

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

SENATE BILL NO. 2039

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE,
3 FOR THE FISCAL YEAR 2006.

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, Plant Industry and
10 Farmers Central Market, for the fiscal year beginning
11 July 1, 2005, and ending June 30, 2006..... \$ 7,271,375.00.

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 and Farmers Central Market, for the fiscal year
18 beginning July 1, 2005, and ending June 30, 2006.....
19 ..... \$ 5,614,530.00.

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

24 SECTION 3. With the funds appropriated under the provisions
25 of Sections 1 and 2, the following positions are authorized:

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 220

28	Part Time.....	2
29	Time-Limited: Full Time.....	18
30	Part Time.....	0

31 With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2007 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2006 appropriation for "Personal  
44 Services" when annualized, with the exception of escalated funds.  
45 If, at the time the agency takes any action to change "Personal  
46 Services," the State Personnel Board determines that the agency  
47 has taken an action which would cause the agency to exceed this  
48 projected annual cost or the Fiscal Year 2006 "Personal Services"  
49 appropriated level, when annualized, then only those actions which  
50 reduce the projected annual cost and/or the appropriation  
51 requirement will be processed by the State Personnel Board until  
52 such time as the requirements of this provision are met.

53 Any transfers or escalations shall be made in accordance with  
54 the terms, conditions and procedures established by law or  
55 allowable under the terms set forth within this act. The State  
56 Personnel Board shall not escalate positions without written  
57 approval from the Department of Finance and Administration. The  
58 Department of Finance and Administration shall not provide written  
59 approval to escalate any funds for salaries and/or positions

60 without proof of availability of new or additional funds above the  
61 appropriated level.

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

66 The agency shall not take any action to promote or otherwise  
67 award salary increases through reallocation, reclassification,  
68 realignment, education benchmark, career ladder, or any other  
69 means to increase salaries of employees or positions unless  
70 specifically exempted by the following conditions: the award of  
71 teacher pay increases, the advancement of a trainee/cadet to the  
72 next level of a bona fide career ladder, the award of an  
73 educational benchmark for the attainment of Certified Public  
74 Accountant License or higher level professional certification as  
75 determined by the State Personnel Board, the immediate replacement  
76 of a departing employee with an individual from within state  
77 service or a new hire at a salary level equivalent to that of the  
78 departing employee, and the emergency appointment of nurses,  
79 pharmacists or other health care professionals at a salary to be  
80 determined by the State Personnel Board, unless otherwise  
81 authorized in this act.

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 the  
108 State Department of Agriculture and Commerce is hereby authorized  
109 to accept, budget and expend funds from any source in accordance  
110 with rules and regulations of the Department of Finance and  
111 Administration in a manner consistent with the escalation of  
112 federal funds.

113       **SECTION 7.** The following sum, or so much thereof as may be  
114 necessary, is hereby appropriated out of any money in the State  
115 Treasury to the credit of the Beaver Control Program or from any  
116 other special source funds made available to the Beaver Control  
117 Program, to the Department of Agriculture and Commerce for the  
118 support of the Beaver Control Program for the fiscal year  
119 beginning July 1, 2005, and ending June 30, 2006.....  
120 ..... \$           700,000.00.

121       Of the special funds authorized in this section, Two Hundred  
122 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds  
123 received from the Mississippi Department of Transportation and Two  
124 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from  
125 counties and from fees charged private persons/organizations, and

126 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from  
127 funds received from the State Forestry Commission.

128       **SECTION 8.** Upon the passage of Senate Bill 2681, 2005  
129 Regular Session, the following sum, or so much thereof as may be  
130 necessary, is hereby appropriated from special source funds for  
131 the upgrade and operation of the State Seed Testing Laboratory for  
132 the fiscal year beginning July 1, 2005, and ending  
133 June 30, 2006..... \$           140,000.00

134       The special funds appropriated in this section shall be  
135 expended in accordance with rules and regulations of the  
136 Department of Finance and Administration in a manner consistent  
137 with the escalation of federal funds for the purpose of defraying  
138 costs of up to three (3) permanent positions and associated  
139 expenses of operating the State Seed Testing Laboratory.

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

150       **SECTION 10.** Of the funds appropriated herein, not more than  
151 Five Hundred Thousand Dollars (\$500,000.00) is provided, for the  
152 purpose of making incentive payments to producers of ethanol  
153 utilizing Mississippi-produced agriculture commodities under the  
154 provisions of Section 69-51-5, Mississippi Code of 1972.

155       **SECTION 11.** Of the funds appropriated under the provisions  
156 of Section 2, Three Hundred Thousand Dollars (\$300,000.00) shall  
157 be derived from the Budget Contingency Fund created in Section  
158 27-103-301, Mississippi Code of 1972, for the purpose of defraying

159 the expenses of the operation of the State Department of  
160 Agriculture.

161       **SECTION 12.** The money herein appropriated shall be paid by  
162 the State Treasurer out of any money in the State Treasury to the  
163 credit of the proper fund or funds as set forth in this act, upon  
164 warrants issued by the State Fiscal Officer; and the State Fiscal  
165 Officer shall issue his warrants upon requisitions signed by the  
166 proper person, officer or officers in the manner provided by law.

167       **SECTION 13.** This act shall take effect and be in force from  
168 and after July 1, 2005.