



22 programs or positions are added to the agency's Fiscal Year 2022  
23 budget by the Mississippi Legislature. Based on data provided by  
24 the Legislative Budget Office, the State Personnel Board shall  
25 determine and publish the projected annual cost to fully fund all  
26 appropriated positions in compliance with the provisions of this  
27 act. Absent a special situation or circumstance approved by the  
28 State Personnel Board, or unless otherwise authorized by this act,  
29 no state agency shall take any action to promote or otherwise  
30 award salary increases through reallocation or realignment. If  
31 the State Personnel Board determines a special situation or  
32 circumstance exists and approves an action, then the agency and  
33 the State Personnel Board shall provide a monthly report of each  
34 action approved by the State Personnel Board to the chairmen of  
35 the Accountability, Efficiency and Transparency Committees of the  
36 Senate and House of Representatives and the chairmen of the  
37 Appropriations Committees of the Senate and House of  
38 Representatives. It shall be the responsibility of the agency  
39 head to ensure that no single personnel action increases this  
40 projected annual cost and/or the Fiscal Year 2022 appropriations  
41 for "Personal Services" when annualized, with the exception of  
42 escalated funds and the award of benchmarks. If, at the time the  
43 agency takes any action to change "Personal Services," the State  
44 Personnel Board determines that the agency has taken an action  
45 which would cause the agency to exceed this projected annual cost  
46 or the Fiscal Year 2022 "Personal Services" appropriated level,  
47 when annualized, then only those actions which reduce the

48 projected annual cost and/or the appropriation requirement will be  
49 processed by the State Personnel Board until such time as the  
50 requirements of this provision are met.

51 Any transfers or escalations shall be made in accordance with  
52 the terms, conditions and procedures established by law or  
53 allowable under the terms set forth within this act. The State  
54 Personnel Board shall not escalate positions without written  
55 approval from the Department of Finance and Administration. The  
56 Department of Finance and Administration shall not provide written  
57 approval to escalate any funds for salaries and/or positions  
58 without proof of availability of new or additional funds above the  
59 appropriated level.

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

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

68 **SECTION 3.** The State Board of Cosmetology shall not be  
69 authorized to expend any funds appropriated by this act after  
70 October 1, 2019, unless the board has adopted and implemented each  
71 of the following policies, which shall be conditions upon the  
72 receipt and expenditure of those funds:

73 (a) A policy that the board will not issue any licenses  
74 for the practice of wigology and will issue licenses and  
75 certifications only as provided under the cosmetology licensure  
76 law; and

77 (b) A policy that allows any person who holds a wig  
78 specialist license issued by the board before July 1, 2014, to  
79 continue his or her practice as it existed before July 1, 2014,  
80 and allows any person who holds a wig salon license issued by the  
81 board before July 1, 2014, to continue operating a wig salon under  
82 the statutory requirements as they existed before July 1, 2014,  
83 and provides that any such person will be eligible to receive a  
84 certificate of registration issued by the board.

85 **SECTION 4.** In compliance with the "Mississippi Performance  
86 Budget and Strategic Planning Act of 1994," it is the intent of  
87 the Legislature that the funds provided herein shall be utilized  
88 in the most efficient and effective manner possible to achieve the  
89 intended mission of this agency. Based on the funding authorized,  
90 this agency shall make every effort to attain the targeted  
91 performance measures provided below:

|                                     | FY2022        |
|-------------------------------------|---------------|
| <u>Performance Measures</u>         | <u>Target</u> |
| Exam Administration                 |               |
| Students Tested (Number of)         | 720           |
| Cost Per Licensing Examination (\$) | 58.35         |
| School Coordination                 |               |
| School Permits (Number of)          | 7             |

|     |  |        |
|-----|--|--------|
| 99  | Establishment Inspections  |        |
| 100 | Establishments, by Type (Salons &                                  |        |
| 101 | Schools), That Are Inspected Each Year                             |        |
| 102 | (%)  | 100.00 |
| 103 | Average Violations per Inspection by                               |        |
| 104 | Type (Number of)   | 10     |
| 105 | Documented Complaints Received (Number of)                         | 15     |
| 106 | Documented Complaints Resolved Within                              |        |
| 107 | Six (6) Months (%)   | 100.00 |
| 108 | School Audits Resulting in Disciplinary                            |        |
| 109 | Actions (%)  | 6.00   |
| 110 | Licensure & Information Support                                    |        |
| 111 | Completed Applications Processed Within                            |        |
| 112 | Ten (10) Business Days, by Type                                    |        |
| 113 | (Practitioners, Instructors) (%)                                   | 100.00 |
| 114 | Business Days from Date of Completed                               |        |
| 115 | Applications of New Salon & School to                              |        |
| 116 | Initial Inspection (Number of)                                     | 10     |
| 117 | Collect & Report the Percentage of                                 |        |
| 118 | License Renewals Issued Within Seven (7)                           |        |
| 119 | Business Days, Ten (10) Business Days                              |        |
| 120 | for Schools (%)  | 100.00 |
| 121 | A reporting of the degree to which the performance targets         |        |
| 122 | set above have been or are being achieved shall be provided in the |        |
| 123 | agency's budget request submitted to the Joint Legislative Budget  |        |
| 124 | Committee for Fiscal Year 2023.                                    |        |

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

128           **SECTION 6.** It is the intention of the Legislature that the  
129 State Board of Cosmetology shall maintain complete accounting and  
130 personnel records related to the expenditure of all funds  
131 appropriated under this act and that such records shall be in the  
132 same format and level of detail as maintained for Fiscal Year  
133 2021. It is further the intention of the Legislature that the  
134 agency's budget request for Fiscal Year 2023 shall be submitted to  
135 the Joint Legislative Budget Committee in a format and level of  
136 detail comparable to the format and level of detail provided  
137 during the Fiscal Year 2022 budget request process.

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

146           **SECTION 8.** It is the intention of the Legislature that the  
147 funds herein appropriated shall be expended in compliance with  
148 Section 27-104-25, Mississippi Code of 1972, that no state agency  
149 shall incur obligations or indebtedness in excess of their  
150 appropriation and that the responsible officers, either personally

151 or upon their official bonds, shall be held responsible for  
152 actions contrary to this provision.

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

159         **SECTION 10.** This act shall take effect and be in force from  
160 and after July 1, 2021.

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

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 2022.

SS15\HB1367A.J

Eugene S. Clarke  
Secretary of the Senate