

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

To: Appropriations

SENATE BILL NO. 2036

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE  
2 MISSISSIPPI DEVELOPMENT AUTHORITY FOR FISCAL YEARS 2005 AND 2006.

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, 2005, and ending June 30, 2006.....  
9 ..... \$ 17,511,951.00.

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, 2005, and ending  
16 June 30, 2006..... \$ 97,014,491.00.

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.....	264
21		Part Time.....	2
22	Time-Limited:	Full Time.....	22
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 2007 do not exceed Fiscal Year 2006

28 funds appropriated for that purpose, unless programs or positions  
29 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 take any action to promote or otherwise  
60 award salary increases through reallocation, reclassification,

61 realignment, education benchmark, career ladder, or any other  
62 means to increase salaries of employees or positions unless  
63 specifically exempted by the following conditions: the award of  
64 teacher pay increases, the advancement of a trainee/cadet to the  
65 next level of a bona fide career ladder, the award of an  
66 educational benchmark for the attainment of Certified Public  
67 Accountant License or higher level professional certification as  
68 determined by the State Personnel Board, the immediate replacement  
69 of a departing employee with an individual from within state  
70 service or a new hire at a salary level equivalent to that of the  
71 departing employee, and the emergency appointment of nurses,  
72 pharmacists or other health care professionals at a salary to be  
73 determined by the State Personnel Board, unless otherwise  
74 authorized in this act.

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

	FY06
<u>Performance Measures</u>	<u>Target</u>
84 Business Development & Trade	
85       National Recruitment Contacts (Actions)	3,100
86       International Investment Contacts (Actions)	400
87       International Trade Contacts (Actions)	1,500
88       Qualified National Prospects (Prospects)	200
89 Minority & Small Business Dev	
90       Minority & Small Business Contacts (Contacts)	7,500
91       Minority Business Certifications (Actions)	498
92 Financial Resources	
93       Request for Financing or Incentives (Actions)	600

94	Existing Industry & Business	
95	Interactions with Interstate	
96	Businesses (Actions)	5,300
97	Businesses Assisted (Entities)	2,900
98	Tourism Services	
99	Tourist Inquiries Generated (Number)	1,284,198
100	Welcome Centers	
101	Tourists Registered (Persons)	2,956,675
102	Energy	
103	BTUs Saved (Units in Trillions)	71.67
104	Clients Served (Entities)	34,650
105	Community Services	
106	Amount of Grants Awarded (\$)	61,000,000
107	Grants & Loans Awarded (Items)	219
108	Community Programs Delivered (Programs)	250
109	Regional Services	
110	Community Customer Contacts	500
111	Cost per Program Contact (\$)	3,060

112 A reporting of the degree to which the performance targets  
113 set above have been or are being achieved shall be provided in the  
114 agency's budget request submitted to the Joint Legislative Budget  
115 Committee for Fiscal Year 2007.

116 **SECTION 5.** Of the funds appropriated in Section 2, the  
117 amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) shall  
118 be provided from the Mississippi Department of Transportation to  
119 defray the expenses of the Mississippi Development Authority in  
120 operating the state welcome centers.

121 **SECTION 6.** The acceptance and expenditure of funds, and  
122 interest on such funds, received from, or by virtue of consent or  
123 other orders of or agreements involving any agency,  
124 instrumentality, or judicial tribunal of any state or the United  
125 States for petroleum price compliance and allocation which may  
126 become available during the fiscal year for the support of the

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

133         **SECTION 7.** It is the intention of the Legislature that the  
134 Mississippi Development Authority is hereby authorized to  
135 escalate, budget and expend funds from any source not to exceed  
136 Five Million Dollars (\$5,000,000.00) in accordance with rules and  
137 regulations of the Department of Finance and Administration in a  
138 manner consistent with the escalation of federal funds.

139         **SECTION 8.** It is the intention of the Legislature that the  
140 Mississippi Development Authority shall maintain complete  
141 accounting and personnel records related to the expenditure of all  
142 funds appropriated under this act and that such records shall be  
143 in the same format and level of detail as maintained for Fiscal  
144 Year 2005. It is further the intention of the Legislature that  
145 the agency's budget request for Fiscal Year 2007 shall be  
146 submitted to the Joint Legislative Budget Committee in a format  
147 and level of detail comparable to the format and level of detail  
148 provided during the Fiscal Year 2006 budget request process.

149         **SECTION 9.** Of the funds appropriated in Sections 1 and 2,  
150 the amount of Six Million Four Hundred Sixty-two Thousand Dollars  
151 (\$6,462,000.00), or so much thereof as may be necessary, is  
152 provided for the purpose of supporting Mississippi Tourism  
153 Advertising and Promotion for Fiscal Year 2006, and shall not be  
154 expended for any type of cultural exchange program. The  
155 expenditure of funds authorized in this section shall be exempt  
156 from Section 25-9-120, Mississippi Code of 1972.

157         **SECTION 10.** Of the funds appropriated in Sections 1 and 2,  
158 the amount of One Million Five Hundred Sixty-seven Thousand  
159 Dollars (\$1,567,000.00), or so much thereof as may be necessary,

160 is provided for the purpose of supporting, marketing, and  
161 facilitating Mississippi business growth for Fiscal Year 2006.  
162 The expenditure of funds authorized in this section shall be  
163 exempt from Section 25-9-120, Mississippi Code of 1972.

164       **SECTION 11.** In addition to all other sums herein  
165 appropriated, the following sum, or so much thereof as may be  
166 necessary, is hereby appropriated out of any money in the State  
167 General Fund not otherwise appropriated, to the Mississippi  
168 Development Authority for the purpose of providing funds for  
169 Mississippi Technology Alliance, for the fiscal year beginning  
170 July 1, 2005, and ending June 30, 2006 ..... \$1,150,612.00.

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

180       **SECTION 12.** In addition to all other sums herein  
181 appropriated, the following sum, or so much thereof as may be  
182 necessary, is hereby appropriated out of any money in the State  
183 General Fund not otherwise appropriated, to the Mississippi  
184 Development Authority for the purpose of providing funds to  
185 support the Enterprise for Geospatial Solutions, for the  
186 fiscal year beginning July 1, 2005, and ending June 30, 2006...  
187 .....\$   611,358.00.

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

191       **SECTION 13.** It is the intention of the Legislature that of  
192 the funds appropriated in Sections 1 and 2, not more than Twenty

193 Thousand (\$20,000.00) may be expended for Mississippi Development  
194 Authority employee travel associated with business recruitment  
195 activities conducted at the Mississippi event located in New York  
196 City's Central Park.

197       **SECTION 14.** It is the intention of the Legislature that none  
198 of the funds appropriated above shall be expended unless members  
199 of the Mississippi House of Representatives and Mississippi Senate  
200 are notified at least five (5) days prior to a public ceremony  
201 announcing the award of any grant in their district or any public  
202 announcement or ceremony regarding the groundbreaking or opening  
203 of a facility, roadway or bridge for which the Legislature has  
204 made funds available. Any signage regarding any public event or  
205 any new facility, roadway or bridge shall include the following  
206 language: "Funds were made available for this project by the  
207 Mississippi State Legislature."

208       **SECTION 15.** Of the funds appropriated under the provisions  
209 of Section 2, Five Million Dollars (\$5,000,000.00) shall be  
210 derived from the Budget Contingency Fund created in Section 27-  
211 103-301, Mississippi Code of 1972.

212       **SECTION 16.** In addition to all other sums heretofore  
213 appropriated, the sum of Thirty-five Million Dollars  
214 (\$35,000,000), or so much thereof as may be necessary, is hereby  
215 appropriated from Mississippi Development Authority fund number  
216 34CW in order to fulfill the state's obligation relating to the MS  
217 Beef Processors, LLC, during FY 2005, with any remaining balance  
218 lapsing to the State General Fund, as authorized in House Bill  
219 No.1 of the 2005 Second Extraordinary Session.

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

226           **SECTION 18.** This act shall take effect and be in force from  
227 and after July 1, 2005, except for Section 16 which shall take  
228 effect and be in force from and after its passage.