

**Senate Amendments to House Bill No. 1704**

**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 appropriated out of any money in the State General  
7 Fund not otherwise appropriated, for the purpose of defraying the  
8 expenses of the Mississippi Arts Commission for the fiscal year  
9 beginning July 1, 2020, and ending June 30, 2021.....  
10 .....\$           1,041,131.00.

11           **SECTION 2.** The following sum, or so much thereof as may be  
12 necessary, is appropriated out of any money in the special fund in  
13 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, 2020, and ending June 30, 2021..  
18 .....\$           1,342,683.00.

19           **SECTION 3.** Of the funds appropriated under the provisions of  
20 this act, the following positions are authorized:

21           AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	9
23		Part Time.....	0
24	Time-Limited:	Full Time.....	2
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's  
27 responsibility to make certain that funds required to be  
28 appropriated for "Personal Services" for Fiscal Year 2022 do not  
29 exceed Fiscal Year 2021 funds appropriated for that purpose,  
30 unless programs or positions are added to the agency's Fiscal Year  
31 2021 budget by the Mississippi Legislature. Based on data  
32 provided by the Legislative Budget Office, the State Personnel  
33 Board shall determine and publish the projected annual cost to  
34 fully fund all appropriated positions in compliance with the  
35 provisions of this act. It shall be the responsibility of the  
36 agency head to ensure that no single personnel action increases  
37 this projected annual cost and/or the Fiscal Year 2021  
38 appropriations for "Personal Services" when annualized, with the  
39 exception of escalated funds and the award of benchmarks. If, at  
40 the time the agency takes any action to change "Personal  
41 Services," the State Personnel Board determines that the agency  
42 has taken an action which would cause the agency to exceed this  
43 projected annual cost or the Fiscal Year 2021 "Personal Services"  
44 appropriated level, when annualized, then only those actions which  
45 reduce the projected annual cost and/or the appropriation  
46 requirement will be processed by the State Personnel Board until  
47 such time as the requirements of this provision are met.

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

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

61 None of the funds herein appropriated shall be used in  
62 violation of Internal Revenue Service's Publication 15-A relating  
63 to the reporting of income paid to contract employees, as  
64 interpreted by the Office of the State Auditor.

65 **SECTION 4.** It is the intention of the Legislature that the  
66 Mississippi Arts Commission shall maintain complete accounting and  
67 personnel records related to the expenditure of all funds  
68 appropriated under this act and that such records shall be in the  
69 same format and level of detail as maintained for Fiscal Year  
70 2020. It is further the intention of the Legislature that the  
71 agency's budget request for Fiscal Year 2022 shall be submitted to  
72 the Joint Legislative Budget Committee in a format and level of

73 detail comparable to the format and level of detail provided  
74 during the Fiscal Year 2021 budget request process.

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

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

83         **SECTION 6.** It is the intention of the Legislature that the  
84 Arts Commission shall have the authority to transfer dollars  
85 appropriated herein designated for the "Challenge Program,"  
86 specific amounts to a special fund in the State Treasury called  
87 the Arts Commission Challenge Initiative Fund. The unexpended  
88 amounts remaining in the fund at the end of a fiscal year shall  
89 not lapse into the State General Fund and may be expended by the  
90 commission in subsequent fiscal years upon appropriation of the  
91 Legislature. Any interest earned on the fund shall be deposited  
92 to the credit of the fund and may be disbursed by the commission  
93 upon appropriations of the Legislature. It is the intention of  
94 the Legislature that the commission may award grants to arts  
95 organizations from monies in the fund and the grantees will be  
96 required to provide matching funds for the grants in an amount of  
97 not less than two (2) times the amount of the grant.

98           **SECTION 7.** It is the intention of the Legislature that  
99 whenever two (2) or more bids are received by this agency for the  
100 purchase of commodities or equipment, and whenever all things  
101 stated in such received bids are equal with respect to price,  
102 quality and service, the Mississippi Industries for the Blind  
103 shall be given preference. A similar preference shall be given to  
104 the Mississippi Industries for the Blind whenever purchases are  
105 made without competitive bids.

106           **SECTION 8.** Of the funds appropriated herein, Forty Thousand  
107 Dollars (\$40,000.00) shall be provided by the Department of  
108 Education for the purpose of funding the Whole Schools Summer  
109 Institute.

110           **SECTION 9.** It is the intention of the Legislature that the  
111 funds herein appropriated shall be expended in compliance with  
112 Section 27-104-25, Mississippi Code of 1972, that no state agency  
113 shall incur obligations or indebtedness in excess of their  
114 appropriation and that the responsible officers, either personally  
115 or upon their official bonds, shall be held responsible for  
116 actions contrary to this provision.

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

123           **SECTION 11.** This act shall take effect and be in force from  
124 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1704A.J

Eugene S. Clarke  
Secretary of the Senate