REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1740: Appropriation; Arts Commission.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

| 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, 2004, and ending June 30, 2005 | | |
| 10 | \$ 1,211,551.00. | | |
| 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, 2004, and ending June 30, 2005. | | |
| 18 | \$ 1,564,274.00. | | |
| 19 | SECTION 3. Of the funds appropriated under the provisions of | | |
| 20 | Section 1 and Section 2, not more than the amounts set forth below | | |
| 21 | shall be expended for the respective major objects or purposes of | | |
| 22 | expenditure: | | |
| 23 | MAJOR OBJECTS OF EXPENDITURE: | | |
| 24 | Personal Services: | | |
| 25 | Salaries, Wages and Fringe Benefits \$ 577,587.00 | | |
| 26 | Travel and Subsistence | | |
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| 27 | Contractual Services | 720,935.00 | |
|----------|---|---------------------|--|
| 28 | Commodities | 72,548.00 | |
| 29 | Capital Outlay: | | |
| 30 | Other Than Equipment | 0.00 | |
| 31 | Equipment | 7,387.00 | |
| 32 | Subsidies, Loans and Grants | 1,357,518.00 | |
| 33 | Total\$ | 2,775,825.00 | |
| 34 | FUNDING: | | |
| 35 | General Funds\$ | 1,211,551.00 | |
| 36 | Special Funds | 1,564,274.00 | |
| 37 | Total\$ | 2,775,825.00 | |
| 38 | AUTHORIZED POSITIONS: | | |
| 39 | Permanent: Full Time 12 | | |
| 40 | Part Time 0 | | |
| 41 | Time-Limited: Full Time 1 | | |
| 42 43 | Part Time 0 With the funds herein appropriated, it is the | intention of | |
| 44 | the Legislature that it shall be the agency's responsibility to | | |
| 45 | make certain that funds required to be appropriated for "Personal | | |
| 46 | Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005 | | |
| 47 | funds appropriated for that purpose, unless programs or positions | | |
| 48 | are added to the agency's Fiscal Year 2006 budget by the | | |
| 49 | Mississippi Legislature. Based on data provided by the | | |
| 50 | Legislative Budget Office, the State Personnel Board shall | | |
| 51 | determine and publish the projected annual cost to fully fund all | | |
| 52 | appropriated positions in compliance with the provisions of this | | |
| 53 | act. It shall be the responsibility of the agency | head to insure | |
| 54 | that no single personnel action increases this projected annual | | |
| 55 | cost and/or the Fiscal Year 2005 appropriation for "Personal | | |
| 56 | Services" when annualized, with the exception of escalated funds. | | |
| 57 | If, at the time the agency takes any action to chan | ge "Personal | |
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Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2005 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

65 Any transfers or escalations shall be made in accordance with 66 the terms, conditions and procedures established by law or 67 allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written 68 69 approval from the Department of Finance and Administration. The 70 Department of Finance and Administration shall not provide written 71 approval to escalate any funds for salaries and/or positions 72 without proof of availability of new or additional funds above the 73 appropriated level.

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

78 It is the intention of the Legislature that the SECTION 4. 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 It is further the intention of the Legislature that the 83 2004. agency's budget request for Fiscal Year 2006 shall be submitted to 84 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 2005 budget request process. *HR05/0HB1740CR. 2J* 04/HR05/HB1740CR.2J (H)AP (S)AP PAGE 3 A1/2 (RM)

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 in the major object of expenditure "Subsidies, Loans 99 and Grants," designated for the "Challenge Program," specific 100 amounts to a special fund in the State Treasury called the Arts 101 Commission Challenge Initiative Fund. The unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse 102 103 into the State General Fund and may be expended by the commission 104 in subsequent fiscal years upon appropriation of the Legislature. 105 Any interest earned on the fund shall be deposited to the credit 106 of the fund and may be disbursed by the commission upon 107 appropriations of the Legislature. It is the intention of the 108 Legislature that the commission may award grants to arts 109 organizations from monies in the fund and the grantees will be 110 required to provide matching funds for the grants in an amount of 111 not less than two (2) times the amount of the grant.

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

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119 SECTION 8. The money herein appropriated shall be paid by 120 the State Treasurer out of any money in the State Treasury to the 121 credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal 122 123 Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law. 124 125 SECTION 9. This act shall take effect and be in force from and after July 1, 2004. 126

CONFEREES FOR THE HOUSE CONFEREES FOR THE SENATE X (SIGNED) Johnny W. Stringer X (SIGNED) Diane C. Peranich X (SIGNED) Diane C. Peranich X (SIGNED) NOT SIGNED) Rufus Straughter X (SIGNED)