

REPORT OF CONFERENCE COMMITTEE

2

MR. SPEAKER AND MADAM PRESIDENT:

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

H. B. No. 1656: 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, 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 \$ 1,609,408.00.

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, except for
66 the award of teacher pay increases.

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 2005. It is further the intention of the Legislature that the
73 agency's budget request for Fiscal Year 2007 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 2006 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.** Of the funds provided herein, the sum of
108 Forty-one Thousand Two Hundred Eighty-two Dollars (\$41,282.00) is
109 hereby assessed on any non-federal special funds and shall be
110 deposited to the Budget Contingency Fund created in Section
111 27-103-301, Mississippi Code of 1972, on or before October 1,
112 2005, for the purpose of reimbursing the State of Mississippi for
113 administrative costs.

114 **SECTION 9.** The money herein appropriated shall be paid by
115 the State Treasurer out of any money in the State Treasury to the
116 credit of the proper fund or funds as set forth in this act, upon
117 warrants issued by the State Fiscal Officer; and the State Fiscal
118 Officer shall issue his warrants upon requisitions signed by the

119 proper person, officer or officers, in the manner provided by law.

120 **SECTION 10.** This act shall take effect and be in force from

121 and after July 1, 2005.

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Peranich

X (SIGNED)
Jennings

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Dearing

X (SIGNED)
Gollott