

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

To: Appropriations

SENATE BILL NO. 3147

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 2003.

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, 2002, and ending June 30, 2003..... \$ 6,446,560.00.

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, 2002, and ending June 30, 2003.....
17 \$ 2,975,600.00.

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..	\$	6,615,556.00
30	Travel and Subsistence.....		79,855.00
31	Contractual Services.....		899,584.00
32	Commodities.....		251,900.00
33	Capital Outlay:		
34	Other Than Equipment.....		0.00
35	Equipment.....		1,018,359.00
36	Subsidies, Loans and Grants.....		<u>227,883.00</u>
37	Total.....	\$	9,093,137.00

38 FUNDING:

39	General Funds.....	\$	6,117,537.00
40	Special Funds.....		<u>2,975,600.00</u>
41	Total.....	\$	9,093,137.00

42 AUTHORIZED POSITIONS:

43	Permanent:		
	Full Time.....		158
44	Part Time.....		4
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..	\$	277,295.00
51	Travel and Subsistence.....		4,500.00
52	Contractual Services.....		32,913.00
53	Commodities.....		14,065.00
54	Capital Outlay:		
55	Other Than Equipment.....		0.00
56	Equipment.....		0.00
57	Subsidies, Loans and Grants.....		<u>250.00</u>
58	Total.....	\$	329,023.00

59 FUNDING:

60	General Funds.....	\$	329,023.00
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61	Special Funds.....		0.00
62	Total.....	\$	329,023.00

63 AUTHORIZED POSITIONS:

64	Permanent:	Full Time.....	8
65		Part Time.....	0
66	Time-Limited:	Full Time.....	0
67		Part Time.....	0

68 Funds are provided herein to adjust the Variable Compensation
69 Plan to ensure that all full-time employees receive a pay increase
70 equal to fifty percent (50%) of the realignment component of the
71 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
72 whichever is greater, beginning on January 1, 2003.

73 With the funds herein appropriated, it is the intention of
74 the Legislature that it shall be the agency's responsibility to
75 make certain that funds required to be appropriated for "Personal
76 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
77 funds appropriated for that purpose, unless programs, positions or
78 pay increases are added to the agency's budget by the Mississippi
79 Legislature. Based on data provided by the Legislative Budget
80 Office, the State Personnel Board shall, on July 1, 2002, publish
81 separate annual projection reports, based on July 1, 2002 data,
82 for the period of July 1, 2002 through December 31, 2002, and
83 January 1, 2003 through June 30, 2003, that project the annual
84 cost to fully fund all appropriated positions in compliance with
85 the provisions of this act. It shall be the responsibility of the
86 agency head to ensure that no single personnel action increases
87 this projected cost and/or the Fiscal Year 2003 appropriation for
88 "Personal Services," as annualized on a semi-annual basis in
89 accordance with the provisions of this act. If, at the end of any
90 calendar month, the State Personnel Board determines that the
91 agency has taken action(s) which would cause the agency to exceed
92 this projected annual cost or the Fiscal Year 2003 "Personal
93 Services" appropriated level, when annualized in compliance with



94 the provisions of this act, then only those actions which reduce
95 the projected annual cost and/or the appropriation requirement
96 will be processed by the State Personnel Board until such time as
97 the requirements of this provision are met.

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

100 No general funds authorized to be expended herein shall be
101 used to replace federal funds and/or other special funds which are
102 being used for salaries authorized under the provisions of this
103 act and which are withdrawn and no longer available.

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

122 **SECTION 5.** The Mississippi Department of Agriculture and
123 Commerce shall from time to time adjust the schedule of fees
124 collected under the grain inspection program so that the revenue
125 therefrom equals or exceeds the operational costs of the grain
126 inspection program and the expenses incurred in complying with the



127 requirements of the United States Grain Standards Act, P.L.
128 94-583.

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

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

143 **SECTION 8.** It is the intention of the Legislature that the
144 State Department of Agriculture and Commerce is hereby authorized
145 to accept, budget and expend funds from any source in accordance
146 with rules and regulations of the Department of Finance and
147 Administration in a manner consistent with the escalation of
148 federal funds.

149 **SECTION 9.** It is the intention of the Legislature that the
150 Commissioner of Agriculture and Commerce may authorize transfers
151 between the divisions of Support, Grain, and Plant Industry, both
152 funds and positions not to exceed fifteen percent (15%) of the
153 authorized budgets in the aggregate, and may authorize increases
154 in major objects of expenditure in total amounts not to exceed
155 twenty-five percent (25%) of the appropriated amount of each major
156 object of expenditure, provided that other major objects of
157 expenditure are decreased by a corresponding dollar amount. The
158 Commissioner of Agriculture and Commerce shall submit written
159 justification for any transfers authorized in this section to the



160 Legislative Budget Office and the Department of Finance and
161 Administration on or before the fifteenth of the month prior to
162 the effective date of the transfer. It is further the intention
163 of the Legislature that no transfers may be made which increase
164 the Salaries, Wages and Fringe Benefits major object of
165 expenditure.

166 **SECTION 10.** The money herein appropriated shall be paid by
167 the State Treasurer out of any money in the State Treasury to the
168 credit of the proper fund or funds as set forth in this act, upon
169 warrants issued by the State Fiscal Officer; and the State Fiscal
170 Officer shall issue his warrants upon requisitions signed by the
171 proper person, officer or officers in the manner provided by law.

172 **SECTION 11.** This act shall take effect and be in force from
173 and after July 1, 2002.

