

House Amendments to Senate Bill No. 2849

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

28 SECTION 1. The COVID-19 public health emergency has had a
29 significant negative impact on Mississippi's tourism industry and
30 its nonprofit museums. American Rescue Plan Act funds are
31 specifically targeted toward assisting in the recovery of the
32 tourism and hospitality sectors. The funds provided in this act
33 are necessary expenditures related to COVID-19, the purpose of
34 which is to publicize the resumption of tourism activities and
35 steps taken to ensure a safe tourism experience and to support the
36 travel and hospitality economy of Mississippi.

37 SECTION 2. (1) Upon the effective date of this act, the
38 State Fiscal Officer shall transfer the sum of Fifty-two Million
39 Dollars (\$52,000,000.00) from the Coronavirus State Fiscal
40 Recovery Fund to the Mississippi Tourism Recovery Fund - Round 2
41 created by Section 3 of this act.

42 (2) Upon the effective date of this act, the State Fiscal
43 Officer shall transfer the sum of Ten Million Dollars
44 (\$10,000,000.00) from the Coronavirus State Fiscal Recovery Fund

45 to the Mississippi Nonprofit Museums Recovery Fund - Round 2
46 created by Section 5 of this act.

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

50 (a) "Destination marketing organization" means:

51 (i) Special local governmental units created by
52 local and private laws of the State of Mississippi for the purpose
53 of tourism promotion, funded by special local tax levies, and
54 staffed with professionals engaged in out-of-state tourism
55 marketing and tourism product development for municipalities,
56 counties and/or regions; or

57 (ii) Publicly-funded local organizations that
58 engage in out-of-state tourism marketing and tourism development
59 for municipalities, counties and/or regions.

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

69 (2) (a) There is hereby created in the State Treasury a
70 special fund to be designated as the "Mississippi Tourism Recovery

71 Fund - Round 2," which shall consist of funds made available by
72 the Legislature in any manner and funds from any other source
73 designated for deposit into such fund. The fund shall be
74 maintained by the State Treasurer as a separate and special fund,
75 separate and apart from the General Fund of the state. Unexpended
76 amounts remaining in the fund at the end of a fiscal year shall
77 not lapse into the State General Fund, and any investment earnings
78 or interest earned on amounts in the fund shall be deposited to
79 the credit of the fund. Monies in the fund shall be used by the
80 Department of Finance and Administration, upon appropriation by
81 the Legislature, for the purposes provided in this section.
82 Monies in the fund shall be disbursed in compliance with the
83 guidelines, guidance, rules, regulations and/or other criteria, as
84 may be amended from time to time, of the United States Department
85 of the Treasury regarding the use of monies from the American
86 Rescue Plan Act. Monies in the fund shall be disbursed by the
87 Department of Finance and Administration to assist destination
88 marketing organizations in paying costs for marketing activities
89 as provided in this section. The Department of Finance and
90 Administration shall determine, in conjunction with the
91 destination marketing organizations, the allocations of monies
92 provided under this paragraph (a) as follows:

93 (i) Not more than Nine Million Four Hundred
94 Twenty-seven Thousand Five Hundred Fifty-seven Dollars
95 (\$9,427,557.00) of such monies shall be allocated to destination
96 marketing organizations in a manner that will provide monies to a

97 destination marketing organization in an amount equal to
98 seventy-five percent (75%) of the destination marketing
99 organization's marketing and advertising expenditures during the
100 2019 fiscal year, and

101 (ii) Not more than Forty-two Million Five Hundred
102 Seventy-two Thousand Four Hundred Forty-three Dollars
103 (\$42,572,443.00) of such monies shall be allocated to destination
104 marketing organizations based on the proportion that a destination
105 marketing organization's contribution toward total tourism
106 visitors in the state according to the 2019 Fiscal Year Visit
107 Mississippi Visitors Profile Report bears to all destination
108 marketing organizations' contributions toward total tourism
109 visitors in the state according to the 2019 Fiscal Year Visit
110 Mississippi Visitors Profile Report. However, a destination
111 marketing organization shall not receive an amount less than Four
112 Hundred Thousand Dollars (\$400,000.00) under this subparagraph
113 (ii).

114 (b) Within fifteen (15) days after the effective date
115 of this act, the Department of Finance and Administration shall
116 distribute the funds allocated under paragraph (a) of this
117 subsection (2) to eligible destination marketing organizations.
118 Before receiving funds under this subsection (2), a destination
119 marketing organization must certify to the Department of Finance
120 and Administration that:

121 (i) The funds will only be used for marketing
122 activities, and

123 (ii) The destination marketing organization will
124 comply with applicable federal and state regulations and
125 requirements related to American Rescue Plan Act funds, and

126 (iii) The destination marketing organization will
127 obligate all funds by December 31, 2024 and fully expend all funds
128 by December 31, 2026.

129 (c) Destination marketing organizations receiving funds
130 under this subsection (2) shall keep and maintain records related
131 to expenditures. Destination marketing organizations receiving
132 funds under this subsection (2) shall also track impacts of their
133 marketing activities through special levy tax receipts, hotel
134 occupancy indicators, other tourism industry metrics, and
135 analytics from marketing campaigns, as appropriate. Such
136 destination marketing organizations shall provide semi-annual
137 reports on expenditures and economic impacts of their marketing
138 activities to the Department of Finance and Administration, the
139 Governor, the Lieutenant Governor, the Speaker of the House of
140 Representatives and the Department of Audit.

141 (d) Subject to applicable purchasing laws, destination
142 marketing organizations will give preference, when available and
143 practical, to Mississippi-based companies for any new contracts
144 entered into for marketing activities.

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

148 (4) If the Office of Inspector General of the United States
149 Department of the Treasury, or the Office of Inspector General of
150 any other federal agency having oversight over the use of monies
151 from the Coronavirus State and Local Fiscal Recovery Funds
152 established by the American Rescue Plan Act determines that (a)
153 the Department of Finance and Administration or recipient has
154 expended or otherwise used any of the funds appropriated to the
155 Department of Finance and Administration under this act for any
156 purpose that is not in compliance with the guidelines, guidance,
157 rules, regulations and/or other criteria, as may be amended from
158 time to time, by the United States Department of the Treasury
159 regarding the use of monies from the Coronavirus State and Local
160 Fiscal Recovery Funds established by the American Rescue Plan Act,
161 and (b) the State of Mississippi is required to repay the federal
162 government for any of those funds that the Office of the Inspector
163 General determined were expended or otherwise used improperly by
164 the Department of Finance and Administration or recipient, then
165 the Department of Finance and Administration or recipient, as the
166 case may be, that expended or otherwise used those funds
167 improperly shall be required to pay the amount of those funds to
168 the State of Mississippi for repayment to the federal government.

169 **SECTION 4.** There is hereby created in the State Treasury a
170 special fund to be designated as the "Mississippi Destination
171 Development Fund," which shall consist of funds made available by
172 the Legislature in any manner and funds from any other source
173 designated for deposit into such fund. The fund shall be

174 maintained by the State Treasurer as a separate and special fund,
175 separate and apart from the General Fund of the state. Unexpended
176 amounts remaining in the fund at the end of a fiscal year shall
177 not lapse into the State General Fund, and any investment earnings
178 or interest earned on amounts in the fund shall be deposited to
179 the credit of the fund. Monies in the fund shall be used by the
180 Department of Finance and Administration, upon appropriation by
181 the Legislature, for the purposes provided in this section.
182 Monies in the fund shall be disbursed in compliance with the
183 guidelines, guidance, rules, regulations and/or other criteria, as
184 may be amended from time to time, of the United States Department
185 of the Treasury regarding the use of monies from the American
186 Rescue Plan Act. Monies in the fund shall be disbursed by the
187 Department of Finance and Administration for the following
188 purposes that support increased tourist visitation:

- 189 (a) Planning assistance;
- 190 (b) Enhancing outdoor venues and parks;
- 191 (c) Downtown revitalization;
- 192 (d) Improving public health amenities at tourism
193 attractions and museums including displays and installations,
194 signage, public health enhancements, and public green spaces;
- 195 (e) Enhancing recreational offerings that specifically
196 support additional tourist visitation; and
- 197 (f) Improving wayfinding signage to direct travelers to
198 support local tourist attractions and businesses.

199 **SECTION 5.** (1) There is hereby created in the State
200 Treasury a special fund to be designated as the "Mississippi
201 Nonprofit Museums Recovery Fund - Round 2," which shall consist of
202 funds made available by the Legislature in any manner and funds
203 from any other source designated for deposit into such fund. The
204 fund shall be maintained by the State Treasurer as a separate and
205 special fund, separate and apart from the General Fund of the
206 state. Unexpended amounts remaining in the fund at the end of a
207 fiscal year shall not lapse into the State General Fund, and any
208 investment earnings or interest earned on amounts in the fund
209 shall be deposited to the credit of the fund. Monies in the fund
210 shall be used by the Department of Finance and Administration,
211 upon appropriation by the Legislature, for the purposes provided
212 in this section. Monies in the fund shall be disbursed in
213 compliance with the guidelines, guidance, rules, regulations
214 and/or other criteria, as may be amended from time to time, of the
215 United States Department of the Treasury regarding the use of
216 monies from the American Rescue Plan Act. Monies in the fund
217 shall be disbursed by the Department of Finance and Administration
218 to assist nonprofit museums in paying costs associated with
219 advertising and other forms of promoting and publicizing nonprofit
220 museums and museum related activities, and repairs and renovations
221 of and upgrades and improvements to such museums for health and
222 safety purposes related to the Coronavirus Disease 19.

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

225 (3) If the Office of Inspector General of the United States
226 Department of the Treasury, or the Office of Inspector General of
227 any other federal agency having oversight over the use of monies
228 from the Coronavirus State and Local Fiscal Recovery Funds
229 established by the American Rescue Plan Act determines that (a)
230 the Department of Finance and Administration or recipient has
231 expended or otherwise used any of the funds appropriated to the
232 Department of Finance and Administration under this act for any
233 purpose that is not in compliance with the guidelines, guidance,
234 rules, regulations and/or other criteria, as may be amended from
235 time to time, by the United States Department of the Treasury
236 regarding the use of monies from the Coronavirus State and Local
237 Fiscal Recovery Funds established by the American Rescue Plan Act,
238 and (b) the State of Mississippi is required to repay the federal
239 government for any of those funds that the Office of the Inspector
240 General determined were expended or otherwise used improperly by
241 the Department of Finance and Administration or recipient, then
242 the Department of Finance and Administration or recipient, as the
243 case may be, that expended or otherwise used those funds
244 improperly shall be required to pay the amount of those funds to
245 the State of Mississippi for repayment to the federal government.

246 **SECTION 6.** This act shall take effect and be in force from
247 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**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 TRANSFER FUNDS
2 OUT OF THE CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE
3 "MISSISSIPPI TOURISM RECOVERY FUND - ROUND 2" AND THE "MISSISSIPPI
4 NONPROFIT MUSEUMS RECOVERY FUND - ROUND 2," CREATED BY THIS ACT;
5 TO CREATE THE "MISSISSIPPI TOURISM RECOVERY FUND - ROUND 2" AS A
6 SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE
7 DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF
8 PROVIDING FUNDS TO DESTINATION MARKETING ORGANIZATIONS TO ASSIST
9 IN PAYING COSTS OF CERTAIN MARKETING ACTIVITIES; TO DEFINE THE
10 TERMS "DESTINATION MARKETING ORGANIZATIONS" AND "MARKETING
11 ACTIVITIES" FOR THE PURPOSES OF THIS ACT; TO PROVIDE FOR THE
12 MANNER IN WHICH THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL
13 DISTRIBUTE FUNDS TO DESTINATION MARKETING ORGANIZATIONS UNDER THIS
14 ACT; TO CREATE THE "MISSISSIPPI DESTINATION DEVELOPMENT FUND" AS A
15 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 SUPPORT INCREASED TOURIST VISITATION; TO CREATE
18 THE "MISSISSIPPI NONPROFIT MUSEUMS RECOVERY FUND- ROUND 2" AS A
19 SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE
20 DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF
21 PROVIDING FUNDS TO NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS
22 ASSOCIATED WITH ADVERTISING AND OTHER FORMS OF PROMOTING AND
23 PUBLICIZING NONPROFIT MUSEUMS AND MUSEUM RELATED ACTIVITIES, AND
24 REPAIRS AND RENOVATIONS OF AND UPGRADES AND IMPROVEMENTS TO SUCH
25 MUSEUMS FOR HEALTH AND SAFETY PURPOSES RELATED TO THE CORONAVIRUS
26 DISEASE 19; AND FOR RELATED PURPOSES.

HR26\SB2849A.1J

Andrew Ketchings
Clerk of the House of Representatives