

By: Representatives Read, Bennett, Banks,
Barton, Boyd, Busby, Clark, Clarke, Criswell,
Currie, Eure, Haney, Jackson, Sanford,
Watson, Young

To: Appropriations

HOUSE BILL NO. 1389
(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 2022.

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, 2021, and ending June 30, 2022.....
10 \$ 1,169,164.00.

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, 2021, and ending June 30, 2022 .
18 \$ 1,522,502.00.



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	10
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 2023 do not
29 exceed Fiscal Year 2022 funds appropriated for that purpose unless
30 programs or positions are added to the agency's Fiscal Year 2022
31 budget by the Mississippi Legislature. Based on data provided by
32 the Legislative Budget Office, the State Personnel Board shall
33 determine and publish the projected annual cost to fully fund all
34 appropriated positions in compliance with the provisions of this
35 act. Absent a special situation or circumstance approved by the
36 State Personnel Board, or unless otherwise authorized by this act,
37 no state agency shall take any action to promote or otherwise
38 award salary increases through reallocation or realignment. If
39 the State Personnel Board determines a special situation or
40 circumstance exists and approves an action, then the agency and
41 the State Personnel Board shall provide a monthly report of each
42 action approved by the State Personnel Board to the chairmen of
43 the Accountability, Efficiency and Transparency Committees of the



44 Senate and House of Representatives and the chairmen of the
45 Appropriations Committees of the Senate and House of
46 Representatives. It shall be the responsibility of the agency
47 head to ensure that no single personnel action increases this
48 projected annual cost and/or the Fiscal Year 2022 appropriations
49 for "Personal Services" when annualized, with the exception of
50 escalated funds and the award of benchmarks. If, at the time the
51 agency takes any action to change "Personal Services," the State
52 Personnel Board determines that the agency has taken an action
53 which would cause the agency to exceed this projected annual cost
54 or the Fiscal Year 2022 "Personal Services" appropriated level,
55 when annualized, then only those actions which reduce the
56 projected annual cost and/or the appropriation requirement will be
57 processed by the State Personnel Board until such time as the
58 requirements of this provision are met.

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



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

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

76 Funds have been appropriated herein for the purpose of
77 implementation and funding Project SEC2 of the Colonel Guy Groff
78 State Variable Compensation Plan beginning January 1, 2022, and
79 ending June 30, 2022. It shall be the agency's responsibility to
80 make certain that each person, excluding executive directors,
81 agency heads, and elected judges, shall receive no more than a 3%
82 annual increase in salary which shall not exceed the market rate
83 established by the State Personnel Board pursuant to the Colonel
84 Guy Groff State Variable Compensation Plan for each
85 classification.

86 **SECTION 4.** It is the intention of the Legislature that the
87 Mississippi Arts Commission shall maintain complete accounting and
88 personnel records related to the expenditure of all funds
89 appropriated under this act and that such records shall be in the
90 same format and level of detail as maintained for Fiscal Year
91 2021. It is further the intention of the Legislature that the
92 agency's budget request for Fiscal Year 2023 shall be submitted to



93 the Joint Legislative Budget Committee in a format and level of
94 detail comparable to the format and level of detail provided
95 during the Fiscal Year 2022 budget request process.

96 **SECTION 5.** Of the funds appropriated under the provisions of
97 Section 2, funds in the amount of Four Hundred Ninety Thousand
98 Dollars (\$490,000.00) shall be derived from the Education
99 Enhancement Fund pursuant to Sections 27-65-75 and 27-67-31,
100 Mississippi Code of 1972, for the following:

101 Training of educators and promotion
102 of arts programs in public schools.....\$100,000.00.
103 Miscellaneous grants and programs.....\$ 350,000.00
104 Whole Schools Initiative.....\$ 40,000.00

105 **SECTION 6.** It is the intention of the Legislature that the
106 Arts Commission shall have the authority to transfer dollars
107 appropriated herein designated for the "Challenge Program,"
108 specific amounts to a special fund in the State Treasury called
109 the Arts Commission Challenge Initiative Fund. The unexpended
110 amounts remaining in the fund at the end of a fiscal year shall
111 not lapse into the State General Fund and may be expended by the
112 commission in subsequent fiscal years upon appropriation of the
113 Legislature. Any interest earned on the fund shall be deposited
114 to the credit of the fund and may be disbursed by the commission
115 upon appropriations of the Legislature. It is the intention of
116 the Legislature that the commission may award grants to arts
117 organizations from monies in the fund and the grantees will be



118 required to provide matching funds for the grants in an amount of
119 not less than two (2) times the amount of the grant.

120 **SECTION 7.** It is the intention of the Legislature that
121 whenever two (2) or more bids are received by this agency for the
122 purchase of commodities or equipment, and whenever all things
123 stated in such received bids are equal with respect to price,
124 quality and service, the Mississippi Industries for the Blind
125 shall be given preference. A similar preference shall be given to
126 the Mississippi Industries for the Blind whenever purchases are
127 made without competitive bids.

128 **SECTION 8.** It is the intention of the Legislature that the
129 funds herein appropriated shall be expended in compliance with
130 Section 27-104-25, Mississippi Code of 1972, that no state agency
131 shall incur obligations or indebtedness in excess of their
132 appropriation and that the responsible officers, either personally
133 or upon their official bonds, shall be held responsible for
134 actions contrary to this provision.

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

141 **SECTION 10.** This act shall take effect and be in force from
142 and after July 1, 2021.

