

By: Senator(s) Gordon, Little, Jackson
(32nd), Harden, Hyde-Smith, Posey, Walls

To: Appropriations

SENATE BILL NO. 3129

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 2005.

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, including the Divisions of Support and Plant Industry,
10 for the fiscal year beginning July 1, 2004, and ending
11 June 30, 2005..... \$ 7,441,527.00.

12 **SECTION 2.** The following sum, or so much thereof as may be
13 necessary, is hereby authorized for expenditure out of any special
14 source funds, which are collected by or otherwise become available
15 for the purpose of defraying the expenses of the State Department
16 of Agriculture and Commerce, including the Divisions of Support
17 and Plant Industry, for the fiscal year beginning July 1, 2004,
18 and ending June 30, 2005..... \$ 4,969,753.00.

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

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

27 MAJOR OBJECTS OF EXPENDITURE:

28	Personal Services:		
29	Salaries, Wages and Fringe Benefits..	\$	8,656,197.00
30	Travel and Subsistence.....		145,952.00
31	Contractual Services.....		1,445,500.00
32	Commodities.....		406,816.00
33	Capital Outlay:		
34	Other Than Equipment.....		0.00
35	Equipment.....		1,285,125.00
36	Subsidies, Loans and Grants.....		<u>471,690.00</u>
37	Total.....	\$	12,411,280.00
38	FUNDING:		
39	General Funds.....	\$	7,441,527.00
40	Special Funds.....		<u>4,969,753.00</u>
41	Total.....	\$	12,411,280.00

42 AUTHORIZED POSITIONS:

43	Permanent:	Full Time.....	191
44		Part Time.....	2
45	Time-Limited:	Full Time.....	19
46		Part Time.....	0

47 With the funds herein appropriated, it is the intention of
48 the Legislature that it shall be the agency's responsibility to
49 make certain that funds required to be appropriated for "Personal
50 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
51 funds appropriated for that purpose, unless programs or positions
52 are added to the agency's Fiscal Year 2006 budget by the
53 Mississippi Legislature. Based on data provided by the
54 Legislative Budget Office, the State Personnel Board shall
55 determine and publish the projected annual cost to fully fund all
56 appropriated positions in compliance with the provisions of this
57 act. It shall be the responsibility of the agency head to insure
58 that no single personnel action increases this projected annual
59 cost and/or the Fiscal Year 2005 appropriation for "Personal
60 Services" when annualized, with the exception of escalated funds.

61 If, at the time the agency takes any action to change "Personal
62 Services," the State Personnel Board determines that the agency
63 has taken an action which would cause the agency to exceed this
64 projected annual cost or the Fiscal Year 2005 "Personal Services"
65 appropriated level, when annualized, then only those actions which
66 reduce the projected annual cost and/or the appropriation
67 requirement will be processed by the State Personnel Board until
68 such time as the requirements of this provision are met.

69 Any transfers or escalations shall be made in accordance with
70 the terms, conditions and procedures established by law or
71 allowable under the terms set forth within this act. The State
72 Personnel Board shall not escalate positions without written
73 approval from the Department of Finance and Administration. The
74 Department of Finance and Administration shall not provide written
75 approval to escalate any funds for salaries and/or positions
76 without proof of availability of new or additional funds above the
77 appropriated level.

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

82 **SECTION 4.** The funds appropriated and authorized to be
83 expended under the provisions of this act shall be expended for
84 the purpose of defraying all expenses incurred by the State
85 Department of Agriculture and Commerce in the operation of all
86 programs and activities (except operation of the State Lime
87 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
88 Inspection Stations and Fire Ant Program) authorized to be
89 conducted and carried on by said department; including, but not
90 limited to: the administration of the Feed, Fertilizer and Dairy
91 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
92 the Mississippi Pure Seed Law; and the following additional
93 programs and activities: enforcement of the egg law; publication

94 and distribution of the Mississippi Market Bulletin, agricultural
95 statistics, market news service at Stoneville, Mississippi; and
96 inspection, grading and certifying of fruits, vegetables, hay,
97 grain, meat and meat products, milk and dairy products, pecans,
98 seed and syrup.

99 **SECTION 5.** The Mississippi Department of Agriculture and
100 Commerce, with the assistance of the State Department of Audit and
101 the Department of Finance and Administration, shall establish
102 nonbudgeted enterprise funds for all "for profit" activities
103 related to the Mississippi Agriculture and Forestry Museum. The
104 funds shall be maintained in accordance with generally accepted
105 accounting principles and regulations prescribed by the Department
106 of Finance and Administration.

107 **SECTION 6.** It is the intention of the Legislature that any
108 regulations promulgated by the State Department of Agriculture and
109 Commerce concerning the labeling of liming materials include the
110 actual analysis of said lime. Nothing in the regulations shall
111 prevent any manufacturer from selling his products to any consumer
112 as long as the labeling is accurate.

113 **SECTION 7.** It is the intention of the Legislature that the
114 State Department of Agriculture and Commerce is hereby authorized
115 to accept, budget and expend funds from any source in accordance
116 with rules and regulations of the Department of Finance and
117 Administration in a manner consistent with the escalation of
118 federal funds.

119 **SECTION 8.** The following sum, or so much thereof as may be
120 necessary, is hereby appropriated out of any money in the State
121 Treasury to the credit of the Beaver Control Program or from any
122 other special source funds made available to the Beaver Control
123 Program, to the Department of Agriculture and Commerce for the
124 support of the Beaver Control Program for the fiscal year
125 beginning July 1, 2004, and ending June 30, 2005.....
126 \$ 518,000.00.

127 Of the special funds authorized in this Section, Two Hundred
128 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
129 received from the Mississippi Department of Transportation, Two
130 Hundred Sixty-eight Thousand Dollars (\$268,000.00) shall be
131 derived from counties and from fees charged private
132 persons/organizations.

133 **SECTION 9.** Of the funds provided by the provisions of this
134 act, it is the intent of the Legislature that not more than Thirty
135 Thousand Dollars (\$30,000.00) shall be expended for the
136 Mississippi Senior Farmers' Market Nutrition Pilot Program, which
137 shall be established by the State Department of Agriculture and
138 Commerce to serve senior citizens above sixty (60) years of age
139 who fall within one hundred thirty percent (130%) of the poverty
140 level. The Commissioner of Agriculture may promulgate rules and
141 regulations necessary to implement the Mississippi Senior Farmers'
142 Market Nutrition Pilot Program.

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

149 **SECTION 11.** This act shall take effect and be in force from
150 and after July 1, 2004.