

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

To: Appropriations

HOUSE BILL NO. 1569
(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 2007.

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, 2006, and ending June 30, 2007.....
10 \$ 1,158,383.00.

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, 2006, and ending June 30, 2007.
18 \$ 1,645,214.00.

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

21 AUTHORIZED POSITIONS:

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

26 Funds are provided herein to adjust the Variable Compensation
27 Plan to ensure that all full-time employees receive a pay increase

28 equal to the realignment component of the Variable Compensation
29 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
30 with not more than one-half (1/2) to be awarded on July 1, 2006,
31 with the remainder to be awarded on January 1, 2007.

32 With the funds herein appropriated, it is the intention of
33 the Legislature that it shall be the agency's responsibility to
34 make certain that funds required to be appropriated for "Personal
35 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
36 funds appropriated for that purpose, unless programs or positions
37 are added to the agency's Fiscal Year 2008 budget by the
38 Mississippi Legislature. Based on data provided by the
39 Legislative Budget Office, the State Personnel Board shall
40 determine and publish the projected annual cost to fully fund all
41 appropriated positions in compliance with the provisions of this
42 act. It shall be the responsibility of the agency head to insure
43 that no single personnel action increases this projected annual
44 cost and/or the Fiscal Year 2007 appropriation for "Personal
45 Services" when annualized, with the exception of escalated funds.
46 If, at the time the agency takes any action to change "Personal
47 Services," the State Personnel Board determines that the agency
48 has taken an action which would cause the agency to exceed this
49 projected annual cost or the Fiscal Year 2007 "Personal Services"
50 appropriated level, when annualized, then only those actions which
51 reduce the projected annual cost and/or the appropriation
52 requirement will be processed by the State Personnel Board until
53 such time as the requirements of this provision are met.

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

61 without proof of availability of new or additional funds above the
62 appropriated level.

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

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 2006. It is further the intention of the Legislature that the
73 agency's budget request for Fiscal Year 2008 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 2007 budget request process.

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

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

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

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

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

107 **SECTION 8.** It is the intention of the Legislature that
108 whenever two (2) or more bids are received by this agency for the
109 purchase of commodities or equipment, and whenever all things
110 stated in such received bids are equal with respect to price,
111 quality and service, the Mississippi Industries for the Blind
112 shall be given preference. A similar preference shall be given to
113 the Mississippi Industries for the Blind whenever purchases are
114 made without competitive bids.

115 **SECTION 9.** Of the funds appropriated under the provisions of
116 Section 2, Two Hundred Seventeen Thousand Eight Hundred Twenty-two
117 Dollars (\$217,822.00) shall be derived from the Budget Contingency
118 Fund created in Section 27-103-301, Mississippi Code of 1972, for
119 the purpose of defraying the expenses of the Mississippi Arts
120 Commission.

121 **SECTION 10.** The money herein appropriated shall be paid by
122 the State Treasurer out of any money in the State Treasury to the
123 credit of the proper fund or funds as set forth in this act, upon
124 warrants issued by the State Fiscal Officer; and the State Fiscal
125 Officer shall issue his warrants upon requisitions signed by the
126 proper person, officer or officers, in the manner provided by law.

127 **SECTION 11.** This act shall take effect and be in force from
128 and after July 1, 2006.