

By: Senator(s) Gordon, Little, Kirby,
Cuevas, Flowers, Lee (35th), Turner

To: Appropriations

SENATE BILL NO. 3126
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 MISSISSIPPI DEVELOPMENT AUTHORITY FOR FISCAL YEAR 2005.

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

4 **SECTION 1.** The following sum of money, or so much thereof as
5 may be necessary, is hereby appropriated out of any money in the
6 State General Fund not otherwise appropriated, to defray the
7 expenses of the Mississippi Development Authority for the fiscal
8 year beginning July 1, 2004, and ending June 30, 2005.....
9 \$ 18,604,533.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby appropriated out of any money in the State
12 Treasury to the credit of the Mississippi Development Authority or
13 the appropriate special fund for the purpose of defraying the
14 expenses incurred in the operation of the various divisions of the
15 authority for the fiscal year beginning July 1, 2004, and ending
16 June 30, 2005..... \$ 149,455,431.00.

17 **SECTION 3.** With the funds appropriated under the provisions
18 of Sections 1 and 2, the following positions are authorized:

19 AUTHORIZED POSITIONS:

20	Permanent:	Full Time.....	298
21		Part Time.....	2
22	Time-Limited:	Full Time.....	24
23		Part Time.....	1

24 With the funds herein appropriated, it is the intention of
25 the Legislature that it shall be the agency's responsibility to
26 make certain that funds required to be appropriated for "Personal
27 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005

28 funds appropriated for that purpose, unless programs or positions
29 are added to the agency's Fiscal Year 2006 budget by the
30 Mississippi Legislature. Based on data provided by the
31 Legislative Budget Office, the State Personnel Board shall
32 determine and publish the projected annual cost to fully fund all
33 appropriated positions in compliance with the provisions of this
34 act. It shall be the responsibility of the agency head to insure
35 that no single personnel action increases this projected annual
36 cost and/or the Fiscal Year 2005 appropriation for "Personal
37 Services" when annualized, with the exception of escalated funds.
38 If, at the time the agency takes any action to change "Personal
39 Services," the State Personnel Board determines that the agency
40 has taken an action which would cause the agency to exceed this
41 projected annual cost or the Fiscal Year 2005 "Personal Services"
42 appropriated level, when annualized, then only those actions which
43 reduce the projected annual cost and/or the appropriation
44 requirement will be processed by the State Personnel Board until
45 such time as the requirements of this provision are met.

46 Any transfers or escalations shall be made in accordance with
47 the terms, conditions and procedures established by law or
48 allowable under the terms set forth within this act. The State
49 Personnel Board shall not escalate positions without written
50 approval from the Department of Finance and Administration. The
51 Department of Finance and Administration shall not provide written
52 approval to escalate any funds for salaries and/or positions
53 without proof of availability of new or additional funds above the
54 appropriated level.

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

59 The agency shall not award salary increases through
60 reallocation, reclassification, realignment, education benchmark,
61 or career ladder.

62 **SECTION 4.** It is the intention of the Legislature that none
63 of the funds appropriated above shall be expended unless members
64 of the Mississippi House of Representatives and Mississippi Senate
65 are notified at least five (5) days prior to a public ceremony
66 announcing the award of any grant in their district or any public
67 announcement or ceremony regarding the groundbreaking or opening
68 of a facility, roadway or bridge for which the Legislature has
69 made funds available. Any signage regarding any public event or
70 any new facility, roadway or bridge shall include the following
71 language: "Funds were made available for this project by the
72 Mississippi State Legislature."

73 **SECTION 5.** In compliance with the "Mississippi Performance
74 Budget and Strategic Planning Act of 1994," it is the intent of
75 the Legislature that the funds provided herein shall be utilized
76 in the most efficient and effective manner possible to achieve the
77 intended mission of this agency. Based on the funding authorized,
78 this agency shall make every effort to attain the targeted
79 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
80	
81 <u>Performance Measures</u>	<u>Target</u>
82 Business Development & Trade	
83 National Recruitment Contacts (Actions)	3,100
84 International Investment Contacts (Actions)	400
85 International Trade Contacts (Actions)	1,500
86 Qualified National Prospects (Prospects)	200
87 Minority Business	
88 Minority Business Contacts (Contacts)	6,500
89 Minority Business Certifications (Actions)	399
90 Financial Resources	
91 Request for Financing or Incentives (Actions)	525

92	Existing Industry & Business	
93	Interactions with Interstate	
94	Businesses (Actions)	5,300
95	Businesses Assisted (Entities)	2,900
96	Tourism Services	
97	Tourist Inquiries Generated (Number)	977,224
98	Welcome Centers	
99	Tourists Registered (Persons)	2,898,701
100	Energy	
101	BTUs Saved (Units in Trillions)	71.67
102	Clients Served (Entities)	34,650
103	Community Services	
104	Amount of Grants Awarded (\$)	60,000,000
105	Grants & Loans Awarded (Items)	210
106	Community Programs Delivered (Programs)	385
107	Employment Training	
108	Successful Program Completion	
109	by Clients (%)	78
110	Clients Served (Persons)	45,000

111 A reporting of the degree to which the performance targets
112 set above have been or are being achieved shall be provided in the
113 agency's budget request submitted to the Joint Legislative Budget
114 Committee for Fiscal Year 2006.

115 **SECTION 6.** Of the funds appropriated in Section 2, the
116 amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) shall
117 be provided from the Motor Carrier Regulation Account to defray
118 the expenses of the Mississippi Development Authority in operating
119 the state welcome centers.

120 **SECTION 7.** The acceptance and expenditure of funds, and
121 interest on such funds, received from, or by virtue of consent or
122 other orders of or agreements involving any agency,
123 instrumentality, or judicial tribunal of any state or the United
124 States for petroleum price compliance and allocation which may

125 become available during the fiscal year for the support of the
126 Mississippi Development Authority or any programs sponsored under
127 the terms of the receipt of these funds are hereby authorized not
128 to exceed Two Million Dollars (\$2,000,000.00) and approved,
129 provided such receipts and expenditures are reported and otherwise
130 accounted for in accordance with Section 27-103-101 et seq., and
131 Section 27-104-1 et seq., Mississippi Code of 1972.

132 **SECTION 8.** It is the intention of the Legislature that the
133 Mississippi Development Authority is hereby authorized to
134 escalate, budget and expend funds from any source not to exceed
135 Five Million Dollars (\$5,000,000.00) in accordance with rules and
136 regulations of the Department of Finance and Administration in a
137 manner consistent with the escalation of federal funds.

138 **SECTION 9.** It is the intention of the Legislature that the
139 Mississippi Development Authority shall maintain complete
140 accounting and personnel records related to the expenditure of all
141 funds appropriated under this act and that such records shall be
142 in the same format and level of detail as maintained for Fiscal
143 Year 2004. It is further the intention of the Legislature that
144 the agency's budget request for Fiscal Year 2006 shall be
145 submitted to the Joint Legislative Budget Committee in a format
146 and level of detail comparable to the format and level of detail
147 provided during the Fiscal Year 2005 budget request process.

148 **SECTION 10.** Of the funds appropriated in Sections 1 and 2,
149 the amount of Six Million Four Hundred Sixty-two Thousand Dollars
150 (\$6,462,000.00), or so much thereof as may be necessary, is
151 provided for the purpose of supporting Mississippi Tourism
152 Advertising and Promotion for Fiscal Year 2005, and shall not be
153 expended for any type of cultural exchange program. The
154 expenditure of funds authorized in this section shall be exempt
155 from Section 25-9-120, Mississippi Code of 1972.

156 **SECTION 11.** Of the funds appropriated in Sections 1 and 2,
157 the amount of One Million Five Hundred Sixty-seven Thousand

158 Dollars (\$1,567,000.00), or so much thereof as may be necessary,
159 is provided for the purpose of supporting, marketing, and
160 facilitating Mississippi business growth for Fiscal Year 2005.
161 The expenditure of funds authorized in this section shall be
162 exempt from Section 25-9-120, Mississippi Code of 1972.

163 **SECTION 12.** In addition to all other sums herein
164 appropriated, the following sum, or so much thereof as may be
165 necessary, is hereby appropriated out of any money in the State
166 General Fund not otherwise appropriated, to the Mississippi
167 Development Authority for the purpose of providing funds for
168 Mississippi Technology Alliance, for the fiscal year beginning
169 July 1, 2004, and ending June 30, 2005 \$1,250,000.00.

170 The funds appropriated under the provisions of this section
171 are provided for the specific purpose of providing state funds for
172 support of Mississippi Technology Alliance to strengthen the
173 business environment in Mississippi to spur the creation and
174 growth of technology-based industries, thus creating many more
175 high-paying jobs and a more diversified, competitive Mississippi
176 economy. The funds herein appropriated shall be held separate and
177 apart from all other funds appropriated to the Mississippi
178 Development Authority.

179 **SECTION 13.** In addition to all other sums herein
180 appropriated, the following sum, or so much thereof as may be
181 necessary, is hereby appropriated out of any money in the State
182 General Fund not otherwise appropriated, to the Mississippi
183 Development Authority for the purpose of providing funds to
184 support the Stennis Space Center - Space Commerce
185 Initiative, for the fiscal year beginning July 1, 2004, and ending
186 June 30, 2005..... \$ 728,398.00.

187 The funds herein appropriated shall be held separate and
188 apart from all other funds appropriated to the Mississippi
189 Development Authority.

190 **SECTION 14.** Of the funds appropriated under the provisions
191 of Section 2, Five Million Dollars (\$5,000,000.00) shall be
192 derived from the Budget Contingency Fund created in Section
193 27-103-301, Mississippi Code of 1972.

194 **SECTION 15.** It is the intention of the Legislature that none
195 of the funds appropriated under the provisions of Sections 1 and 2
196 shall be expended for the purpose of supporting an annual event
197 known as the Mississippi Picnic which has traditionally been held
198 in New York, New York, at Central Park.

199 **SECTION 16.** The money herein appropriated shall be paid by
200 the State Treasurer out of any money in the State Treasury to the
201 credit of the proper fund or funds as set forth in this act, upon
202 warrants issued by the State Fiscal Officer; and the State Fiscal
203 Officer shall issue his warrants upon requisitions signed by the
204 proper person, officer or officers, in the manner provided by law.

205 **SECTION 17.** This act shall take effect and be in force from
206 and after July 1, 2004.