

Senate Amendments to House Bill No. 1795

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:

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, 2024, and ending June 30, 2025.....
10\$ 1,016,500.00.

11 **SECTION 2.** Of the funds approved for expenditure under the
12 provisions of Section 1, the following positions are authorized:

13 AUTHORIZED HEADCOUNT:
14 Permanent: 13
15 Time-Limited: 0

16 With the funds herein appropriated, it shall be the agency's
17 responsibility to make certain that funds required for Personal
18 Services for Fiscal Year 2026 do not exceed Fiscal Year 2025 funds
19 appropriated for that purpose unless programs or positions are
20 added to the agency's Fiscal Year 2025 budget by the Mississippi
21 Legislature. The Legislature shall determine the agency's personal

22 services appropriation, which the State Personnel Board shall
23 publish. In accordance with applicable laws, if an agency
24 determines that its personal services amount is insufficient, the
25 agency must contact the State Personnel Board. Any adjustment to
26 the personal services amount must be approved by the State
27 Personnel Director and the State Fiscal Officer after consultation
28 with the Legislative Budget Office. Any adjustment shall be
29 reported to the Legislative Budget Office and the House and Senate
30 Appropriations Chairmen. The agency's personal services
31 appropriation may consist of restricted funds for approved
32 vacancies for Fiscal Year 2025 that may not be utilized for active
33 Fiscal Year 2024 headcount. It shall be the agency's
34 responsibility to ensure that the funds provided for vacancies are
35 used to increase headcount and not for promotions, title changes,
36 in-range salary adjustments, or any other mechanism for increasing
37 salaries for current employees. If the State Personnel Board
38 determines that an agency has used provided vacancy funds for any
39 of the mechanisms previously listed, the State Personnel Board
40 shall not process any additional salary actions for the agency in
41 the current fiscal year, except for new hires determined by the
42 State Personnel Board to be essential for the agency. It is the
43 Legislature's intention that no employee salary falls below the
44 minimum salary established by the Mississippi State Personnel
45 Board.

46 Additionally, the State Personnel Board shall determine and
47 publish the projected annualized payroll costs based on current

48 employees. It shall be the responsibility of the agency head to
49 ensure that actual personnel expenditures for Fiscal Year 2025 do
50 not exceed the data provided by the Legislative Budget Office. If
51 the agency's projected cost for Fiscal Year 2025 exceeds the
52 annualized costs, no salary actions shall be processed by the
53 State Personnel Board except for new hires determined to be
54 essential for the agency.

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

64 No general funds authorized to be expended herein shall be
65 used to replace federal funds and/or other special funds used for
66 salaries authorized under the provisions of this act and which are
67 withdrawn and no longer available.

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

72 **SECTION 3.** The State Board of Cosmetology shall not be
73 authorized to expend any funds appropriated by this act after

74 October 1, 2019, unless the board has adopted and implemented each
75 of the following policies, which shall be conditions upon the
76 receipt and expenditure of those funds:

77 (a) A policy that the board will not issue any licenses
78 for the practice of wigology and will issue licenses and
79 certifications only as provided under the cosmetology licensure
80 law; and

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

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

| | FY2025 |
|-----------------------------|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| Exam Administration | |
| Number of Students Tested | 1,500 |

| | | |
|-----|--|--------|
| 100 | Cost per Licensing Examination | 290.00 |
| 101 | School Coordination | |
| 102 | Number of School Permits | 0.00 |
| 103 | Establishment Inspections | |
| 104 | Percent of Establishments, by Type | |
| 105 | (Salons and Schools), That are Inspected | |
| 106 | Each Year | 80.00 |
| 107 | Number of Average Violations per | |
| 108 | Inspection by Type | 3 |
| 109 | Number of Documented Complaints Received | 15 |
| 110 | Percent of Documented Complaints | |
| 111 | Resolved within Six Months | 100.00 |
| 112 | Percent of School Audits Resulting in | |
| 113 | Disciplinary Actions | 3.00 |
| 114 | Licensure & Information Support | |
| 115 | Percent of Completed Applications | |
| 116 | Processed within Ten Business Days, by | |
| 117 | Type (Practitioners, Instructors) | 100.00 |
| 118 | Number of Business Days from Date of | |
| 119 | Completed Applications of New Salon and | |
| 120 | School to Initial Inspection | 14 |
| 121 | Collect & Report the Percent of License | |
| 122 | Renewals Issued within Seven Business | |
| 123 | Days, Ten Business Days for Schools | 100.00 |
| 124 | A reporting of the degree to which the performance targets | |
| 125 | set above have been or are being achieved shall be provided in the | |

126 agency's budget request submitted to the Joint Legislative Budget
127 Committee for Fiscal Year 2026.

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

131 **SECTION 6.** It is the intention of the Legislature that the
132 State Board of Cosmetology shall maintain complete accounting and
133 personnel records related to the expenditure of all funds
134 appropriated under this act and that such records shall be in the
135 same format and level of detail as maintained for Fiscal Year
136 2024. It is further the intention of the Legislature that the
137 agency's budget request for Fiscal Year 2026 shall be submitted to
138 the Joint Legislative Budget Committee in a format and level of
139 detail comparable to the format and level of detail provided
140 during the Fiscal Year 2025 budget request process.

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

149 **SECTION 8.** It is the intention of the Legislature that the
150 funds herein appropriated shall be expended in compliance with
151 Section 27-104-25, Mississippi Code of 1972, that no state agency

152 shall incur obligations or indebtedness in excess of their
153 appropriation and that the responsible officers, either personally
154 or upon their official bonds, shall be held responsible for
155 actions contrary to this provision.

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

162 **SECTION 10.** This act shall take effect and be in force from
163 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025.

SS15\HB1795A.J

Amanda White
Secretary of the Senate