

Senate Amendments to House Bill No. 1934

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, 2026, and ending June 30, 2027.....
10\$ 1,948,312.00.

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, 2026, and ending June 30, 2027..
18\$ 7,699,838.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of
20 this act, not more than the following amount of funds, with the
21 exception of the provisions in this section, shall be expended

22 only for "Personal Services," which includes "Vacancy Funding,"
23 for the following authorized number of employment headcount:

24 FUNDING:

25	General Funds:	\$	989,319.00
26	Special Funds:	\$	117,762.00
27	Total Funds:	\$	1,107,081.00

28 PERSONAL SERVICES:

29	Employee Salaries, Wages and		
30	Fringe Benefits:	\$	1,107,081.00
31	Progressions:	\$	0.00
32	Vacancy Funding:	\$	0.00
33	Total Personal Services:	\$	1,107,081.00

34 AUTHORIZED HEADCOUNT:

35	Permanent:	11
36	Time-Limited:	2

37 As used in this section, the term "Personal Services" shall
38 mean funds provided under the major object of expenditure category
39 Personal Services for Salaries, Wages, and Fringe Benefits. Funds
40 in this category shall not be transferred to any other category.

41 It is the intention of the Legislature to ensure compliance
42 with the Variable Compensation Plan, as outlined in Section
43 25-9-147, Mississippi Code of 1972. Payment from these funds
44 shall be in accordance with the Variable Compensation Plan
45 promulgated by the Mississippi State Personnel Board. It is the
46 Legislature's intention that no employee's salary falls below the

47 minimum salary established by the Mississippi State Personnel
48 Board.

49 The State Personnel Board shall determine and publish the
50 projected annual cost of "Personal Services" based on monthly and
51 year-to-date payroll expenditures in compliance with the
52 provisions of this act.

53 With the funds herein appropriated, it shall be the agency's
54 responsibility to ensure that no single personnel action or
55 combination of personnel actions, when annualized, exceeds the
56 Fiscal Year 2027 appropriation for "Personal Services" with the
57 exception of escalated funds. Further, it shall be the agency's
58 responsibility to ensure that funds required to be appropriated
59 for "Personal Services" for Fiscal Year 2028 do not exceed Fiscal
60 Year 2027 funds appropriated for that purpose unless programs or
61 positions are added to the agency's Fiscal Year 2027 budget by the
62 Mississippi Legislature.

63 If, at the time the agency takes any action to change
64 "Personal Services," the State Personnel Board determines that the
65 agency has taken or will take an action that would cause the
66 agency to exceed the funds appropriated in this act when
67 annualized for Fiscal Year 2027 or increase the need for "Personal
68 Services" for Fiscal Year 2028, when annualized, the State
69 Personnel Board shall process no salary actions until such time as
70 the requirements of the provisions of this section are met with
71 the exception of new hires determined to be essential for the
72 agency.

73 When used in this section, "Vacancy Funding" shall mean funds
74 included in the Total Personal Services amount listed above and
75 designated for approved vacancies in Fiscal Year 2027. These
76 funds are to be utilized to increase the number of filled
77 headcounts that were authorized but unfilled as of the last day of
78 Fiscal Year 2026. If the agency fills additional headcounts after
79 March 1, 2026, until the end of Fiscal Year 2026, the amount of
80 available Vacancy Funding may be proportionally adjusted to
81 reflect the updated number of filled headcounts. The agency shall
82 be responsible for ensuring that "Vacancy Funding" is used to
83 increase headcounts and not for promotions, title changes,
84 in-range salary adjustments, or any other mechanism for increasing
85 salaries for current employees.

86 Any transfers or escalations shall be made in accordance with
87 the terms, conditions, and procedures established by law or
88 allowable under the terms set forth within this act. The State
89 Personnel Board shall not escalate positions or increase the
90 Personal Services total without written approval from the
91 Department of Finance and Administration. The Department of
92 Finance and Administration shall not provide written approval to
93 escalate any funds for salaries and/or headcounts without proof of
94 availability of new or additional funds above the appropriated
95 level. Unless specifically noted, all Fiscal Year 2026 escalated
96 headcounts have been accounted for and shall be converted to
97 authorized time-limited headcounts.

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

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

106 If the agency's total authorized headcount decreases from
107 Fiscal Year 2026 to Fiscal Year 2027, it will be the agency's
108 discretion as to what headcounts are removed.

109 **SECTION 4.** It is the intention of the Legislature that the
110 Mississippi Arts Commission shall maintain complete accounting and
111 personnel records related to the expenditure of all funds
112 appropriated under this act and that such records shall be in the
113 same format and level of detail as maintained for Fiscal Year
114 2026. It is further the intention of the Legislature that the
115 agency's budget request for Fiscal Year 2028 shall be submitted to
116 the Joint Legislative Budget Committee in a format and level of
117 detail comparable to the format and level of detail provided
118 during the Fiscal Year 2027 budget request process.

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

124 Training of educators and promotion of arts programs in
125 public schools.....\$ 100,000.00
126 Miscellaneous grants and programs.....\$ 350,000.00
127 Whole Schools Initiative.....\$ 1,040,000.00

128 **SECTION 6.** The following sum, or so much thereof as may be
129 necessary, is reappropriated out of any money in the Capital
130 Expense Fund not otherwise appropriated, for the Mississippi Arts
131 Commission for the purpose of reauthorizing the expenditure of
132 Capital Expense Funds as authorized in House Bill 41, 2025 First
133 Extraordinary Session, to provide for the Building Fund for the
134 Arts for the fiscal year beginning July 1, 2026, and ending June
135 30, 2027..... \$3,600,000.00.

136 Notwithstanding the amount reappropriated under the
137 provisions of this section, in no event shall the amount expended
138 exceed the unexpended balances as of June 30, 2026. In addition,
139 this reappropriation shall not change the purpose for which the
140 funds were originally authorized.

141 **SECTION 7.** It is the intention of the Legislature that
142 whenever two (2) or more bids are received by this agency for the
143 purchase of commodities or equipment, and whenever all things
144 stated in such received bids are equal with respect to price,
145 quality and service, the Mississippi Industries for the Blind
146 shall be given preference. A similar preference shall be given to
147 the Mississippi Industries for the Blind whenever purchases are
148 made without competitive bids.

149 **SECTION 8.** It is the intention of the Legislature that the
150 funds herein appropriated shall be expended in compliance with
151 Section 27-104-25, Mississippi Code of 1972, that no state agency
152 shall incur obligations or indebtedness in excess of their
153 appropriation and that the responsible officers, either personally
154 or upon their official bonds, shall be held responsible for
155 actions contrary to this provision.

156 **SECTION 9.** It is the intention of the Legislature that the
157 Arts Commission may retain an amount not to exceed one percent
158 (1%) of the monies in the Building Fund for the Arts for the
159 purpose of defraying administrative costs associated with
160 administering the grant program established in Section 39-11-13,
161 Mississippi Code of 1972.

162 **SECTION 10.** Of the funds appropriated under the provisions
163 of Section 2, Five Million Dollars (\$5,000,000), or so much
164 thereof, shall be derived out of any money in the State Treasury
165 to the credit of the Capital Expense Fund, as created in Section
166 27-103-303, Mississippi Code of 1972, and allocated in a manner as
167 determined by the Treasurer's Office. This appropriation is made
168 for the purpose of providing the funds necessary to authorize the
169 expenditure of funds for the Building Fund for the Arts.

170 **SECTION 11.** Of the funds provided in Section 1 of this act,
171 Three Hundred Twenty-three Thousand Dollars (\$323,000.00), or so
172 much thereof as may be necessary, is provided for the MS Folklife
173 Area at the National Folk Festival and updates to the agency
174 website.

175 **SECTION 12.** The money herein appropriated shall be paid by
176 the State Treasurer out of any money in the State Treasury to the
177 credit of the proper fund or funds as set forth in this act, upon
178 warrants issued by the State Fiscal Officer; and the State Fiscal
179 Officer shall issue his warrants upon requisitions signed by the
180 proper person, officer or officers, in the manner provided by law.

181 **SECTION 13.** This act shall take effect and be in force from
182 and after July 1, 2026.

**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 2027.

SS15\HB1934A.J

Amanda White
Secretary of the Senate