

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.