

**Senate Amendments to House Bill No. 1702**

**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 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, 2007, and ending June 30, 2008.....  
10 ..... \$       1,311,689.00.

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, 2007, and ending June 30, 2008.  
18 ..... \$       1,447,235.00.

19       **SECTION 3.** With the funds appropriated under the provisions  
20 of Sections 1 and 2, the following positions are authorized:

21       **AUTHORIZED POSITIONS:**

22	Permanent:	Full Time.....	11
23		Part Time.....	0
24	Time-Limited:	Full Time.....	1
25		Part Time.....	0

26       Funds are provided herein to adjust the Variable Compensation  
27 Plan to ensure that all full-time employees receive a pay increase  
28 equal to the realignment component of the Variable Compensation  
29 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)  
30 whichever is greater, to be awarded on July 1, 2007.

31           With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2009 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2008 appropriation for "Personal  
44 Services" when annualized, with the exception of escalated funds.  
45 If, at the time the agency takes any action to change "Personal  
46 Services," the State Personnel Board determines that the agency  
47 has taken an action which would cause the agency to exceed this  
48 projected annual cost or the Fiscal Year 2008 "Personal Services"  
49 appropriated level, when annualized, then only those actions which  
50 reduce the projected annual cost and/or the appropriation  
51 requirement will be processed by the State Personnel Board until  
52 such time as the requirements of this provision are met.

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

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

66           The agency shall not take any action to promote or otherwise  
67 award salary increases through reallocation, reclassification,  
68 realignment, education benchmark, career ladder, or any other  
69 means to increase salaries of employees or positions unless  
70 specifically exempted by the following conditions: the award of  
71 teacher pay increases, the advancement of a trainee/cadet to the  
72 next level of a bona fide career ladder, the award of an  
73 educational benchmark for the attainment of Certified Public  
74 Accountant License or higher level professional certification as  
75 determined by the State Personnel Board, the immediate replacement  
76 of a departing employee with an individual from within state  
77 service or a new hire at a salary level equivalent to that of the  
78 departing employee, and the emergency appointment of nurses,  
79 pharmacists or other health care professionals at a salary to be  
80 determined by the State Personnel Board, unless otherwise  
81 authorized in this act.

82           **SECTION 4.** It is the intention of the Legislature that the  
83 Mississippi Arts Commission shall maintain complete accounting and  
84 personnel records related to the expenditure of all funds  
85 appropriated under this act and that such records shall be in the  
86 same format and level of detail as maintained for Fiscal Year  
87 2007. It is further the intention of the Legislature that the  
88 agency's budget request for Fiscal Year 2009 shall be submitted to  
89 the Joint Legislative Budget Committee in a format and level of  
90 detail comparable to the format and level of detail provided  
91 during the Fiscal Year 2008 budget request process.

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

97           Training of educators and promotion  
98           of arts programs in public schools . . . \$100,000.00  
99           Miscellaneous grants and programs . . . . \$350,000.00

100           **SECTION 6.** It is the intention of the Legislature that the  
101 Arts Commission shall have the authority to transfer dollars  
102 appropriated herein designated for the "Challenge Program,"  
103 specific amounts to a special fund in the State Treasury called  
104 the Arts Commission Challenge Initiative Fund. The unexpended  
105 amounts remaining in the fund at the end of a fiscal year shall  
106 not lapse into the State General Fund and may be expended by the  
107 commission in subsequent fiscal years upon appropriation of the  
108 Legislature. Any interest earned on the fund shall be deposited  
109 to the credit of the fund and may be disbursed by the commission  
110 upon appropriations of the Legislature. It is the intention of  
111 the Legislature that the commission may award grants to arts  
112 organizations from monies in the fund and the grantees will be  
113 required to provide matching funds for the grants in an amount of  
114 not less than two (2) times the amount of the grant.

115           **SECTION 7.** It is the intention of the Legislature that the  
116 Mississippi Arts Commission shall have the authority to escalate  
117 its budget and expend funds from any source available not to  
118 exceed One Million Dollars (\$1,000,000.00), that may become  
119 available to the commission in accordance with the rules and  
120 regulations of the Department of Finance and Administration in a  
121 manner consistent with the escalation of federal funds.

122           **SECTION 8.** It is the intention of the Legislature that  
123 whenever two (2) or more bids are received by this agency for the  
124 purchase of commodities or equipment, and whenever all things  
125 stated in such received bids are equal with respect to price,  
126 quality and service, the Mississippi Industries for the Blind  
127 shall be given preference. A similar preference shall be given to  
128 the Mississippi Industries for the Blind whenever purchases are  
129 made without competitive bids.

130           **SECTION 9.** The money herein appropriated shall be paid by  
131 the State Treasurer out of any money in the State Treasury to the  
132 credit of the proper fund or funds as set forth in this act, upon  
133 warrants issued by the State Fiscal Officer; and the State Fiscal

134 Officer shall issue his warrants upon requisitions signed by the  
135 proper person, officer or officers, in the manner provided by law.

136         **SECTION 10.** This act shall take effect and be in force from  
137 and after July 1, 2007.

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John O. Gilbert  
Secretary of the Senate