

By: Representatives Read, Huddleston (15th), To: Appropriations  
Arnold, Baria, Barton, Boyd, Brown,  
Cockerham, Denny, Holland, Ladner, Myers,  
Staples, Sullivan, Turner, Watson

HOUSE BILL NO. 1569

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE  
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE BOARD OF  
3 COSMETOLOGY FOR THE FISCAL YEAR 2019.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is appropriated out of any money in the State Treasury  
7 to the credit of the State Board of Cosmetology, for the purpose  
8 of defraying the expenses of the board for the fiscal year  
9 beginning July 1, 2018, and ending June 30, 2019.....  
10 .....\$ 744,617.00.

11 **SECTION 2.** Of the funds approved for expenditure under the  
12 provisions of Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	13
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0



18           With the funds herein appropriated, it shall be the agency's  
19 responsibility to make certain that funds required to be  
20 appropriated for "Personal Services" for Fiscal Year 2020 do not  
21 exceed Fiscal Year 2019 funds appropriated for that purpose,  
22 unless programs or positions are added to the agency's Fiscal Year  
23 2019 budget by the Mississippi Legislature. Based on data  
24 provided by the Legislative Budget Office, the State Personnel  
25 Board shall determine and publish the projected annual cost to  
26 fully fund all appropriated positions in compliance with the  
27 provisions of this act. It shall be the responsibility of the  
28 agency head to ensure that no single personnel action increases  
29 this projected annual cost and/or the Fiscal Year 2019  
30 appropriations for "Personal Services" when annualized, with the  
31 exception of escalated funds and the award of benchmarks. If, at  
32 the time the agency takes any action to change "Personal  
33 Services," the State Personnel Board determines that the agency  
34 has taken an action which would cause the agency to exceed this  
35 projected annual cost or the Fiscal Year 2019 "Personal Services"  
36 appropriated level, when annualized, then only those actions which  
37 reduce the projected annual cost and/or the appropriation  
38 requirement will be processed by the State Personnel Board until  
39 such time as the requirements of this provision are met.

40           Any transfers or escalations shall be made in accordance with  
41 the terms, conditions and procedures established by law or  
42 allowable under the terms set forth within this act. The State



43 Personnel Board shall not escalate positions without written  
44 approval from the Department of Finance and Administration. The  
45 Department of Finance and Administration shall not provide written  
46 approval to escalate any funds for salaries and/or positions  
47 without proof of availability of new or additional funds above the  
48 appropriated level.

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

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

57 **SECTION 3.** The State Board of Cosmetology shall not be  
58 authorized to expend any funds appropriated by this act after  
59 October 1, 2018, unless the board has adopted and implemented each  
60 of the following policies, which shall be conditions upon the  
61 receipt and expenditure of those funds:

62 (a) A policy that the board will not issue any licenses  
63 for the practice of wigology and will issue licenses and  
64 certifications only as provided under the cosmetology licensure  
65 law; and

66 (b) A policy that allows any person who holds a wig  
67 specialist license issued by the board before July 1, 2014, to



68 continue his or her practice as it existed before July 1, 2014,  
 69 and allows any person who holds a wig salon license issued by the  
 70 board before July 1, 2014, to continue operating a wig salon under  
 71 the statutory requirements as they existed before July 1, 2014,  
 72 and provides that any such person will be eligible to receive a  
 73 certificate of registration issued by the board.

74 **SECTION 4.** In compliance with the "Mississippi Performance  
 75 Budget and Strategic Planning Act of 1994," it is the intent of  
 76 the Legislature that the funds provided herein shall be utilized  
 77 in the most efficient and effective manner possible to achieve the  
 78 intended mission of this agency. Based on the funding authorized,  
 79 this agency shall make every effort to attain the targeted  
 80 performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
School Coordination	
School Permits (Number of)	43
Establishment Inspections	
Establishments, by Type (Salons & Schools),	
that are Inspected each year (%)	100.00
Violations per Inspection	
by Type (%)	10.00
Documented Complaints Received (Number of)	50
Documented Complaints Resolved	
Within Six (6) Months (%)	100.00



93	School Audits Resulting in Disciplinary	
94	Actions (%)	0.00
95	Licensure & Information Support	
96	Completed Applications Processed	
97	within Ten (10) Business Days,	
98	by Type (Practitioners, Instructors) (%)	100.00
99	Business Days from Date of Completed	
100	Application of New Salon & School to	
101	Initial Inspection (Number of)	14
102	License Renewals Issued within Seven (7)	
103	Business Days (Ten (10) Business Days	
104	for Schools) (%)	100.00

105 A reporting of the degree to which the performance targets  
106 set above have been or are being achieved shall be provided in the  
107 agency's budget request submitted to the Joint Legislative Budget  
108 Committee for Fiscal Year 2020.

109 **SECTION 5.** It is the intent of this legislation to provide  
110 the funds for the board to meet when necessary, but under no  
111 circumstances shall it meet more than sixty-two (62) days a year.

112 **SECTION 6.** It is the intention of the Legislature that the  
113 State Board of Cosmetology shall maintain complete accounting and  
114 personnel records related to the expenditure of all funds  
115 appropriated under this act and that such records shall be in the  
116 same format and level of detail as maintained for Fiscal Year  
117 2018. It is further the intention of the Legislature that the



118 agency's budget request for Fiscal Year 2020 shall be submitted to  
119 the Joint Legislative Budget Committee in a format and level of  
120 detail comparable to the format and level of detail provided  
121 during the Fiscal Year 2019 budget request process.

122       **SECTION 7.** 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 8.** It is the intention of the Legislature that the  
131 funds herein appropriated shall be expended in compliance with  
132 Section 27-104-25, Mississippi Code of 1972, that no state agency  
133 shall incur obligations or indebtedness in excess of their  
134 appropriation and that the responsible officers, either personally  
135 or upon their official bonds, shall be held responsible for  
136 actions contrary to this provision.

137       **SECTION 9.** The money herein appropriated shall be paid by  
138 the State Treasurer out of any money in the State Treasury to the  
139 credit of the proper fund or funds as set forth in this act, upon  
140 warrants issued by the State Fiscal Officer; and the State Fiscal  
141 Officer shall issue his warrants upon requisitions signed by the  
142 proper person, officer or officers, in the manner provided by law.



143           **SECTION 10.** It is the intention of the Legislature that this  
144 agency shall have the authority to expend funds from any source  
145 that may become available to the agency in accordance with the  
146 rules and regulations of the Department of Finance and  
147 Administration in a manner consistent with the escalation of  
148 federal funds for the purpose of funding any increase in health  
149 insurance costs for Fiscal Year 2019, or for the purpose of  
150 funding additional fees, costs or assessments received by the  
151 agency from the Department of Information Technology Services or  
152 the Department of Finance and Administration for Fiscal Year 2019  
153 that may be incurred by the agency as a result of legislation  
154 passed during the 2018 Regular Session of the Legislature and  
155 approved by the Governor. The agency is authorized to escalate  
156 other special funds for the limited purposes provided in this  
157 section in an amount not to exceed Nineteen Thousand Four Hundred  
158 Sixty-six Dollars (\$19,466.00).

159           **SECTION 11.** This act shall take effect and be in force from  
160 and after July 1, 2018.

