

By: Senator(s) Gordon, Thames, Stogner,  
Burton, Carlton, Hamilton, Posey, Williamson

To: Appropriations

SENATE BILL NO. 3107  
(As Sent to Governor)

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

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

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

11 SECTION 2. The following sum, or so much thereof as may be  
12 necessary, is hereby authorized for expenditure out of any special  
13 source funds, which are collected by or otherwise become available  
14 for the purpose of defraying the expenses of the State Department  
15 of Agriculture and Commerce, for the fiscal year beginning  
16 July 1, 2001, and ending June 30, 2002.....  
17 ..... \$ 2,154,104.00.

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

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

26 SUPPORT

27 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.....		<u>238,690.00</u>
37	Total.....	\$	8,958,899.00
38	FUNDING:		
39	General Funds.....	\$	6,804,795.00
40	Special Funds.....		<u>2,154,104.00</u>
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.....		<u>250.00</u>
58	Total.....	\$	382,675.00
59	FUNDING:		
60	General Funds.....	\$	382,675.00

61 Special Funds..... 0.00  
62 Total..... \$ 382,675.00

63 AUTHORIZED POSITIONS:

64 Permanent: Full Time..... 9  
65 Part Time..... 1  
66 Time-Limited: Full Time..... 0  
67 Part Time..... 0

68 With the funds herein appropriated, it is the intention of  
69 the Legislature that it shall be the agency's responsibility to  
70 make certain that funds required to be appropriated for "Personal  
71 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002  
72 funds appropriated for that purpose, unless programs or positions  
73 are added to the agency's Fiscal Year 2003 budget by the  
74 Mississippi Legislature. Based on data provided by the  
75 Legislative Budget Office, the State Personnel Board shall  
76 determine and publish the projected annual cost to fully fund all  
77 appropriated positions in compliance with the provisions of this  
78 act. It shall be the responsibility of the agency head to insure  
79 that no single personnel action increases this projected annual  
80 cost and/or the Fiscal Year 2002 appropriation for "Personal  
81 Services" when annualized. If, at the end of any calendar month,  
82 the State Personnel Board determines that the agency has taken  
83 action(s) which would cause the agency to exceed this projected  
84 annual cost or the Fiscal Year 2002 "Personal Services"  
85 appropriated level, when annualized, then only those actions which  
86 reduce the projected annual cost and/or the appropriation  
87 requirement will be processed by the State Personnel Board until  
88 such time as the requirements of this provision are met.

89 Any transfers or escalations shall be made in accordance with  
90 the terms, conditions, and procedures established by law.

91 No general funds authorized to be expended herein shall be  
92 used to replace federal funds and/or other special funds which are

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

95 SECTION 4. The funds appropriated and authorized to be  
96 expended under the provisions of this act shall be expended for  
97 the purpose of defraying all expenses incurred by the State  
98 Department of Agriculture and Commerce in the operation of all  
99 programs and activities (except operation of the State Lime Plants  
100 and the Division of Plant Industry, Veterinary Laboratory, Pink  
101 Bollworm-Plant Quarantine Inspection Stations and Fire Ant  
102 Program) authorized to be conducted and carried on by said  
103 department; including, but not limited to: the administration of  
104 the Feed, Fertilizer and Dairy Act; the Weights and Measure Act;  
105 the Meat Inspection Act of 1968; the Mississippi Pure Seed Law;  
106 and the following additional programs and activities: enforcement  
107 of the egg law; publication and distribution of the Mississippi  
108 Market Bulletin, agricultural statistics, market news service at  
109 Stoneville, Mississippi; operation of the grain laboratory;  
110 inspection, grading and certifying of fruits, vegetables, hay,  
111 grain, meat and meat products, milk and dairy products, pecans,  
112 seed, syrup, and port grain inspection.

113 SECTION 5. The Mississippi Department of Agriculture and  
114 Commerce shall from time to time adjust the schedule of fees  
115 collected under the grain inspection program so that the revenue  
116 therefrom equals or exceeds the operational costs of the grain  
117 inspection program and the expenses incurred in complying with the  
118 requirements of the United States Grain Standards Act, P.L.  
119 94-583.

120 SECTION 6. The Mississippi Department of Agriculture and  
121 Commerce, with the assistance of the State Department of Audit and  
122 the Department of Finance and Administration, shall establish non-  
123 budgeted enterprise funds for all "for profit" activities related  
124 to the Mississippi Agriculture and Forestry Museum. The funds  
125 shall be maintained in accordance with generally accepted

126 accounting principles and regulations prescribed by the Department  
127 of Finance and Administration.

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

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

140 SECTION 9. The following sum, or so much thereof as may be  
141 necessary, is hereby appropriated out of any money in the State  
142 Treasury to the credit of the Beaver Control Program, to the  
143 Department of Agriculture and Commerce for the support of the  
144 Beaver Control Program for the fiscal year beginning July 1, 2001,  
145 and ending June 30, 2002..... \$ 368,000.00.

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

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

155 SECTION 11. It is the intention of the Legislature that the  
156 Commissioner of Agriculture and Commerce may authorize transfers  
157 between the divisions of Support, Grain, and Plant Industry, both  
158 funds and positions not to exceed fifteen percent (15%) of the

159 authorized budgets in the aggregate, and may authorize increases  
160 in major objects of expenditure in total amounts not to exceed  
161 twenty-five percent (25%) of the appropriated amount of each major  
162 object of expenditure, provided that other major objects of  
163 expenditure are decreased by a corresponding dollar amount. The  
164 Commissioner of Agriculture and Commerce shall submit written  
165 justification for any transfers authorized in this section to the  
166 Legislative Budget Office and the Department of Finance and  
167 Administration on or before the fifteenth of the month prior to  
168 the effective date of the transfer. It is further the intention  
169 of the Legislature that no transfers may be made which increase  
170 the Salaries, Wages and Fringe Benefits major object of  
171 expenditure.

172 SECTION 12. It is the intention of the Legislature that the  
173 Commissioner of Agriculture and Commerce is hereby authorized,  
174 upon passage of Senate Bill No. 2769, Regular Session of 2001, to  
175 transfer not more than One Hundred Fifty Thousand Dollars  
176 (\$150,000.00) from State Treasury Fund No. 3409 to the State  
177 Department of Agriculture and Commerce Support Budget and to  
178 expend said funds as authorized in Section 10 of this act.

179 SECTION 13. The money herein appropriated shall be paid by  
180 the State Treasurer out of any money in the State Treasury to the  
181 credit of the proper fund or funds as set forth in this act, upon  
182 warrants issued by the State Fiscal Officer; and the State Fiscal  
183 Officer shall issue his warrants upon requisitions signed by the  
184 proper person, officer or officers in the manner provided by law.

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