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Chapter No. 77
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SENATE BILL NO. 3056

Originated in Senate [signature] Secretary

SENATE BILL NO. 3056

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR FISCAL YEAR 2012.

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

SECTION 1. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to defray the expenses of the Mississippi Development Authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... $ 21,646,565.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Development Authority or the appropriate special fund for the purpose of defraying the expenses incurred in the operation of the various divisions of the authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... $ 1,114,808,821.00.

SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	262
	Part Time	4
Time-Limited:	Full Time	86
	Part Time	1

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012

funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 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 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. 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 2012 "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.

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	FY2012 Target
Global Business	
National Recruitment Contacts (Actions)	1,500
International Investment Contacts (Actions)	600
International Trade Contacts (Actions)	1,500
Qualified National Prospects (Prospects)	225
Minority & Small Business Dev	
Minority & Small Business Contacts (Contacts)	10,000
Minority Business Certifications (Actions)	200
Financial Resources	
Request for Financing or Incentives (Actions)	300
Existing Industry & Business	
Interactions with Interstate Businesses (Actions)	3,700
Number of Qualified Contacts	2,400
PriorityOne Survey & Industry Visitation	924
Energy	
BTUs Saved (Units in Trillions)	71.67
Clients Served (Entities)	34,650
Community Services	
Amount of Grants Awarded ($)	65,000,000.00
Grants & Loans Awarded (Items)	250

Tourism

Number of Tourist Inquires

Generated 3,610,454

Welcome Centers

Tourist Registered (Persons) 2,929,000

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 2013.

SECTION 5. Of the funds appropriated in Section 2, the amount of Six Hundred Thousand Dollars ($600,000.00) shall be provided from the Mississippi Department of Transportation to defray the expenses of the Mississippi Development Authority in operating the state welcome centers as follows:

Welcome Centers ..... $ 450,000.00

Woodville Welcome Center ..... $ 150,000.00

It is the intent of the Legislature that the Mississippi Department of Transportation shall provide funds for the operation of the Woodville Welcome Center. Mississippi Department of Transportation shall provide these funds upon completion of the Center, if the Center is not completed during Fiscal Year 2012, Mississippi Department of Transportation will not provide these additional funds in Fiscal Year 2012. However, the funds will be required for each subsequent year of operation.

SECTION 6. The acceptance and expenditure of funds, and interest on such funds, received from, or by virtue of consent or other orders of or agreements involving any agency, instrumentality, or judicial tribunal of any state or the United States for petroleum price compliance and allocation which may become available during the fiscal year for the support of the Mississippi Development Authority or any programs sponsored under the terms of the receipt of these funds are hereby authorized not to exceed Two Million Dollars ($2,000,000.00) and approved,

provided such receipts and expenditures are reported and otherwise accounted for in accordance with Section 27-103-101 et seq. and Section 27-104-1 et seq., Mississippi Code of 1972.

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

SECTION 8. It is the intention of the Legislature that the Mississippi Development Authority 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 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 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 2012 budget request process.

SECTION 9. Of the funds appropriated in Sections 1 and 2, the amount of Six Million Four Hundred Sixty-two Thousand Dollars ($6,462,000.00), or so much thereof as may be necessary, is provided for the purpose of supporting Mississippi Tourism Advertising and Promotion for Fiscal Year 2012, and shall not be expended for any type of cultural exchange program. The expenditure of funds authorized in this section shall be exempt from Section 25-9-120, Mississippi Code of 1972.

SECTION 10. Of the funds appropriated in Sections 1 and 2, the amount of One Million Five Hundred Sixty-seven Thousand Dollars ($1,567,000.00), or so much thereof as may be necessary, is provided for the purpose of supporting, marketing, and facilitating Mississippi business growth. The expenditure of

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

SECTION 11. It is the intention of the Legislature, that the Mississippi Development Authority may fund a portion of a feasibility study for a rail system for the Port of Gulfport. It is the intent of the Legislature, that the Mississippi Department of Transportation may provide a grant or other funds for part or all of this feasibility study.

SECTION 12. It is the intention of the Legislature that none of the funds appropriated above shall be expended unless members of the Mississippi House of Representatives and Mississippi Senate are notified at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement or ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature."

SECTION 13. 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 14. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

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

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

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

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

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

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

SECTION 15. The Mississippi Development Authority shall provide a quarterly update on all Disaster Recovery Programs funded through the Community Development Block Grant funds to the Chairmen of the House and Senate Appropriations and all members of the Legislature who represent the coastal Counties of Harrison, Hancock, Jackson, Pearl River, George, and Stone. The Authority shall provide summary information on each program that will include up-to-date timelines for the programs and allocations of the funds.

SECTION 16. It is the intention of the Legislature that the Mississippi Development Authority shall submit a notification of any escalation of Community Development Block Grant funds received for Hurricane Katrina disaster recovery to the Chairman of Appropriations in the House and Senate and the Legislative Budget Office.

SECTION 17. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 18. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars ($20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 19. 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 20. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE SENATE
April 4, 2011

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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