

By: Senator(s) Gordon, Little, Kirby, Cuevas, Flowers, Lee (35th), Turner, Butler, Dearing, Harden, Horhn, Jordan, Morgan, Thomas, Walls, Williamson

To: Appropriations

SENATE BILL NO. 3134
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 MISSISSIPPI DEVELOPMENT AUTHORITY FOR FISCAL YEAR 2008.

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, 2007, and ending June 30, 2008.....
9 \$ 15,222,325.00.

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, 2007, and ending
16 June 30, 2008..... \$ 2,431,342,418.00.

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.....	189
21		Part Time.....	4
22	Time-Limited:	Full Time.....	36
23		Part Time.....	1

24 Funds are provided herein to adjust the Variable Compensation
25 Plan to ensure that all full-time employees receive a pay increase
26 equal to the realignment component of the Variable Compensation

27 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
28 is greater, to be awarded on July 1, 2007.

29 With the funds herein appropriated, it is the intention of
30 the Legislature that it shall be the agency's responsibility to
31 make certain that funds required to be appropriated for "Personal
32 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
33 funds appropriated for that purpose, unless programs or positions
34 are added to the agency's Fiscal Year 2008 budget by the
35 Mississippi Legislature. Based on data provided by the
36 Legislative Budget Office, the State Personnel Board shall
37 determine and publish the projected annual cost to fully fund all
38 appropriated positions in compliance with the provisions of this
39 act. It shall be the responsibility of the agency head to insure
40 that no single personnel action increases this projected annual
41 cost and/or the Fiscal Year 2008 appropriations for "Personal
42 Services" when annualized, with the exception of escalated funds
43 and educational benchmarks. If, at the time the agency takes any
44 action to change "Personal Services," the State Personnel Board
45 determines that the agency has taken an action which would cause
46 the agency to exceed this projected annual cost or the Fiscal Year
47 2008 "Personal Services" appropriated level, when annualized, then
48 only those actions which reduce the projected annual cost and/or
49 the appropriation requirement will be processed by the State
50 Personnel Board until such time as the requirements of this
51 provision are met. On January 1, 2008, the State Personnel Board
52 will make adjustments to the structure side of the compliance
53 report based on data provided by the Legislative Budget Office in
54 order for agencies to award educational benchmarks.

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 which are
66 being used for salaries authorized under the provisions of this
67 act and which are withdrawn and no longer available.

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

	FY08
<u>Performance Measures</u>	<u>Target</u>
Global Business	
National Recruitment Contacts (Actions)	2,900
International Investment Contacts (Actions)	200
International Trade Contacts (Actions)	1,000
Qualified National Prospects (Prospects)	250
Minority & Small Business Dev	
Minority & Small Business	
Contacts (Contacts)	11,000
Minority Business Certifications (Actions)	250
Financial Resources	
Request for Financing or	
Incentives (Actions)	600
Existing Industry & Business	
Interactions with Interstate	
Businesses (Actions)	3,800
Number of Qualified Contacts	1,200

93	Tourism Services	
94	Tourist Inquiries Generated (Number)	3,083,977
95	Welcome Centers	
96	Tourists Registered (Persons)	2,986,242
97	Energy	
98	BTUs Saved (Units in Trillions)	71.67
99	Clients Served (Entities)	34,650
100	Community Services	
101	Amount of Grants Awarded (\$)	66,000,000
102	Grants & Loans Awarded (Items)	220
103	Regional Services	
104	Regional Deve Organizations (Surveyed)	7

105 A reporting of the degree to which the performance targets
106 set above have been or are being achieved shall be provided in the
107 agency's budget request submitted to the Joint Legislative Budget
108 Committee for Fiscal Year 2009.

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

114 **SECTION 6.** The acceptance and expenditure of funds, and
115 interest on such funds, received from, or by virtue of consent or
116 other orders of or agreements involving any agency,
117 instrumentality, or judicial tribunal of any state or the United
118 States for petroleum price compliance and allocation which may
119 become available during the fiscal year for the support of the
120 Mississippi Development Authority or any programs sponsored under
121 the terms of the receipt of these funds are hereby authorized not
122 to exceed Two Million Dollars (\$2,000,000.00) and approved,
123 provided such receipts and expenditures are reported and otherwise
124 accounted for in accordance with Section 27-103-101 et seq., and
125 Section 27-104-1 et seq., Mississippi Code of 1972.

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

132 **SECTION 8.** It is the intention of the Legislature that the
133 Mississippi Development Authority shall maintain complete
134 accounting and personnel records related to the expenditure of all
135 funds appropriated under this act and that such records shall be
136 in the same format and level of detail as maintained for Fiscal
137 Year 2007. It is further the intention of the Legislature that
138 the agency's budget request for Fiscal Year 2009 shall be
139 submitted to the Joint Legislative Budget Committee in a format
140 and level of detail comparable to the format and level of detail
141 provided during the Fiscal Year 2008 budget request process.

142 **SECTION 9.** In addition to all other sums herein
143 appropriated, the following sum, or so much thereof as may be
144 necessary, is hereby appropriated out of any money in the State
145 General Fund not otherwise appropriated, to the Mississippi
146 Development Authority for the purpose of providing funds for
147 tourism and welcome centers program costs, for the fiscal year
148 beginning July 1, 2007, and ending June 30, 2008.....
149 \$ 8,375,124.00.

150 The expenditure of funds authorized in this section shall be
151 exempt from Section 25-9-120, Mississippi Code of 1972.

152 **SECTION 10.** The following sum, or so much thereof as may be
153 necessary, is hereby appropriated out of any money in the State
154 Treasury to the credit of the Mississippi Development Authority or
155 the appropriate special fund for the purpose of defraying the
156 expenses for tourism and welcome centers program costs for the
157 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
158 \$ 2,168,664.00.

159 The expenditure of funds authorized in this section shall be
160 exempt from Section 25-9-120, Mississippi Code of 1972.

161 **SECTION 11.** With the funds appropriated under the provisions
162 of Sections 9 and 10, the following positions are authorized:

163 AUTHORIZED POSITIONS:

164	Permanent:	Full Time.....	79
165		Part Time.....	2
166	Time-Limited:	Full Time.....	0
167		Part Time.....	0

168 **SECTION 12.** Of the funds provided in Section 9, Fifty
169 Thousand Dollars (\$50,000.00) is hereby provided for Jackson State
170 University for the purpose of hosting the SWAC (South Western
171 Athletic Conference) tournament, and in the event the University
172 does not secure the SWAC tournament the funds provided in this
173 section shall lapse into the General Fund on June 30, 2008.

174 **SECTION 13.** Of the funds appropriated in Sections 1 and 2,
175 the amount of One Million Five Hundred Sixty-seven Thousand
176 Dollars (\$1,567,000.00), or so much thereof as may be necessary,
177 is provided for the purpose of supporting, marketing, and
178 facilitating Mississippi business growth. The expenditure of
179 funds authorized in this section shall be exempt from Section
180 25-9-120, Mississippi Code of 1972.

181 **SECTION 14.** In addition to all other sums herein
182 appropriated, the following sum, or so much thereof as may be
183 necessary, is hereby appropriated out of any money in the State
184 General Fund not otherwise appropriated, to the Mississippi
185 Development Authority for the purpose of providing funds for
186 Mississippi Technology Alliance, for the fiscal year beginning
187 July 1, 2007, and ending June 30, 2008..... \$ 1,153,374.00.

188 The funds appropriated under the provisions of this section
189 are provided for the specific purpose of providing state funds for
190 support of Mississippi Technology Alliance to strengthen the
191 business environment in Mississippi to spur the creation and

192 growth of technology-based industries, thus creating many more
193 high-paying jobs and a more diversified, competitive Mississippi
194 economy. The funds herein appropriated shall be held separate and
195 apart from all other funds appropriated to the Mississippi
196 Development Authority.

197 **SECTION 15.** The following sum, or so much thereof as may be
198 necessary, is hereby appropriated out of any money in the Budget
199 Contingency Fund, created in Section 27-103-301, Mississippi Code
200 of 1972, to the credit of the Mississippi Development Authority
201 for the purpose of providing funds for Mississippi Technology
202 Alliance for the fiscal year beginning July 1, 2007, and ending
203 June 30, 2008..... \$ 950,000.00.

204 **SECTION 16.** In addition to all other sums herein
205 appropriated, the following sum, or so much thereof as may be
206 necessary, is hereby appropriated out of any money in the State
207 General Fund not otherwise appropriated, to the Mississippi
208 Development Authority for the purpose of providing funds to
209 support the Enterprise for Geospatial Solutions, for the
210 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
211 \$ 946,744.00.

212 The funds herein appropriated shall be held separate and
213 apart from all other funds appropriated to the Mississippi
214 Development Authority.

215 **SECTION 17.** It is the intention of the Legislature that of
216 the funds appropriated in Sections 1 and 2, not more than Twenty
217 Thousand Dollars (\$20,000.00) may be expended for Mississippi
218 Development Authority employee travel associated with business
219 recruitment activities conducted at the Mississippi event located
220 in New York City's Central Park.

221 **SECTION 18.** It is the intention of the Legislature that none
222 of the funds appropriated above shall be expended unless members
223 of the Mississippi House of Representatives and Mississippi Senate
224 are notified at least five (5) days prior to a public ceremony

225 announcing the award of any grant in their district or any public
 226 announcement or ceremony regarding the groundbreaking or opening
 227 of a facility, roadway or bridge for which the Legislature has
 228 made funds available. Any signage regarding any public event or
 229 any new facility, roadway or bridge shall include the following
 230 language: "Funds were made available for this project by the
 231 Mississippi State Legislature."

232 **SECTION 19.** In addition to all other sums herein
 233 appropriated, the following sum, or so much thereof as may be
 234 necessary, is hereby appropriated out of any money in the State
 235 Treasury to the credit of the Mississippi Telecommunication
 236 Conference and Training Center Fund #3424, for the purpose of
 237 defraying the expenses of the Mississippi Telecommunication
 238 Conference and Training Center Commission, for the fiscal year
 239 beginning July 1, 2007, and ending June 30, 2008.....
 240 \$ 2,116,299.00.

241 The funds appropriated in this section shall be derived from
 242 any revenues collected by the commission from fees, rates or
 243 charges for the use of the Telecommunication Conference and
 244 Training Center, as authorized in Section 31-31-9, Mississippi
 245 Code of 1972.

246 Of the funds appropriated under the provisions of this
 247 section, not more than the amounts set forth below shall be
 248 expended for the respective major objects or purposes of
 249 expenditure.

250 MAJOR OBJECTS OF EXPENDITURE:

251 Personal Services:

252	Salaries, Wages and Fringe Benefits..	\$	0.00
253	Travel and Subsistence.....		5,000.00
254	Contractual Services.....		533,364.00
255	Commodities.....		822,300.00

256 Capital Outlay:

257	Other Than Equipment.....		37,500.00
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258	Equipment.....	5,114.00
259	Vehicles.....	0.00
260	Wireless Communication Devices.....	0.00
261	Subsidies, Loans and Grants.....	<u>713,021.00</u>
262	Total..... \$	2,116,299.00

263 FUNDING:

264	General Funds..... \$	0.00
265	Special Funds.....	<u>2,116,299.00</u>
266	Total..... \$	2,116,299.00

267 AUTHORIZED POSITIONS:

268	Permanent: Full Time.....	0
269	Part Time.....	0
270	Time-Limited: Full Time.....	0
271	Part Time.....	0

272 **SECTION 20.** Of the funds appropriated herein for the purpose
273 of defraying the expenses of the Mississippi Telecommunications
274 Conference and Training Center Commission, it is the intention of
275 the Legislature that Seven Hundred Thirty-seven Thousand Nine
276 Hundred Thirty-four Dollars (\$737,934.00) shall be used for the
277 purpose of paying debt service and maintaining, renovating,
278 improving or making additions to the facility.

279 Further, it is the intention of the Legislature that not more
280 than Twenty-five Thousand Dollars (\$25,000.00) of the funds
281 appropriated in this section shall be used by the commission for
282 the maintenance and operation of the facility, provided that this
283 sum of money remains available in the fund after transferring
284 amounts to the State Treasurer to pay debt service, as prescribed
285 in Section 31-31-11(5), Mississippi Code of 1972.

286 **SECTION 21.** Of the funds appropriated in Section 2, an
287 amount of Two Hundred Fifty Thousand Dollars (\$250,000.00), or so
288 much thereof as may be necessary, at the discretion of the
289 Executive Director, may be expended by the Mississippi Development
290 Authority for conducting and preparing a study to determine if

291 there is a significant statistical disparity in the total number
292 of qualified minority contractors of goods and services doing
293 business in the State of Mississippi and the actual number of
294 those minority contractors with whom the State of Mississippi, or
295 with whom a prime contractor with the State of Mississippi has
296 contracted to provide goods and services, as provided in Section
297 57-1-57, Mississippi Code of 1972.

298 **SECTION 22.** It is the intention of the Legislature that
299 whenever two (2) or more bids are received by this agency for the
300 purchase of commodities or equipment, and whenever all things
301 stated in such received bids are equal with respect to price,
302 quality and service, the Mississippi Industries for the Blind
303 shall be given preference. A similar preference shall be given to
304 the Mississippi Industries for the Blind whenever purchases are
305 made without competitive bids.

306 **SECTION 23.** It is legislative intent to ensure beneficial
307 information reaches as many Mississippians as possible. Further,
308 it is legislative intent that the expenditure of public funds for
309 this purpose be accomplished in an efficient and effective manner.

310 Therefore, state agencies as standard procedure, will observe
311 the following criteria:

312 (a) Develop goals and desired result for a campaign.

313 (b) Evaluate effectiveness through respected
314 advertising standards, including market reach and cost
315 effectiveness.

316 (c) Seek public service announcements, which would be
317 aired by media without cost.

318 (d) Itemize and justify professional assistance and
319 related expenses for creative and production costs outside of the
320 actual media expenditures.

321 (e) Utilize Mississippi-owned media companies when
322 feasible.

323 **SECTION 24.** The money herein appropriated shall be paid by
324 the State Treasurer out of any money in the State Treasury to the
325 credit of the proper fund or funds as set forth in this act, upon
326 warrants issued by the State Fiscal Officer; and the State Fiscal
327 Officer shall issue his warrants upon requisitions signed by the
328 proper person, officer or officers, in the manner provided by law.

329 **SECTION 25.** This act shall take effect and be in force from
330 and after July 1, 2007.