

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

To: Appropriations

HOUSE BILL NO. 74

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL
3 YEAR 2006.

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, 2005, and ending June 30, 2006.....
10 \$ 1,118,498.00.

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, 2005, and ending June 30, 2006.
18 \$ 1,610,172.00.

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

22 AUTHORIZED POSITIONS:

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

27 With the funds herein appropriated, it is the intention of
28 the Legislature that it shall be the agency's responsibility to
29 make certain that funds required to be appropriated for "Personal
30 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
31 funds appropriated for that purpose, unless programs or positions
32 are added to the agency's Fiscal Year 2007 budget by the
33 Mississippi Legislature. Based on data provided by the
34 Legislative Budget Office, the State Personnel Board shall
35 determine and publish the projected annual cost to fully fund all
36 appropriated positions in compliance with the provisions of this
37 act. It shall be the responsibility of the agency head to insure
38 that no single personnel action increases this projected annual
39 cost and/or the Fiscal Year 2006 appropriation for "Personal
40 Services" when annualized, with the exception of escalated funds.
41 If, at the time the agency takes any action to change "Personal
42 Services," the State Personnel Board determines that the agency
43 has taken an action which would cause the agency to exceed this
44 projected annual cost or the Fiscal Year 2006 "Personal Services"
45 appropriated level, when annualized, then only those actions which
46 reduce the projected annual cost and/or the appropriation
47 requirement will be processed by the State Personnel Board until
48 such time as the requirements of this provision are met.

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

58 No general funds authorized to be expended herein shall be
59 used to replace federal funds and/or other special funds which are

60 being used for salaries authorized under the provisions of this
61 act and which are withdrawn and no longer available.

62 The agency shall not take any action to promote or otherwise
63 award salary increases through reallocation, reclassification,
64 realignment, education benchmark, career ladder, or any other
65 means to increase salaries of employees or positions unless
66 specifically exempted by the following conditions: the award of
67 teacher pay increases, the advancement of a trainee/cadet to the
68 next level of a bona fide career ladder, the award of an
69 educational benchmark for the attainment of Certified Public
70 Accountant License or higher level professional certification as
71 determined by the State Personnel Board, the immediate replacement
72 of a departing employee with an individual from within state
73 service or a new hire at a salary level equivalent to that of the
74 departing employee, and the emergency appointment of nurses,
75 pharmacists or other health care professionals at a salary to be
76 determined by the State Personnel Board, unless otherwise
77 authorized in this act.

78 **SECTION 4.** It is the intention of the Legislature that the
79 Mississippi Arts Commission shall maintain complete accounting and
80 personnel records related to the expenditure of all funds
81 appropriated under this act and that such records shall be in the
82 same format and level of detail as maintained for Fiscal Year
83 2005. It is further the intention of the Legislature that the
84 agency's budget request for Fiscal Year 2007 shall be submitted to
85 the Joint Legislative Budget Committee in a format and level of
86 detail comparable to the format and level of detail provided
87 during the Fiscal Year 2006 budget request process.

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

93 Training of educators and promotion
94 of arts programs in public schools . . . \$100,000.00
95 Miscellaneous grants and programs \$350,000.00

96 **SECTION 6.** It is the intention of the Legislature that the
97 Arts Commission shall have the authority to transfer dollars
98 appropriated herein designated for the "Challenge Program,"
99 specific amounts to a special fund in the State Treasury called
100 the Arts Commission Challenge Initiative Fund. The unexpended
101 amounts remaining in the fund at the end of a fiscal year shall
102 not lapse into the State General Fund and may be expended by the
103 commission in subsequent fiscal years upon appropriation of the
104 Legislature. Any interest earned on the fund shall be deposited
105 to the credit of the fund and may be disbursed by the commission
106 upon appropriations of the Legislature. It is the intention of
107 the Legislature that the commission may award grants to arts
108 organizations from monies in the fund and the grantees will be
109 required to provide matching funds for the grants in an amount of
110 not less than two (2) times the amount of the grant.

111 **SECTION 7.** It is the intention of the Legislature that the
112 Mississippi Arts Commission shall have the authority to escalate
113 its budget and expend funds from any source available not to
114 exceed Five Hundred Thousand Dollars (\$500,000.00), that may
115 become available to the commission in accordance with the rules
116 and regulations of the Department of Finance and Administration in
117 a manner consistent with the escalation of federal funds.

118 **SECTION 8.** Of the funds provided herein, the sum of
119 Forty-one Thousand Two Hundred Eighty-two Dollars (\$41,282.00) is
120 hereby assessed on any nonfederal special funds and shall be
121 deposited to the Budget Contingency Fund created in Section
122 27-103-301, Mississippi Code of 1972, on or before October 1,
123 2005, for the purpose of reimbursing the State of Mississippi for
124 administrative costs.

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

131 **SECTION 10.** This act shall take effect and be in force from
132 and after July 1, 2005.