

## **Senate Amendments to House Bill No. 1791**

**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:**

26       **SECTION 1.** The COVID-19 public health emergency has had a  
27 significant negative impact on Mississippi's tourism industry and  
28 its nonprofit museums. The funds provided in this act are  
29 necessary expenditures related to COVID-19, the purpose of which  
30 is to publicize the resumption of tourism activities and steps  
31 taken to ensure a safe tourism experience and to assist nonprofit  
32 museums with costs associated with cleaning, disinfection, social  
33 distancing measures and/or other health and safety measures  
34 necessary for such museums to reopen to the public.

35       **SECTION 2.** (1) Upon the effective date of this act, the  
36 State Fiscal Officer shall transfer the sum of Fourteen Million  
37 Dollars (\$14,000,000.00) from the Budget Contingency Fund to the  
38 Mississippi Tourism Recovery Fund created by Section 3 of this  
39 act.

40       (2) Upon the effective date of this act, the State Fiscal  
41 Officer shall transfer the sum of One Million Dollars  
42 (\$1,000,000.00) from the Budget Contingency Fund to the

Mississippi Nonprofit Museums Recovery Fund created by Section 4 of this act.

**SECTION 3.** (1) As used in this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Destination marketing organization" means special local governmental units created by local and private laws of the State of Mississippi for the purpose of tourism promotion, funded by special local tax levies, and staffed with professionals engaged in out-of-state tourism marketing and tourism product development for municipalities, counties and/or regions.

(b) "Marketing activities" means multimedia marketing and advertising, including digital media, broadcast media and printed media, including travel publications, production, travel market sector analysis, consumer travel sentiment, public relations, communication strategy, direct sales bookings, group tour bookings, tourism development and administrative costs to execute marketing activities related to the business disruption effects of the Coronavirus Disease 2019 as expressed in Section 1 of this act.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Tourism Recovery Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. The fund shall be maintained by the State Treasurer as a separate and special fund,

69 separate and apart from the General Fund of the state. Unexpended  
70 amounts remaining in the fund at the end of a fiscal year shall  
71 not lapse into the State General Fund, and any investment earnings  
72 or interest earned on amounts in the fund shall be deposited to  
73 the credit of the fund. Monies in the fund shall be used by the  
74 Department of Finance and Administration, upon appropriation by  
75 the Legislature, for the purposes provided in this section.  
76 Monies in the fund shall be disbursed in compliance with the  
77 guidelines, guidance, rules, regulations and/or other criteria, as  
78 may be amended from time to time, of the United States Department  
79 of the Treasury regarding the use of monies from the Coronavirus  
80 Relief Fund established by the Coronavirus Aid, Relief, and  
81 Economic Security Act. If on December 1, 2020, there are  
82 unexpended monies in the fund, those monies shall be transferred  
83 to the Unemployment Compensation Fund. Monies in the fund shall  
84 be disbursed by the Department of Finance and Administration as  
85 follows:

86                   (i) Two Hundred Fifty Thousand Dollars  
87 (\$250,000.00) shall be disbursed to the Tate County Economic  
88 Development Foundation for use by the foundation to assist the  
89 Senatobia Chamber of Commerce Main Street program in paying the  
90 costs of marketing activities;

91                   (ii) Two Hundred Fifty Thousand Dollars  
92 (\$250,000.00) shall be disbursed to the Brookhaven Tourism Council  
93 to assist in paying the costs of marketing activities; and

(iii) Thirteen Million Five Hundred Thousand Dollars (\$13,500,000.00) shall be disbursed as provided in paragraph (b) of this subsection (2) to assist destination marketing organizations in paying costs for marketing activities.

(b) (i) The Department of Finance and Administration shall determine, in conjunction with the destination marketing organizations, the allocations of monies provided under paragraph (a)(iii) of this subsection (2) as follows:

1. Not more than Nine Million Seven Hundred Forty-four Thousand Seven Hundred Eighty-eight Dollars (\$9,744,788.00) of such monies shall be allocated to destination marketing organizations in a manner that will provide monies to a destination marketing organization in an amount equal to seventy-five percent (75%) of the destination marketing organization's marketing and advertising expenditures during the 2019 fiscal year, and

2. Not more than Three Million Seven Hundred Fifty-five Thousand Two Hundred Thirteen Dollars (\$3,755,213.00) of such monies shall be allocated to destination marketing organizations based on the proportion that a destination marketing organization's contribution toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report bears to all destination marketing organizations' contributions toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report. However, a destination marketing organization shall not receive an

amount less than Seventy-five Thousand Dollars (\$75,000.00) under this item 2.

(ii) Within fifteen (15) days of enactment, the Department of Finance and Administration shall distribute the funds allocated under paragraph (b) (i) to eligible destination marketing organizations. Before receiving funds under this paragraph (b), a destination marketing organization must certify to the Department of Finance and Administration that:

1. The funds will only be used for marketing activities, and

2. The funds will be expended before December 30, 2020, unless otherwise authorized by federal law or guidance.

(iii) Destination marketing organizations receiving funds under this paragraph (b) shall keep and maintain records related to expenditures. Destination marketing organizations receiving funds under this paragraph (b) shall also track impacts of their marketing activities through special levy tax receipts, hotel occupancy indicators, other tourism industry metrics, and analytics from marketing campaigns, as appropriate. Such destination marketing organizations shall provide quarterly reports on expenditures and economic impacts of their marketing activities to the Department of Finance and Administration, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Department of Audit.

(iv) Subject to applicable purchasing laws, destination marketing organizations will give preference, when

available and practical, to Mississippi-based companies for any new contracts entered into for marketing activities.

(3) The Department of Finance and Administration and the Department of Audit shall have all powers necessary for the implementation of this section.

(4) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the Department of Finance and Administration or recipient has expended or otherwise used any of the funds appropriated to the Department of Finance and Administration under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the Department of Finance and Administration or recipient, then the Department of Finance and Administration or recipient, as the case may be, that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

**SECTION 4.**

(1) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Nonprofit Museums Recovery Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Department of Finance and Administration, upon appropriation by the Legislature, for the purposes provided in this section. Monies in the fund shall be disbursed in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on December 1, 2020, there are unexpended monies in the fund, those monies shall be transferred to the Unemployment Compensation Fund. Monies in the fund shall be disbursed by the Department of Finance and Administration to assist nonprofit museums in paying costs associated with cleaning, disinfection, social distancing measures and/or other health and safety measures necessary in order to reopen to the public due to the Coronavirus 2019. The Department

of Finance and Administration shall take into consideration the attendance, annual revenue and operating expenses when allocating such monies under this section.

(2) The Department of Finance and Administration shall have all powers necessary for the implementation of this section.

**SECTION 5.** Section 57-1-64.1, Mississippi Code of 1972, is amended as follows:

57-1-64.1. (1) There is hereby created a Mississippi Tourism Association Marketing Advisory Board to assist the Mississippi Development Authority in the planning of initiatives for advertising and promoting tourism in Mississippi.

(2) The advisory board shall be composed of the following members:

(a) The Executive Director of the Mississippi Tourism Association; \* \* \*

(b) The members of the Mississippi Tourism Association Board of Directors, composed through the bylaws of the Mississippi Tourism Association as being geographically and ethnically diverse members from the five (5) tourism regions designated as the Hills, the Delta, the Capital/River, the Pines and the Coastal regions of Mississippi, and three (3) at-large members \* \* \*;

(c) Three (3) at-large members appointed by the Governor;

(d) One (1) at-large member appointed by the Lieutenant Governor; and

222           (e) One (1) at-large member appointed by the Speaker of  
223 the House of Representatives.

224           (3) Members of the advisory board may not be compensated for  
225 the performance of their duties.

226           (4) The advisory board will give input and advice to the  
227 Mississippi Development Authority's Tourism Division on marketing  
228 and advertising planning, but shall have no executive powers at  
229 the Mississippi Development Authority.

230           (5) For marketing activities paid for with federal funds  
231 related to the COVID-19 public health emergency and carried out by  
232 either the Mississippi Development Authority's Tourism Division or  
233 destination marketing organizations, the advisory board will give  
234 input on appropriate branding and messaging that communicates  
235 pertinent public health information. The advisory board shall  
236 convene for the purposes of this subsection within fifteen (15)  
237 calendar days of enactment.

238           **SECTION 6.** This act shall take effect and be in force from  
239 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO DIRECT THE STATE FISCAL OFFICER TO MAKE TRANSFERS  
2 OF FUNDS OUT OF THE BUDGET CONTINGENCY FUND TO CERTAIN SPECIAL  
3 FUNDS CREATED BY THIS ACT; TO CREATE THE "MISSISSIPPI TOURISM  
4 RECOVERY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE  
5 ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR  
6 THE PURPOSE OF PROVIDING FUNDS TO DESTINATION MARKETING  
7 ORGANIZATIONS TO ASSIST IN PAYING COSTS OF CERTAIN MARKETING  
8 ACTIVITIES; TO DEFINE THE TERMS "DESTINATION MARKETING  
9 ORGANIZATIONS" AND "MARKETING ACTIVITIES" FOR THE PURPOSES OF THIS  
10 ACT; TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT OF FINANCE

11 AND ADMINISTRATION SHALL DISTRIBUTE FUNDS TO DESTINATION MARKETING  
12 ORGANIZATIONS UNDER THIS ACT; TO TRANSFER UNEXPENDED MONIES IN THE  
13 FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION  
14 FUND; TO CREATE THE "MISSISSIPPI NONPROFIT MUSEUMS RECOVERY FUND"  
15 AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE  
16 DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF  
17 PROVIDING FUNDS TO NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS  
18 ASSOCIATED WITH CLEANING, DISINFECTION, SOCIAL DISTANCING MEASURES  
19 AND OTHER HEALTH AND SAFETY MEASURES NECESSARY IN ORDER TO REOPEN  
20 TO THE PUBLIC DUE TO THE CORONAVIRUS 2019; TO TRANSFER UNEXPENDED  
21 MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT  
22 COMPENSATION FUND; TO AMEND SECTION 57-1-64.1, MISSISSIPPI CODE OF  
23 1972, TO REVISE THE MEMBERSHIP OF THE MISSISSIPPI TOURISM  
24 ASSOCIATION MARKETING ADVISORY BOARD; AND FOR RELATED PURPOSES.

SS26\HB1791A.3J

Eugene S. Clarke  
Secretary of the Senate