

Senate Amendments to House Bill No. 1822

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, 2024, and ending June 30, 2025.....
10\$ 1,531,671.00.

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, 2024, and ending June 30, 2025..
18\$ 2,661,700.00.

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 2026 do not exceed Fiscal Year 2025 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2025 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's personal
30 services appropriation, which the State Personnel Board shall
31 publish. In accordance with applicable laws, if an agency
32 determines that its personal services amount is insufficient, the
33 agency must contact the State Personnel Board. Any adjustment to
34 the personal services amount must be approved by the State
35 Personnel Director and the State Fiscal Officer after consultation
36 with the Legislative Budget Office. Any adjustment shall be
37 reported to the Legislative Budget Office and the House and Senate
38 Appropriations Chairmen. The agency's personal services
39 appropriation may consist of restricted funds for approved
40 vacancies for Fiscal Year 2025 that may not be utilized for active
41 Fiscal Year 2024 headcount. It shall be the agency's
42 responsibility to ensure that the funds provided for vacancies are
43 used to increase headcount and not for promotions, title changes,
44 in-range salary adjustments, or any other mechanism for increasing
45 salaries for current employees. If the State Personnel Board
46 determines that an agency has used provided vacancy funds for any
47 of the mechanisms previously listed, the State Personnel Board

48 shall not process any additional salary actions for the agency in
49 the current fiscal year, except for new hires determined by the
50 State Personnel Board to be essential for the agency. It is the
51 Legislature's intention that no employee salary falls below the
52 minimum salary established by the Mississippi State Personnel
53 Board.

54 Additionally, the State Personnel Board shall determine and
55 publish the projected annualized payroll costs based on current
56 employees. It shall be the responsibility of the agency head to
57 ensure that actual personnel expenditures for Fiscal Year 2025 do
58 not exceed the data provided by the Legislative Budget Office. If
59 the agency's projected cost for Fiscal Year 2025 exceeds the
60 annualized costs, no salary actions shall be processed by the
61 State Personnel Board except for new hires determined to be
62 essential for the agency.

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

72 No general funds authorized to be expended herein shall be
73 used to replace federal funds and/or other special funds used for

74 salaries authorized under the provisions of this act and which are
75 withdrawn and no longer available.

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

80 **SECTION 4.** It is the intention of the Legislature that the
81 Mississippi Arts Commission shall maintain complete accounting and
82 personnel records related to the expenditure of all funds
83 appropriated under this act and that such records shall be in the
84 same format and level of detail as maintained for Fiscal Year
85 2024. It is further the intention of the Legislature that the
86 agency's budget request for Fiscal Year 2026 shall be submitted to
87 the Joint Legislative Budget Committee in a format and level of
88 detail comparable to the format and level of detail provided
89 during the Fiscal Year 2025 budget request process.

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

95	Training of educators and promotion of arts programs in	
96	public schools.....	\$ 100,000.00
97	Miscellaneous grants and programs.....	\$ 350,000.00
98	Whole Schools Initiative.....	\$ 1,040,000.00

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

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

122 **SECTION 8.** It is the intention of the Legislature that the
123 funds herein appropriated shall be expended in compliance with
124 Section 27-104-25, Mississippi Code of 1972, that no state agency

125 shall incur obligations or indebtedness in excess of their
126 appropriation and that the responsible officers, either personally
127 or upon their official bonds, shall be held responsible for
128 actions contrary to this provision.

129 **SECTION 9.** It is the intention of the Legislature that the
130 Arts Commission may retain an amount not to exceed one percent
131 (1%) of the monies in the Building Fund for the Arts for the
132 purpose of defraying administrative costs associated with
133 administering the grant program established in Section 39-11-13,
134 Mississippi Code of 1972.

135 **SECTION 10.** The following sum, or so much thereof as may be
136 necessary, is reappropriated out of any money in the Capital
137 Expense Fund not otherwise appropriated for the Arts Commission
138 for the purpose of reauthorizing the expenditure of Capital
139 Expense Funds, as authorized in HB 1611, 2023 Regular Session to
140 provide for the funding of the Building Fund for the Arts
141 Initiative for the fiscal year beginning July 1, 2024, and ending
142 June 30, 2025.....\$ 3,100,000.00.

143 Notwithstanding the amount reappropriated under this section,
144 the amount that may be expended under the authority of this
145 section, shall not exceed the unexpended balance of the funds
146 remaining as of June 30, 2024, from the amount authorized for the
147 previous fiscal year. In addition, this reappropriation shall not
148 change the purpose for which the funds were originally authorized.

149 **SECTION 11.** The money herein appropriated shall be paid by
150 the State Treasurer out of any money in the State Treasury to the

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

155 **SECTION 12.** This act shall take effect and be in force from
156 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025.

SS15\HB1822A.J

Amanda White
Secretary of the Senate