

Senate Amendments to House Bill No. 1611

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, 2023, and ending June 30, 2024.....
10\$ 1,330,183.00.

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, 2023, and ending
18 June 30, 2024.....\$ 2,475,500.00.

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

21 **AUTHORIZED HEADCOUNT:**

22 Permanent: 10

23 Time-Limited: 2

24 With the funds herein appropriated, it shall be the agency's
25 responsibility to make certain that funds required for Personal
26 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2024 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's
30 personal services appropriation, which shall be published by the
31 State Personnel Board. Additionally, the State Personnel Board
32 shall determine and publish the projected annualized payroll costs
33 based on current employees. It shall be the responsibility of the
34 agency head to ensure that actual personnel expenditures for
35 Fiscal Year 2024 do not exceed the data provided by the
36 Legislative Budget Office. If the agency's Fiscal Year 2024
37 projected cost exceeds the annualized costs, no salary actions
38 shall be processed by the State Personnel Board with the exception
39 of new hires that are determined to be essential for the agency.

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

47 without proof of availability of new or additional funds above the
48 appropriated level.

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52 act and which are withdrawn and no longer available.

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

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

63 **SECTION 4.** It is the intention of the Legislature that the
64 Mississippi Arts Commission shall maintain complete accounting and
65 personnel records related to the expenditure of all funds
66 appropriated under this act and that such records shall be in the
67 same format and level of detail as maintained for Fiscal Year
68 2023. It is further the intention of the Legislature that the
69 agency's budget request for Fiscal Year 2025 shall be submitted to
70 the Joint Legislative Budget Committee in a format and level of
71 detail comparable to the format and level of detail provided
72 during the Fiscal Year 2024 budget request process.

73 **SECTION 5.** Of the funds appropriated under the provisions of
74 Section 2, funds in the amount of One Million Four Hundred Ninety
75 Thousand Dollars (\$1,490,000.00) shall be derived from the
76 Education Enhancement Fund deposited pursuant to Sections 27-65-75
77 and 27-67-31, Mississippi Code of 1972, for the following:

78 Training of educators and promotion of arts programs in	
79 public schools.....	\$ 100,000.00
80 Miscellaneous grants and programs.....	\$ 350,000.00
81 Whole Schools Initiative.....	\$ 1,040,000.00

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

97 **SECTION 7.** It is the intention of the Legislature that
98 whenever two (2) or more bids are received by this agency for the

99 purchase of commodities or equipment, and whenever all things
100 stated in such received bids are equal with respect to price,
101 quality and service, the Mississippi Industries for the Blind
102 shall be given preference. A similar preference shall be given to
103 the Mississippi Industries for the Blind whenever purchases are
104 made without competitive bids.

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

112 **SECTION 9.** The following sum, or so much thereof as may be
113 necessary, is reappropriated out of any money in the Capital
114 Expense Fund not otherwise appropriated for the Arts Commission
115 for the purpose of reauthorizing the expenditure of Capital
116 Expense Funds, as authorized in HB 1598, 2022 Regular Session to
117 provide for the funding of the Building Fund for the Arts
118 Initiative for the fiscal year beginning July 1, 2023, and ending
119 June 30, 2024.....\$ 1,700,000.00.

120 Notwithstanding the amount reappropriated under this section,
121 the amount that may be expended under the authority of this
122 section, shall not exceed the unexpended balance of the funds
123 remaining as of June 30, 2023, from the amount authorized for the

124 previous fiscal year. In addition, this reappropriation shall not
125 change the purpose for which the funds were originally authorized.

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

132 **SECTION 11.** This act shall take effect and be in force from
133 and after July 1, 2023, and shall stand repealed June 29, 2023.

**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 2024.

SS15\HB1611A.J

Eugene S. Clarke
Secretary of the Senate