

**Senate Amendments to House Bill No. 1598**

**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, 2022, and ending June 30, 2023.....  
10 .....\$           1,249,411.00.

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, 2022, and ending June 30, 2023..  
18 .....\$           1,587,000.00.

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 for Personal  
28 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds  
29 appropriated for that purpose unless programs or positions are  
30 added to the agency's Fiscal Year 2023 budget by the Mississippi  
31 Legislature. The Legislature shall determine the agency's  
32 personal services appropriation, which shall be published by the  
33 State Personnel Board. Additionally, the State Personnel Board  
34 shall determine and publish the projected annualized payroll costs  
35 based on current employees. It shall be the responsibility of the  
36 agency head to ensure that actual personnel expenditures for  
37 Fiscal Year 2023 do not exceed the data provided by the  
38 Legislative Budget Office. If the agency's Fiscal Year 2023  
39 projected cost exceeds the annualized costs, no salary actions  
40 shall be processed by the State Personnel Board with the exception  
41 of new hires that are determined to be essential for the agency.

42 Any transfers or escalations shall be made in accordance with  
43 the terms, conditions and procedures established by law or  
44 allowable under the terms set forth within this act. The State  
45 Personnel Board shall not escalate positions without written  
46 approval from the Department of Finance and Administration. The  
47 Department of Finance and Administration shall not provide written

48 approval to escalate any funds for salaries and/or positions  
49 without proof of availability of new or additional funds above the  
50 appropriated level.

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54 act and which are withdrawn and no longer available.

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

59 Funds have been appropriated herein for the purpose of  
60 funding Project SEC2 minimum salaries for all employees covered  
61 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
62 Plan. It shall be the agency's responsibility to ensure that the  
63 funds are used to increase all employees' salaries up to the  
64 minimum level as determined by the State Personnel Board.

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 2022. It is further the intention of the Legislature that the  
71 agency's budget request for Fiscal Year 2024 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 2023 budget request process.

75 **SECTION 5.** Of the funds appropriated under the provisions of  
76 Section 2, funds in the amount of Four Hundred Ninety Thousand  
77 Dollars (\$490,000.00) 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	Whole Schools Initiative.....	\$ 40,000.00

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

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

107           **SECTION 8.** It is the intention of the Legislature that the  
108 funds herein appropriated shall be expended in compliance with  
109 Section 27-104-25, Mississippi Code of 1972, that no state agency  
110 shall incur obligations or indebtedness in excess of their  
111 appropriation and that the responsible officers, either personally  
112 or upon their official bonds, shall be held responsible for  
113 actions contrary to this provision.

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, 2022, and shall stand repealed June 29, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL  
3 YEAR 2023.

SS15\HB1598A.J

Eugene S. Clarke  
Secretary of the Senate