SENATE BILL NO. 3107
(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE,
AND GRAIN DIVISION FOR THE FISCAL YEAR 2002.

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

SECTION 1. The following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money in the State
General Fund not otherwise appropriated, for the purpose of
defraying the expenses of the State Department of Agriculture and
Commerce Support and Grain Division for the fiscal year beginning
July 1, 2001, and ending June 30, 2002........ $ 7,187,470.00.

SECTION 2. The following sum, or so much thereof as may be
necessary, is hereby authorized for expenditure out of any special
source funds, which are collected by or otherwise become available
for the purpose of defraying the expenses of the State Department
of Agriculture and Commerce, for the fiscal year beginning
July 1, 2001, and ending June 30, 2002.........................
................................. $ 2,154,104.00.

The funds authorized for expenditure under the provisions of
this section include subscription fees produced from the Market
Bulletin and admission fees produced from the Mississippi
Agriculture and Forestry Museum.

SECTION 3. Of the funds appropriated under the provisions of
Sections 1 and 2, not more than the amounts set forth below shall
be expended for the respective major objects or purposes of
expenditure:

SUPPORT

MAJOR OBJECTS OF EXPENDITURE:
28 Personal Services:

29 Salaries, Wages and Fringe Benefits... $ 6,587,867.00
30 Travel and Subsistence.............. 54,855.00
31 Contractual Services................ 851,626.00
32 Commodities.......................... 270,878.00
33 Capital Outlay:

34 Other Than Equipment................. 0.00
35 Equipment............................. 954,983.00
36 Subsidies, Loans and Grants........... 238,690.00
37 Total................................ $ 8,958,899.00

38 FUNDING:

39 General Funds.......................... $ 6,804,795.00
40 Special Funds........................... 2,154,104.00
41 Total................................ $ 8,958,899.00

42 AUTHORIZED POSITIONS:

43 Permanent: Full Time............. 167
44 Part Time.............. 5
45 Time-Limited: Full Time......... 4
46 Part Time........... 0

47 GRAIN DIVISION:

48 MAJOR OBJECTS OF EXPENDITURE:

49 Personal Services:

50 Salaries, Wages and Fringe Benefits... $ 325,247.00
51 Travel and Subsistence.............. 6,000.00
52 Contractual Services................ 32,913.00
53 Commodities.......................... 14,065.00
54 Capital Outlay:

55 Other Than Equipment................. 0.00
56 Equipment............................. 4,200.00
57 Subsidies, Loans and Grants........... 250.00
58 Total................................ $ 382,675.00

59 FUNDING:

60 General Funds.......................... $ 382,675.00
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 2003 do not exceed Fiscal Year 2002 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2003 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 insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2002 appropriation for "Personal Services" when annualized. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2002 "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.

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. The funds appropriated and authorized to be
expended under the provisions of this act shall be expended for
the purpose of defraying all expenses incurred by the State
Department of Agriculture and Commerce in the operation of all
programs and activities (except operation of the State Lime Plants
and the Division of Plant Industry, Veterinary Laboratory, Pink
Bollworm-Plant Quarantine Inspection Stations and Fire Ant
Program) authorized to be conducted and carried on by said
department; including, but not limited to: the administration of
the Feed, Fertilizer and Dairy Act; the Weights and Measure Act;
the Meat Inspection Act of 1968; the Mississippi Pure Seed Law;
and the following additional programs and activities: enforcement
of the egg law; publication and distribution of the Mississippi
Market Bulletin, agricultural statistics, market news service at
Stoneville, Mississippi; operation of the grain laboratory;
inspection, grading and certifying of fruits, vegetables, hay,
grain, meat and meat products, milk and dairy products, pecans,
seed, syrup, and port grain inspection.

SECTION 5. The Mississippi Department of Agriculture and
Commerce shall from time to time adjust the schedule of fees
collected under the grain inspection program so that the revenue
therefrom equals or exceeds the operational costs of the grain
inspection program and the expenses incurred in complying with the
requirements of the United States Grain Standards Act, P.L.
94-583.

SECTION 6. The Mississippi Department of Agriculture and
Commerce, with the assistance of the State Department of Audit and
the Department of Finance and Administration, shall establish non-
budgeted enterprise funds for all "for profit" activities related
to the Mississippi Agriculture and Forestry Museum. The funds
shall be maintained in accordance with generally accepted
accounting principles and regulations prescribed by the Department of Finance and Administration.

SECTION 7. It is the intention of the Legislature that any regulations promulgated by the State Department of Agriculture and Commerce concerning the labeling of liming materials include the actual analysis of said lime. Nothing in the regulations shall prevent any manufacturer from selling his products to any consumer as long as the labeling is accurate.

SECTION 8. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Department of Agriculture and Commerce for the support of the Beaver Control Program for the fiscal year beginning July 1, 2001, and ending June 30, 2002. $ 500,000.00.

SECTION 9. 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 Beaver Control Program, to the Department of Agriculture and Commerce for the support of the Beaver Control Program for the fiscal year beginning July 1, 2001, and ending June 30, 2002. $ 368,000.00.

The special funds authorized in this Section for the Beaver Control Program are to be derived from counties and from fees charged private persons/organizations.

SECTION 10. It is the intention of the Legislature that the State Department of Agriculture and Commerce is hereby authorized to accept, budget and expend funds from any source in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 11. It is the intention of the Legislature that the Commissioner of Agriculture and Commerce may authorize transfers between the divisions of Support, Grain, and Plant Industry, both funds and positions not to exceed fifteen percent (15%) of the
authorized budgets in the aggregate, and may authorize increases
in major objects of expenditure in total amounts not to exceed
twenty-five percent (25%) of the appropriated amount of each major
object of expenditure, provided that other major objects of
expenditure are decreased by a corresponding dollar amount. The
Commissioner of Agriculture and Commerce shall submit written
justification for any transfers authorized in this section to the
Legislative Budget Office and the Department of Finance and
Administration on or before the fifteenth of the month prior to
the effective date of the transfer. It is further the intention
of the Legislature that no transfers may be made which increase
the Salaries, Wages and Fringe Benefits major object of
expenditure.

SECTION 12. It is the intention of the Legislature that the
Commissioner of Agriculture and Commerce is hereby authorized,
upon passage of Senate Bill No. 2769, Regular Session of 2001, to
transfer not more than One Hundred Fifty Thousand Dollars
($150,000.00) from State Treasury Fund No. 3409 to the State
Department of Agriculture and Commerce Support Budget and to
expend said funds as authorized in Section 10 of this act.

SECTION 13. 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 14. This act shall take effect and be in force from
and after July 1, 2001.