Arts Commission Challenge Initiative Fund. The unexpended
92 amounts remaining in the fund at the end of a fiscal year shall
93 not lapse into the State General Fund and may be expended by the



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

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

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

114 **SECTION 9.** Of the funds appropriated in Section 2, the
115 following sum, or so much thereof as may be necessary, is hereby
116 appropriated out of any money in the State Treasury to the credit
117 of the Capital Expense Fund, and allocated in a manner as
118 determined by the State Treasurer's Office, to defray the expenses



119 of the Arts Commission for the fiscal year beginning July 1, 2019,
120 and ending June 30, 2020.....\$ 100,000.00.

121 **SECTION 10.** It is the intention of the Legislature that the
122 funds herein appropriated shall be expended in compliance with
123 Section 27-104-25, Mississippi Code of 1972, that no state agency
124 shall incur obligations or indebtedness in excess of their
125 appropriation and that the responsible officers, either personally
126 or upon their official bonds, shall be held responsible for
127 actions contrary to this provision.

128 **SECTION 11.** The money herein appropriated shall be paid by
129 the State Treasurer out of any money in the State Treasury to the
130 credit of the proper fund or funds as set forth in this act, upon
131 warrants issued by the State Fiscal Officer; and the State Fiscal
132 Officer shall issue his warrants upon requisitions signed by the
133 proper person, officer or officers, in the manner provided by law.

134 **SECTION 12.** This act shall take effect and be in force from
135 and after July 1, 2019.

