

Senate Amendments to House Bill No. 1680

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 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, 2020, and ending June 30, 2021.....
10\$ 644,978.00.

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 2022 do not
21 exceed Fiscal Year 2021 funds appropriated for that purpose,

22 unless programs or positions are added to the agency's Fiscal Year
23 2021 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 2021
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 2021 "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, 2019, 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:

81		FY2021
82	<u>Performance Measures</u>	<u>Target</u>
83	Exam Administration	
84	Students Tested (Number of)	700
85	Cost Per Licensing Examinations (\$)	285.00
86	School Coordination	
87	School Permits (Number of)	85
88	Establishment Inspections	
89	Establishments, by Type (Salons &	
90	Schools), That Are Inspected Each Year	
91	(%)	100.00
92	Average Violations per Inspection by	
93	Type (Number of)	10
94	Documented Complaints Received (Number of)	100
95	Documented Complaints Resolved Within	
96	Six (6) Months (%)	100.00
97	School Audits Resulting in Disciplinary	

98	Actions (%)	10.00
99	Licensure & Information Support	
100	Completed Applications Processed Within	
101	Ten (10) Business Days, by Type	
102	(Practitioners, Instructors) (%)	100.00
103	Business Days from Date of Completed	
104	Applications of New Salon & School to	
105	Initial Inspection (Number of)	14
106	Collect & Report the Percentage of	
107	License Renewals Issued Within Seven (7)	
108	Business Days, Ten (10) Business Days	
109	for Schools (%)	100.00

110 A reporting of the degree to which the performance targets
111 set above have been or are being achieved shall be provided in the
112 agency's budget request submitted to the Joint Legislative Budget
113 Committee for Fiscal Year 2022.

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

117 **SECTION 6.** It is the intention of the Legislature that the
118 State Board of Cosmetology shall maintain complete accounting and
119 personnel records related to the expenditure of all funds
120 appropriated under this act and that such records shall be in the
121 same format and level of detail as maintained for Fiscal Year
122 2020. It is further the intention of the Legislature that the
123 agency's budget request for Fiscal Year 2022 shall be submitted to

124 the Joint Legislative Budget Committee in a format and level of
125 detail comparable to the format and level of detail provided
126 during the Fiscal Year 2021 budget request process.

127 **SECTION 7.** It is the intention of the Legislature that
128 whenever two (2) or more bids are received by this agency for the
129 purchase of commodities or equipment, and whenever all things
130 stated in such received bids are equal with respect to price,
131 quality and service, the Mississippi Industries for the Blind
132 shall be given preference. A similar preference shall be given to
133 the Mississippi Industries for the Blind whenever purchases are
134 made without competitive bids.

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

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

148 **SECTION 10.** This act shall take effect and be in force from
149 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1680A.J

Eugene S. Clarke
Secretary of the Senate