

**Senate Amendments to House Bill No. 1740**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**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 ..... \$       1,205,330.00.

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 ..... \$       1,563,007.00.

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.. \$       570,099.00  
26               Travel and Subsistence.....               39,850.00  
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.....	<u>1,357,518.00</u>
33	Total.....	\$ 2,768,337.00

34 FUNDING:

35	General Funds.....	\$ 1,205,330.00
36	Special Funds.....	<u>1,563,007.00</u>
37	Total.....	\$ 2,768,337.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	12
40	Part Time.....	0
41	Time-Limited: Full Time.....	1
42	Part Time.....	0

43 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 change "Personal  
58 Services," the State Personnel Board determines that the agency  
59 has taken an action which would cause the agency to exceed this  
60 projected annual cost or the Fiscal Year 2005 "Personal Services"  
61 appropriated level, when annualized, then only those actions which  
62 reduce the projected annual cost and/or the appropriation  
63 requirement will be processed by the State Personnel Board until  
64 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  
68 Personnel Board shall not escalate positions without written  
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.

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77 act and which are withdrawn and no longer available.

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 2004. It is further the intention of the Legislature that the  
84 agency's budget request for Fiscal Year 2006 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 2005 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 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  
102 remaining in the fund at the end of a fiscal year shall not lapse  
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.

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

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  
122 warrants issued by the State Fiscal Officer; and the State Fiscal  
123 Officer shall issue his warrants upon requisitions signed by the  
124 proper person, officer or officers, in the manner provided by law.

125       **SECTION 9.** This act shall take effect and be in force from  
126 and after July 1, 2004.

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John O. Gilbert  
Secretary of the Senate