

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3126

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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 \$ 18,149,533.00.

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..... \$ 148,455,431.00.

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.....	295
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 **SECTION 4.** The funds authorized herein shall be used to fund
60 all operations of the agency with the following prohibitions:

61 (1) The agency shall not fill any current or future vacant
62 positions;

63 (2) The agency shall not take any action to promote or
64 otherwise award salary increases through reallocation,
65 reclassification, realignment, education benchmark, career ladder,
66 or any other means to increase salaries of employees or positions
67 except as allowed under the provisions set forth in House Bill No.
68 1279, 2004 Regular Session;

69 (3) The agency shall not expend funds for out-of-state
70 travel except as allowed under the provisions set forth in House
71 Bill No. 1279, 2004 Regular Session;

72 (4) The agency shall not expend funds for the purchase of or
73 contract for cellular phones, two-way radios or pagers, except for
74 support of employees in the Department of Public Safety and the
75 Bureau of Narcotics as recommended by Information Technology
76 Services or as allowed under the provisions set forth in House
77 Bill No. 1279, 2004 Regular Session;

78 (5) The agency shall not expend funds to publish or
79 distribute any annual reports or other publications;

80 (6) The agency shall not expend funds for public relation
81 activities regarding the functions, programs or services of the
82 agency except as allowed under the provisions set forth in House
83 Bill No. 1279, 2004 Regular Session;

84 (7) The agency shall not advertise the functions, programs
85 or services of the agency except that the Mississippi Development

86 Authority is authorized to expend funds for advertising to carry
87 out the purposes of key programs administered by the authority;

88 (8) The agency shall not expend funds for staff development
89 or training services;

90 (9) The agency shall not expend funds for the purchase of
91 new or replacement equipment or furniture, excluding lease
92 purchase payments on agreements in effect upon passage of this
93 appropriation bill, except as allowed under the provisions set
94 forth in House Bill No. 1279, 2004 Regular Session.

95 **SECTION 5.** It is the intention of the Legislature that none
96 of the funds appropriated above shall be expended unless members
97 of the Mississippi House of Representatives and Mississippi Senate
98 are notified at least five (5) days prior to a public ceremony
99 announcing the award of any grant in their district or any public
100 announcement or ceremony regarding the groundbreaking or opening
101 of a facility, roadway or bridge for which the Legislature has
102 made funds available. Any signage regarding any public event or
103 any new facility, roadway or bridge shall include the following
104 language: "Funds were made available for this project by the
105 Mississippi State Legislature."

106 **SECTION 6.** In compliance with the "Mississippi Performance
107 Budget and Strategic Planning Act of 1994," it is the intent of
108 the Legislature that the funds provided herein shall be utilized
109 in the most efficient and effective manner possible to achieve the
110 intended mission of this agency. Based on the funding authorized,
111 this agency shall make every effort to attain the targeted
112 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Business Development & Trade	
National Recruitment Contacts (Actions)	3,100
International Investment Contacts (Actions)	400

118	International Trade Contacts (Actions)	1,500
119	Qualified National Prospects (Prospects)	200
120	Minority Business	
121	Minority Business Contacts (Contacts)	6,500
122	Minority Business Certifications (Actions)	399
123	Financial Resources	
124	Request for Financing or Incentives (Actions)	525
125	Existing Industry & Business	
126	Interactions with Interstate	
127	Businesses (Actions)	5,300
128	Businesses Assisted (Entities)	2,900
129	Tourism Services	
130	Tourist Inquiries Generated (Number)	977,224
131	Welcome Centers	
132	Tourists Registered (Persons)	2,898,701
133	Energy	
134	BTUs Saved (Units in Trillions)	71.67
135	Clients Served (Entities)	34,650
136	Community Services	
137	Amount of Grants Awarded (\$)	60,000,000
138	Grants & Loans Awarded (Items)	210
139	Community Programs Delivered (Programs)	385
140	Employment Training	
141	Successful Program Completion	
142	by Clients (%)	78
143	Clients Served (Persons)	45,000
144	A reporting of the degree to which the performance targets	
145	set above have been or are being achieved shall be provided in the	
146	agency's budget request submitted to the Joint Legislative Budget	
147	Committee for Fiscal Year 2006.	

148 **SECTION 7.** Of the funds appropriated in Section 2, the
149 amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) shall

150 be provided from the Motor Carrier Regulation Account to defray
151 the expenses of the Mississippi Development Authority in operating
152 the state welcome centers.

153 **SECTION 8.** The acceptance and expenditure of funds, and
154 interest on such funds, received from, or by virtue of consent or
155 other orders of or agreements involving any agency,
156 instrumentality, or judicial tribunal of any state or the United
157 States for petroleum price compliance and allocation which may
158 become available during the fiscal year for the support of the
159 Mississippi Development Authority or any programs sponsored under
160 the terms of the receipt of these funds are hereby authorized not
161 to exceed Two Million Dollars (\$2,000,000.00) and approved,
162 provided such receipts and expenditures are reported and otherwise
163 accounted for in accordance with Section 27-103-101 et seq., and
164 Section 27-104-1 et seq., Mississippi Code of 1972.

165 **SECTION 9.** It is the intention of the Legislature that the
166 Mississippi Development Authority is hereby authorized to
167 escalate, budget and expend funds from any source not to exceed
168 Five Million Dollars (\$5,000,000.00) in accordance with rules and
169 regulations of the Department of Finance and Administration in a
170 manner consistent with the escalation of federal funds.

171 **SECTION 10.** It is the intention of the Legislature that the
172 Mississippi Development Authority shall maintain complete
173 accounting and personnel records related to the expenditure of all
174 funds appropriated under this act and that such records shall be
175 in the same format and level of detail as maintained for Fiscal
176 Year 2004. It is further the intention of the Legislature that
177 the agency's budget request for Fiscal Year 2006 shall be
178 submitted to the Joint Legislative Budget Committee in a format
179 and level of detail comparable to the format and level of detail
180 provided during the Fiscal Year 2005 budget request process.

181 **SECTION 11.** Of the funds appropriated in Sections 1 and 2,
182 the amount of Six Million Four Hundred Sixty-two Thousand Dollars
183 (\$6,462,000.00), or so much thereof as may be necessary, is
184 provided for the purpose of supporting Mississippi Tourism
185 Advertising and Promotion for Fiscal Year 2005. The expenditure
186 of funds authorized in this section shall be exempt from Section
187 25-9-120, Mississippi Code of 1972.

188 **SECTION 12.** Of the funds appropriated in Sections 1 and 2,
189 the amount of One Million Five Hundred Sixty-seven Thousand
190 Dollars (\$1,567,000.00), or so much thereof as may be necessary,
191 is provided for the purpose of supporting, marketing, and
192 facilitating Mississippi business growth for Fiscal Year 2005.
193 The expenditure of funds authorized in this section shall be
194 exempt from Section 25-9-120, Mississippi Code of 1972.

195 **SECTION 13.** In addition to all other sums herein
196 appropriated, the following sum, or so much thereof as may be
197 necessary, is hereby appropriated out of any money in the State
198 General Fund not otherwise appropriated, to the Mississippi
199 Development Authority for the purpose of providing funds for
200 Mississippi Technology Alliance, for the fiscal year beginning
201 July 1, 2004, and ending June 30, 2005 \$1,250,000.00.

202 The funds appropriated under the provisions of this section
203 are provided for the specific purpose of providing state funds for
204 support of Mississippi Technology Alliance to strengthen the
205 business environment in Mississippi to spur the creation and
206 growth of technology-based industries, thus creating many more
207 high-paying jobs and a more diversified, competitive Mississippi
208 economy. The funds herein appropriated shall be held separate and
209 apart from all other funds appropriated to the Mississippi
210 Development Authority.

211 **SECTION 14.** In addition to all other sums herein
212 appropriated, the following sum, or so much thereof as may be

213 necessary, is hereby appropriated out of any money in the State
214 General Fund not otherwise appropriated, to the Mississippi
215 Development Authority for the purpose of providing funds to
216 support the Stennis Space Center - Space Commerce
217 Initiative, for the fiscal year beginning July 1, 2004, and ending
218 June 30, 2005..... \$ 728,398.00.

219 The funds herein appropriated shall be held separate and
220 apart from all other funds appropriated to the Mississippi
221 Development Authority.

222 **SECTION 15.** Of the funds appropriated under the provisions
223 of Section 2, Four Million Dollars (\$4,000,000.00) shall be
224 derived from the Budget Contingency Fund created in Section 27-
225 103-301, Mississippi Code of 1972.

226 **SECTION 16.** It is the intention of the Legislature that none
227 of the funds appropriated under the provisions of Sections 1 and 2
228 shall be expended for the purpose of supporting an annual event
229 known as the Mississippi Picnic which has traditionally been held
230 in New York, New York, at Central Park.

231 **SECTION 17.** The money herein appropriated shall be paid by
232 the State Treasurer out of any money in the State Treasury to the
233 credit of the proper fund or funds as set forth in this act, upon
234 warrants issued by the State Fiscal Officer; and the State Fiscal
235 Officer shall issue his warrants upon requisitions signed by the
236 proper person, officer or officers, in the manner provided by law.

237 **SECTION 18.** This act shall take effect and be in force from
238 and after July 1, 2004.