

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1367

BY: Committee

**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, 2021, and ending June 30, 2022.....
10 \$ 829,606.00.

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 2023 do not
21 exceed Fiscal Year 2022 funds appropriated for that purpose unless
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
Establishment Inspections	
Establishments, by Type (Salons &	
Schools), That Are Inspected Each Year	
(%)	100.00
Average Violations per Inspection by	
Type (Number of)	10
Documented Complaints Received (Number of)	15
Documented Complaints Resolved Within	
Six (6) Months (%)	100.00
School Audits Resulting in Disciplinary	
Actions (%)	6.00
Licensure & Information Support	
Completed Applications Processed Within	
Ten (10) Business Days, by Type	
(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.

