To: Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

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

To: Appropriations

SENATE BILL NO. 2941
(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE,

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, including the Divisions of Support and Plant Industry,
for the fiscal year beginning July 1, 2003, and ending
June 30, 2004................................. $ 7,442,485.00.

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, including the Divisions of Support
and Plant Industry, for the fiscal year beginning July 1, 2003,
and ending June 30, 2004...................... $ 5,208,581.00.

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:

MAJOR OBJECTS OF EXPENDITURE:
Personal Services:

Salaries, Wages and Fringe Benefits... $ 8,924,161.00
Travel and Subsistence............... 144,452.00
Contractual Services......................... 1,445,500.00
Commodities................................. 406,816.00

Capital Outlay:

Other Than Equipment....................... 0.00
Equipment................................... 1,273,035.00
Subsidies, Loans and Grants............... 457,102.00

Total.................................. $ 12,651,066.00

FUNDING:

General Funds.............................. $ 7,442,485.00
Special Funds.............................. 5,208,581.00

Total.................................. $ 12,651,066.00

AUTHORIZED POSITIONS:

Permanent: Full Time............ 207
Part Time............ 5
Time-Limited: Full Time........... 18
Part Time............ 0

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 2005 do not exceed Fiscal Year 2004
funds appropriated for that purpose, unless programs or positions
are added to the agency's Fiscal Year 2005 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 2004 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 2004 "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, 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; and
inspection, grading and certifying of fruits, vegetables, hay,
grain, meat and meat products, milk and dairy products, pecans,
seed and syrup.

SECTION 5. 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
nonbudgeted 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 6. 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 7. 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 8. 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 or from any other special source funds made available to 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, 2003, and ending June 30, 2004.................

.............................................. $ 718,000.00.

Of the special funds authorized in this Section, Two Hundred Fifty Thousand Dollars ($250,000.00) shall be derived from funds received from the Mississippi Department of Transportation, Two Hundred Sixty-eight Thousand Dollars ($268,000.00) shall be derived from counties and from fees charged private persons/organizations, and Two Hundred Thousand Dollars ($200,000.00) shall be derived from the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972.
SECTION 9. Of the funds appropriated under the provisions of this act, Ninety-nine Thousand Eight Hundred Eighty-five Dollars ($99,885.00) may be used to reallocate or reclassify existing positions of this agency.

SECTION 10. Of the funds appropriated in Section 2, One Hundred Thousand Dollars ($100,000.00) may be transferred from the Mississippi Department of Agriculture and Commerce to the Farmers Central Market to defray the cost of operations at the Farmers Central Market.

SECTION 11. Of the funds provided by the provisions of this act, it is the intent of the Legislature that not more than Thirty Thousand Dollars ($30,000.00) shall be expended for the Mississippi Senior Farmers’ Market Nutrition Pilot Program, which shall be established by the State Department of Agriculture and Commerce to serve senior citizens above sixty (60) years of age who fall within one hundred thirty percent (130%) of the poverty level. The Commissioner of Agriculture may promulgate rules and regulations necessary to implement the Mississippi Senior Farmers’ Market Nutrition Pilot Program.

SECTION 12. 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 13. This act shall take effect and be in force from and after July 1, 2003.