3/22/19 2:58 P.M.

Chapter No. 6
19/HR13/A822
KTW / EW

# *HOUSE BILL NO. 1621*

Originated in House _____ Clerk

HOUSE BILL NO. 1621

AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE BOARD OF COSMETOLOGY FOR THE FISCAL YEAR 2020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the State Board of Cosmetology, for the purpose of defraying the expenses of the board for the fiscal year beginning July 1, 2019, and ending June 30, 2020 ..... $ 759,324.00.

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

AUTHORIZED POSITIONS:

| | | |
|---|---|---|
| Permanent: | Full Time ..... | 13 |
| | Part Time ..... | 0 |
| Time-Limited: | Full Time ..... | 0 |
| | Part Time ..... | 0 |

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2020 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2020 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State

Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

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

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

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

(b) A policy that allows any person who holds a wig specialist license issued by the board before July 1, 2014, to

continue his or her practice as it existed before July 1, 2014, and allows any person who holds a wig salon license issued by the board before July 1, 2014, to continue operating a wig salon under the statutory requirements as they existed before July 1, 2014, and provides that any such person will be eligible to receive a certificate of registration issued by the board.

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

| Performance Measures | FY2020 Target |
|---|---|
| School Coordination | |
| School Permits (Number of) | 75.00 |
| Establishment Inspections | |
| Establishments, by Type (Salons & Schools), that are Inspected Each Year (%) | 100.00 |
| Average Violations per Inspection by Type (Number of) | 10.00 |
| Documented Complaints Received (Number of) | 50.00 |
| Documented Complaints Resolved within | |

| | |
|---|---|
| Six (6) Months (%) | 100.00 |
| School Audits Resulting in Disciplinary Actions (%) | 0.00 |
| Licensure & Information Support | |
| Completed Applications Processed within Ten (10) Business Days, by Type (Practitioners, Instructors) (%) | 100.00 |
| Business Days from Date of Completed Applications of New Salon & School to Initial Inspection (Number of) | 14.00 |
| Collect and Report the Percentage of License Renewals Issued within Seven (7) Business Days (Ten (10) Business Days for Schools) (%) | 100.00 |

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

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

**SECTION 6.** It is the intention of the Legislature that the State Board of Cosmetology shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the

same format and level of detail as maintained for Fiscal Year 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2020 budget request process.

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

**SECTION 8.** It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

**SECTION 9.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal

Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 10.** This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 19, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 14, 2019

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

3/22/2019
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