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:

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

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

(2) Upon the effective date of this act, the State Fiscal Officer shall transfer the sum of Ten Million Dollars ($10,000,000.00) from the Coronavirus State Fiscal Recovery Fund.
to the Mississippi Nonprofit Museums Recovery Fund - Round 2
created by Section 5 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:

(i) 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; or

(ii) Publicly-funded local organizations that
engage in out-of-state tourism marketing and tourism 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 – Round 2," 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, of the United States Department
of the Treasury regarding the use of monies from the American
Rescue Plan Act. Monies in the fund shall be disbursed by the
Department of Finance and Administration to assist destination
marketing organizations in paying costs for marketing activities
as provided in this section. The Department of Finance and
Administration shall determine, in conjunction with the
destination marketing organizations, the allocations of monies
provided under this paragraph (a) as follows:

(i) Not more than Nine Million Four Hundred
Twenty-seven Thousand Five Hundred Fifty-seven Dollars
\($9,427,557.00\) 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

(ii) Not more than Forty-two Million Five Hundred Seventy-two Thousand Four Hundred Forty-three Dollars ($42,572,443.00) 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 Four Hundred Thousand Dollars ($400,000.00) under this subparagraph (ii).

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

(i) The funds will only be used for marketing activities, and
(ii) The destination marketing organization will comply with applicable federal and state regulations and requirements related to American Rescue Plan Act funds, and 

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

(c) Destination marketing organizations receiving funds under this subsection (2) shall keep and maintain records related to expenditures. Destination marketing organizations receiving funds under this subsection (2) 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 semi-annual 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.

(d) 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 State and Local Fiscal Recovery Funds established by the American Rescue Plan Act determines that (a) 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 State and Local Fiscal Recovery Funds established by the American Rescue Plan 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. There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Destination Development 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, of the United States Department of the Treasury regarding the use of monies from the American Rescue Plan Act. Monies in the fund shall be disbursed by the Department of Finance and Administration for the following purposes that support increased tourist visitation:

(a) Planning assistance;

(b) Enhancing outdoor venues and parks;

(c) Downtown revitalization;

(d) Improving public health amenities at tourism attractions and museums including displays and installations, signage, public health enhancements, and public green spaces;

(e) Enhancing recreational offerings that specifically support additional tourist visitation; and

(f) Improving wayfinding signage to direct travelers to support local tourist attractions and businesses.
SECTION 5. (1) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Nonprofit Museums Recovery Fund - Round 2," 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, of the United States Department of the Treasury regarding the use of monies from the American Rescue Plan Act. Monies in the fund shall be disbursed by the Department of Finance and Administration to assist nonprofit museums in paying costs associated with advertising and other forms of promoting and publicizing nonprofit museums and museum related activities, and repairs and renovations of and upgrades and improvements to such museums for health and safety purposes related to the Coronavirus Disease 19.

(2) The Department of Finance and Administration shall have all powers necessary for the implementation of this section.
(3) 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 State and Local Fiscal Recovery Funds established by the American Rescue Plan Act determines that (a) 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 State and Local Fiscal Recovery Funds established by the American Rescue Plan 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 6. This act shall take effect and be in force from 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:
AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER FUNDS
OUT OF THE CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE
"MISSISSIPPI TOURISM RECOVERY FUND - ROUND 2" AND THE "MISSISSIPPI
NONPROFIT MUSEUMS RECOVERY FUND - ROUND 2," CREATED BY THIS ACT;
TO CREATE THE "MISSISSIPPI TOURISM RECOVERY FUND - ROUND 2" AS A
SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE
DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF
PROVIDING FUNDS TO DESTINATION MARKETING ORGANIZATIONS TO ASSIST
IN PAYING COSTS OF CERTAIN MARKETING ACTIVITIES; TO DEFINE THE
TERMS "DESTINATION MARKETING ORGANIZATIONS" AND "MARKETING
ACTIVITIES" FOR THE PURPOSES OF THIS ACT; TO PROVIDE FOR THE
MANNER IN WHICH THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL
DISTRIBUTE FUNDS TO DESTINATION MARKETING ORGANIZATIONS UNDER THIS
ACT; TO CREATE THE "MISSISSIPPI DESTINATION DEVELOPMENT FUND" AS A
SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE
DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF
PROVIDING FUNDS TO SUPPORT INCREASED TOURIST VISITATION; TO CREATE
THE "MISSISSIPPI NONPROFIT MUSEUMS RECOVERY FUND - ROUND 2" AS A
SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE
DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF
PROVIDING FUNDS TO NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS
ASSOCIATED WITH ADVERTISING AND OTHER FORMS OF PROMOTING AND
PUBLICIZING NONPROFIT MUSEUMS AND MUSEUM RELATED ACTIVITIES, AND
REPAIRS AND RENOVATIONS OF AND UPGRADES AND IMPROVEMENTS TO SUCH
MUSEUMS FOR HEALTH AND SAFETY PURPOSES RELATED TO THE CORONAVIRUS
DISEASE 19; AND FOR RELATED PURPOSES.

Andrew Ketchings
Clerk of the House of Representatives