

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

To: Appropriations

HOUSE BILL NO. 1611
(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 2024.

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, 2023, and ending June 30, 2024.....
10\$ 1,528,431.00.

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, 2023, and ending
18 June 30, 2024.....\$ 8,606,470.00.



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

21 AUTHORIZED HEADCOUNT:

22 Permanent: 10

23 Time-Limited: 2

24 With the funds herein appropriated, it shall be the agency's
25 responsibility to make certain that funds required for Personal
26 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2024 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's
30 personal services appropriation, which the State Personnel Board
31 shall publish. The agency's personal services appropriation may
32 consist of restricted funds for approved vacancies for Fiscal Year
33 2024 that may not be utilized for active Fiscal Year 2023
34 Headcount. It shall be the agency's responsibility to ensure that
35 the funds provided for vacancies are used to increase headcount
36 and not for promotions, title changes, in-range salary adjustments
37 or any other mechanism for increasing salaries for current
38 employees. It is the Legislature's intention that no employee
39 salary falls below the minimum salary established by the
40 Mississippi State Personnel Board.

41 Additionally, the State Personnel Board shall determine and
42 publish the projected annualized payroll costs based on current
43 employees. It shall be the responsibility of the agency head to



44 ensure that actual personnel expenditures for Fiscal Year 2024 do
45 not exceed the data provided by the Legislative Budget Office. If
46 the agency's Fiscal Year 2024 projected cost exceeds the
47 annualized costs, no salary actions shall be processed by the
48 State Personnel Board except for new hires determined to be
49 essential for the agency.

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

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

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

67 **SECTION 4.** It is the intention of the Legislature that the
68 Mississippi Arts Commission shall maintain complete accounting and



69 personnel records related to the expenditure of all funds
70 appropriated under this act and that such records shall be in the
71 same format and level of detail as maintained for Fiscal Year
72 2023. It is further the intention of the Legislature that the
73 agency's budget request for Fiscal Year 2025 shall be submitted to
74 the Joint Legislative Budget Committee in a format and level of
75 detail comparable to the format and level of detail provided
76 during the Fiscal Year 2024 budget request process.

77 **SECTION 5.** Of the funds appropriated under the provisions of
78 Section 2, funds in the amount of One Million Four Hundred Ninety
79 Thousand Dollars (\$1,490,000.00) shall be derived from the
80 Education Enhancement Fund deposited pursuant to Sections 27-65-75
81 and 27-67-31, Mississippi Code of 1972, for the following:

82	Training of educators and promotion of arts programs in	
83	public schools.....	\$ 100,000.00
84	Miscellaneous grants and programs.....	\$ 350,000.00
85	Whole Schools Initiative.....	\$ 1,040,000.00

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



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

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

109 **SECTION 8.** It is the intention of the Legislature that the
110 funds herein appropriated shall be expended in compliance with
111 Section 27-104-25, Mississippi Code of 1972, that no state agency
112 shall incur obligations or indebtedness in excess of their
113 appropriation and that the responsible officers, either personally
114 or upon their official bonds, shall be held responsible for
115 actions contrary to this provision.

116 **SECTION 9.** Of the funds appropriated under the provisions of
117 Section 2, Five Million Dollars (\$5,000,000.00), or so much
118 thereof, shall be derived out of any money in the State Treasury



119 to the credit of the Capital Expense Fund, as created in Section
120 27-103-303, Mississippi Code of 1972, and allocated in a manner as
121 determined by the Treasurer's Office. This appropriation is made
122 for the purpose of providing the funds necessary to authorize the
123 expenditure of funds for the Building Fund for the Arts.

124 **SECTION 10.** Of the funds appropriated under the provisions
125 of Section 2, One Million Dollars (\$1,000,000.00), or so much
126 thereof, shall be derived out of any money in the State Treasury
127 to the credit of the Capital Expense Fund, as created in Section
128 27-103-303, Mississippi Code of 1972, and allocated in a manner as
129 determined by the Treasurer's Office. This appropriation is made
130 for the purpose of providing the funds necessary to authorize the
131 expenditure of funds to the Mississippi Museum of Art.

132 **SECTION 11.** The following sum, or so much thereof as may be
133 necessary, is reappropriated out of any money in the Capital
134 Expense Fund not otherwise appropriated for the Arts Commission
135 for the purpose of reauthorizing the expenditure of Capital
136 Expense Funds, as authorized in HB 1598, 2022 Regular Session to
137 provide for the funding of the Building Fund for the Arts
138 Initiative for the fiscal year beginning July 1, 2023, and ending
139 June 30, 2024.....\$ 1,700,000.00.

140 Notwithstanding the amount reappropriated under this section,
141 the amount that may be expended under the authority of this
142 section, shall not exceed the unexpended balance of the funds
143 remaining as of June 30, 2023, from the amount authorized for the



144 previous fiscal year. In addition, this reappropriation shall not
145 change the purpose for which the funds were originally authorized.

146 **SECTION 12.** The money herein appropriated shall be paid by
147 the State Treasurer out of any money in the State Treasury to the
148 credit of the proper fund or funds as set forth in this act, upon
149 warrants issued by the State Fiscal Officer; and the State Fiscal
150 Officer shall issue his warrants upon requisitions signed by the
151 proper person, officer or officers, in the manner provided by law.

152 **SECTION 13.** This act shall take effect and be in force from
153 and after July 1, 2023.

