

## Senate Amendments to House Bill No. 1767

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:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi Arts Commission for the fiscal year beginning July 1, 2025, and ending June 30, 2026.....

.....\$ 1,562,907.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the special fund in the State Treasury to the credit of the Mississippi Arts Commission which is comprised of special source funds and donations collected by or otherwise available to the commission, for the purpose of defraying the expenses of the commission for the fiscal year beginning July 1, 2025, and ending June 30, 2026..

.....\$ 2,690,000.00.

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

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 2027 do not exceed Fiscal Year 2026 funds  
27 appropriated for that purpose unless programs or positions are  
28 added to the agency's Fiscal Year 2026 budget by the Mississippi  
29 Legislature. The Legislature shall determine the agency's  
30 personal services appropriation, which the State Personnel Board  
31 shall publish. The agency's personal services appropriation may  
32 consist of restricted funds for approved vacancies for Fiscal Year  
33 2026 that may be utilized to fill vacant Fiscal Year 2025  
34 headcount. It shall be the agency's responsibility to ensure that  
35 the funds provided for vacancies are used to increase headcount  
36 and not for promotions, title changes, in-range salary adjustments  
37 or any other mechanism for increasing salaries for current  
38 employees. It is the Legislature's intention that no employee  
39 salary falls below the minimum salary established by the  
40 Mississippi State Personnel Board.

41           Additionally, the State Personnel Board shall determine and  
42 publish the projected annualized payroll costs based on current  
43 employees. It shall be the responsibility of the agency head to  
44 ensure that actual personnel expenditures for Fiscal Year 2026 do  
45 not exceed the data provided by the Legislative Budget Office. If  
46 the agency's Fiscal Year 2026 projected cost exceeds the  
47 annualized costs, no salary actions shall be processed by the

State Personnel Board except for new hires determined to be essential for the agency.

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

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

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

**SECTION 4.** It is the intention of the Legislature that the Mississippi Arts Commission shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2025. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2027 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 2026 budget request process.

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

82       Training of educators and promotion of arts programs in	
83               public schools.....	\$ 100,000.00
84       Miscellaneous grants and programs.....	\$ 350,000.00
85       Whole Schools Initiative.....	\$ 1,040,000.00

86       **SECTION 6.** It is the intention of the Legislature that  
87 whenever two (2) or more bids are received by this agency for the  
88 purchase of commodities or equipment, and whenever all things  
89 stated in such received bids are equal with respect to price,  
90 quality and service, the Mississippi Industries for the Blind  
91 shall be given preference. A similar preference shall be given to  
92 the Mississippi Industries for the Blind whenever purchases are  
93 made without competitive bids.

94       **SECTION 7.** It is the intention of the Legislature that the  
95 funds herein appropriated shall be expended in compliance with  
96 Section 27-104-25, Mississippi Code of 1972, that no state agency  
97 shall incur obligations or indebtedness in excess of their  
98 appropriation and that the responsible officers, either personally

or upon their official bonds, shall be held responsible for actions contrary to this provision.

**SECTION 8.** It is the intention of the Legislature that the Arts Commission may retain an amount not to exceed one percent (1%) of the monies in the Building Fund for the Arts for the purpose of defraying administrative costs associated with administering the grant program established in Section 39-11-13, Mississippi Code of 1972.

**SECTION 9.** The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the Capital Expense Fund not otherwise appropriated, for Mississippi Arts Commission for the Building for the Arts as authorized in House Bill 1822, 2024 Regular Session, for the fiscal year beginning July 1, 2025, and ending June 30, 2026.....\$ 1,750,000.00.

Notwithstanding the amount reappropriated under this section, the amount that may be expended under the authority of this section shall not exceed the unexpended balance of the funds remaining as of June 30, 2025, from the amount authorized for the previous fiscal year. In addition, this reappropriation shall not change the purpose for which the funds were originally authorized.

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

125       **SECTION 11.** This act shall take effect and be in force from  
126 and after July 1, 2025, and shall stand repealed from and after  
127 June 30, 2025.

**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 THE  
2 EXPENSES OF THE MISSISSIPPI ARTS COMMISSION FOR THE FISCAL YEAR  
3 2026.

SS15\HB1767A.J

Amanda White  
Secretary of the Senate