

Senate Amendments to House Bill No. 1389

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, 2021, and ending June 30, 2022.....
10\$ 1,031,349.00.

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, 2021, and ending June 30, 2022..
18\$ 1,281,484.00.

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 2023 do not
29 exceed Fiscal Year 2022 funds appropriated for that purpose unless
30 programs or positions are added to the agency's Fiscal Year 2022
31 budget by the Mississippi Legislature. Based on data provided by
32 the Legislative Budget Office, the State Personnel Board shall
33 determine and publish the projected annual cost to fully fund all
34 appropriated positions in compliance with the provisions of this
35 act. Absent a special situation or circumstance approved by the
36 State Personnel Board, or unless otherwise authorized by this act,
37 no state agency shall take any action to promote or otherwise
38 award salary increases through reallocation or realignment. If
39 the State Personnel Board determines a special situation or
40 circumstance exists and approves an action, then the agency and
41 the State Personnel Board shall provide a monthly report of each
42 action approved by the State Personnel Board to the chairmen of
43 the Accountability, Efficiency and Transparency Committees of the
44 Senate and House of Representatives and the chairmen of the
45 Appropriations Committees of the Senate and House of
46 Representatives. It shall be the responsibility of the agency
47 head to ensure that no single personnel action increases this

48 projected annual cost and/or the Fiscal Year 2022 appropriations
49 for "Personal Services" when annualized, with the exception of
50 escalated funds and the award of benchmarks. If, at the time the
51 agency takes any action to change "Personal Services," the State
52 Personnel Board determines that the agency has taken an action
53 which would cause the agency to exceed this projected annual cost
54 or the Fiscal Year 2022 "Personal Services" appropriated level,
55 when annualized, then only those actions which reduce the
56 projected annual cost and/or the appropriation requirement will be
57 processed by the State Personnel Board until such time as the
58 requirements of this provision are met.

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

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

72 None of the funds herein appropriated shall be used in
73 violation of Internal Revenue Service's Publication 15-A relating

74 to the reporting of income paid to contract employees, as
75 interpreted by the Office of the State Auditor.

76 **SECTION 4.** It is the intention of the Legislature that the
77 Mississippi Arts Commission shall maintain complete accounting and
78 personnel records related to the expenditure of all funds
79 appropriated under this act and that such records shall be in the
80 same format and level of detail as maintained for Fiscal Year
81 2021. It is further the intention of the Legislature that the
82 agency's budget request for Fiscal Year 2023 shall be submitted to
83 the Joint Legislative Budget Committee in a format and level of
84 detail comparable to the format and level of detail provided
85 during the Fiscal Year 2022 budget request process.

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

91 Training of educators and promotion
92 of arts programs in public schools.....\$100,000.00.
93 Miscellaneous grants and programs.....\$350,000.00.

94 **SECTION 6.** It is the intention of the Legislature that the
95 Arts Commission shall have the authority to transfer dollars
96 appropriated herein designated for the "Challenge Program,"
97 specific amounts to a special fund in the State Treasury called
98 the Arts Commission Challenge Initiative Fund. The unexpended
99 amounts remaining in the fund at the end of a fiscal year shall

100 not lapse into the State General Fund and may be expended by the
101 commission in subsequent fiscal years upon appropriation of the
102 Legislature. Any interest earned on the fund shall be deposited
103 to the credit of the fund and may be disbursed by the commission
104 upon appropriations of the Legislature. It is the intention of
105 the Legislature that the commission may award grants to arts
106 organizations from monies in the fund and the grantees will be
107 required to provide matching funds for the grants in an amount of
108 not less than two (2) times the amount of the grant.

109 **SECTION 7.** It is the intention of the Legislature that
110 whenever two (2) or more bids are received by this agency for the
111 purchase of commodities or equipment, and whenever all things
112 stated in such received bids are equal with respect to price,
113 quality and service, the Mississippi Industries for the Blind
114 shall be given preference. A similar preference shall be given to
115 the Mississippi Industries for the Blind whenever purchases are
116 made without competitive bids.

117 **SECTION 8.** It is the intention of the Legislature that the
118 funds herein appropriated shall be expended in compliance with
119 Section 27-104-25, Mississippi Code of 1972, that no state agency
120 shall incur obligations or indebtedness in excess of their
121 appropriation and that the responsible officers, either personally
122 or upon their official bonds, shall be held responsible for
123 actions contrary to this provision.

124 **SECTION 9.** The money herein appropriated shall be paid by
125 the State Treasurer out of any money in the State Treasury to the

126 credit of the proper fund or funds as set forth in this act, upon
127 warrants issued by the State Fiscal Officer; and the State Fiscal
128 Officer shall issue his warrants upon requisitions signed by the
129 proper person, officer or officers, in the manner provided by law.

130 **SECTION 10.** This act shall take effect and be in force from
131 and after July 1, 2021, and shall stand repealed June 29, 2021.

**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 2022.

SS15\HB1389A.J

Eugene S. Clarke
Secretary of the Senate