

By: Senator(s) Ross

To: Finance

SENATE BILL NO. 2164

1 AN ACT TO CREATE THE MISSISSIPPI AGRICULTURAL DEVELOPMENT
 2 ADVISORY COUNCIL AND PRESCRIBE ITS MEMBERSHIP, POWERS AND DUTIES;
 3 TO AMEND SECTIONS 69-46-5 AND 69-46-7, MISSISSIPPI CODE OF 1972,
 4 TO TRANSFER THE POWERS AND DUTIES OF THE MISSISSIPPI LAND, WATER
 5 AND TIMBER RESOURCES BOARD TO THE MISSISSIPPI DEVELOPMENT
 6 AUTHORITY; TO REPEAL SECTION 69-46-3, MISSISSIPPI CODE OF 1972,
 7 WHICH CREATES THE MISSISSIPPI LAND, WATER AND TIMBER RESOURCES
 8 BOARD AND PROVIDES FOR ITS PURPOSE, MEMBERSHIP AND MEETINGS; AND
 9 FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) There is created the Mississippi
 12 Agricultural Development Advisory Council, hereinafter referred to
 13 as "the council," for the purpose of providing advice to the
 14 Mississippi Development Authority with regard to the development,
 15 marketing and distribution of agricultural products under this
 16 act.

17 (2) The council shall be composed of the following members:

18 (a) The President of the Mississippi Farm Bureau
 19 Federation, or his designee;

20 (b) The Vice President for Agriculture, Forestry and
 21 Veterinary Medicine at Mississippi State University, or his
 22 designee;

23 (c) The Vice President for Agriculture at Alcorn State
 24 University, or his designee;

25 (d) The Director of the Agricultural Finance Division
 26 of the Mississippi Development Authority, or his designee;

27 (e) The Director of the Agriculture Marketing Division
 28 of the Mississippi Department of Agriculture and Commerce, or his
 29 designee;

30 (f) The Executive Director of the Mississippi Forestry
31 Commission, or his designee; and

32 (g) One (1) individual who is involved in agricultural
33 lending. The appointing authority for this member shall alternate
34 between the Mississippi Banker's Association and the Farm Credit
35 Association with the first appointment being made by the
36 Mississippi Bankers Association. The term of office of the member
37 appointed under this paragraph shall be concurrent with that of
38 the Governor.

39 (3) The council shall elect a chairman and vice chairman
40 from among its membership.

41 (4) The council shall meet at least once each calendar
42 quarter at the call of the chairmen. A majority of the members of
43 the council shall constitute a quorum at all meetings. An
44 affirmative vote of a majority of the members present and voting
45 is required in the adoption of any actions taken by the council.
46 All members must be notified, in writing, of all regular and
47 special meetings of the council, which notices must be mailed at
48 least ten (10) days before the dates of the meetings. All
49 meetings shall take place at the State Capitol in Jackson,
50 Mississippi. The council shall provide a copy of the minutes of
51 each of its meetings to the Chairman of the Senate Agriculture
52 Committee and the Chairman of the House of Representatives
53 Agriculture Committee.

54 (5) Members of the council shall not receive compensation.
55 However, each member may be paid travel expenses, meals and
56 lodging expenses as provided in Section 25-3-41, for such expenses
57 incurred in furtherance of their duties. Travel expenses, meals
58 and lodging expenses and other necessary expenses incurred by the
59 council shall be paid out of funds appropriated to the Mississippi
60 Development Authority.

61 (6) The council shall make nonbinding recommendations to the
62 Mississippi Development Authority regarding the development,

63 marketing and distribution of agricultural products under this
64 act.

65 (7) The council may utilize the services, facilities and
66 personnel of all departments, agencies, offices and institutions
67 of the state, and all such departments, agencies, offices and
68 institutions shall cooperate with the council in carrying out its
69 duties under this act.

70 **SECTION 2.** Section 69-46-5, Mississippi Code of 1972, is
71 amended as follows:

72 69-46-5. (1) The Mississippi Development Authority shall
73 administer the Mississippi Land, Water and Timber Resources Act
74 and in that regard shall have the following powers and duties:

75 (a) To develop marketing plans and opportunities for
76 independent farmers in Mississippi;

77 (b) To encourage the commercialization of new
78 agricultural technology businesses;

79 (c) To initiate the development of processing
80 facilities for Mississippi agricultural commodities;

81 (d) To initiate the development of Mississippi
82 wholesale distribution businesses for agricultural inputs and
83 products;

84 (e) To promote the development of institutional and
85 specialty markets for Mississippi agriculture products;

86 (f) To encourage additional research for new
87 agricultural product development;

88 (g) To develop a working relationship with the state
89 offices of the United States Department of Agriculture as may be
90 appropriate for the promotion and development of agriculture in
91 Mississippi;

92 (h) To promote the rural quality of life in Mississippi
93 through such programs as 4-H, Future Farmers of America and
94 agricultural education;

95 (i) To encourage, promote and initiate the development
96 of alternative energy strategies, applied research technologies
97 and commercialization enterprises that focus on Mississippi
98 natural resources, including, but not limited to, agriculture,
99 timber and poultry products and by-products;

100 (j) To file an annual report with the Governor,
101 Secretary of the Senate and the Clerk of the House of
102 Representatives not later than December 1 of each year, with
103 recommendations for any legislation necessary to accomplish the
104 purposes of the Mississippi Land, Water and Timber Resources Act;

105 (k) To expend funds out of the Mississippi Land, Water
106 and Timber Resources Fund to carry out its powers and duties under
107 the Mississippi Land, Water and Timber Resources Act.

108 (2) The Mississippi Development Authority may promulgate and
109 enforce rules and regulations, in accordance with the Mississippi
110 Administrative Procedures Law, as may be necessary to carry out
111 the provisions of the Mississippi Land, Water and Timber Resources
112 Act.

113 (3) The Mississippi Development Authority may provide funds
114 to public entities and private entities through loans, grants,
115 contracts and any other manner the authority determines
116 appropriate for the purposes of carrying out the provisions of the
117 Mississippi Land, Water and Timber Resources Act.

118 **SECTION 3.** Section 69-46-7, Mississippi Code of 1972, is
119 amended as follows:

120 69-46-7. (1) (a) The Mississippi Development Authority may
121 accept and expend funds appropriated or otherwise made available
122 by the Legislature and funds from any other source in order to
123 carry out the provisions of the Mississippi Land, Water and Timber
124 Resources Act. Such funds shall be deposited into a special fund
125 hereby established in the State Treasury to be known as the
126 "Mississippi Land, Water and Timber Resources Fund." Unexpended
127 amounts derived from bond proceeds or private funds, or both,

128 remaining in the fund at the end of a fiscal year shall not lapse
129 into the State General Fund, and any investment earnings or
130 interest earned on such amounts in the fund shall be deposited to
131 the credit of the fund. All other unexpended amounts remaining in
132 the fund at the end of a fiscal year shall lapse into the State
133 General Fund. The Mississippi Development Authority may provide
134 to the Mississippi Department of Agriculture and Commerce not more
135 than Two Hundred Fifty Thousand Dollars (\$250,000.00), in the
136 aggregate, of monies in the fund that are derived from proceeds of
137 bonds issued under Sections 1 through 16 of Chapter 538, Laws of
138 2001, and/or Sections 1 through 16 of Chapter 542, Laws of 2002,
139 for the purpose of providing additional funds to defray costs
140 incurred by the department in assisting the authority in carrying
141 out the provisions of the Mississippi Land, Water and Timber
142 Resources Act. However, the Mississippi Department of Agriculture
143 and Commerce may not use any portion of such funds for the purpose
144 of hiring any person as an employee as defined in Section
145 25-3-91(c). The Mississippi Department of Agriculture may
146 escalate its budget and expend such funds, when provided by the
147 authority, in accordance with rules and regulations of the
148 Department of Finance and Administration in a manner consistent
149 with the escalation of federal funds. The * * * Mississippi
150 Development Authority may utilize not more than Two Hundred Fifty
151 Thousand Dollars (\$250,000.00), in the aggregate, of monies in the
152 fund that are derived from proceeds of bonds issued under Sections
153 1 through 16 of Chapter 538, Laws of 2001, and/or Sections 1
154 through 16 of Chapter 542, Laws of 2002, for the purpose of
155 providing additional funds to defray costs incurred by the
156 Mississippi Development Authority in * * * carrying out the
157 provisions of the Mississippi Land, Water and Timber Resources
158 Act. However, the Mississippi Development Authority may not use
159 any portion of such funds for the purpose of hiring any person as
160 an employee as defined in Section 25-3-91(c). The Mississippi

161 Development Authority may escalate its budget and expend such
162 funds * * * in accordance with rules and regulations of the
163 Department of Finance and Administration in a manner consistent
164 with the escalation of federal funds.

165 (b) (i) The Mississippi Development Authority may
166 provide to the Mississippi Department of Agriculture and Commerce
167 not more than One Hundred Twenty-five Thousand Dollars
168 (\$125,000.00), in the aggregate, of monies in the fund that are
169 derived from proceeds of bonds issued under Sections 1 through 16
170 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand
171 Dollars (\$125,000.00), in the aggregate, of monies in the fund
172 that are derived from proceeds of bonds issued under Sections 72
173 through 87 of Chapter 1, Laws of 2004 Third Extraordinary Session,
174 for the purpose of providing additional funds to defray costs
175 incurred by the department in assisting the authority in carrying
176 out the provisions of the Mississippi Land, Water and Timber
177 Resources Act. However, the Mississippi Department of Agriculture
178 and Commerce may not use any portion of such funds for the purpose
179 of hiring any person as an employee as defined in Section
180 25-3-91(c). The Mississippi Department of Agriculture and
181 Commerce may escalate its budget and expend such funds, when
182 provided by the authority, in accordance with rules and
183 regulations of the Department of Finance and Administration in a
184 manner consistent with the escalation of federal funds.

185 (ii) The * * * Mississippi Development Authority
186 may utilize not more than One Hundred Twenty-five Thousand Dollars
187 (\$125,000.00), in the aggregate, of monies in the fund that are
188 derived from proceeds of bonds issued under Sections 1 through 16
189 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand
190 Dollars (\$125,000.00), in the aggregate, of monies in the fund
191 that are derived from proceeds of bonds issued under Sections 72
192 through 87 of Chapter 1, Laws of 2004 Third Extraordinary Session,
193 for the purpose of providing additional funds to defray costs

194 incurred by the Mississippi Development Authority in * * *
195 carrying out the provisions of the Mississippi Land, Water and
196 Timber Resources Act. However, the Mississippi Development
197 Authority may not use any portion of such funds for the purpose of
198 hiring any person as an employee as defined in Section 25-3-91(c).
199 The Mississippi Development Authority may escalate its budget and
200 expend such funds * * * in accordance with rules and regulations
201 of the Department of Finance and Administration in a manner
202 consistent with the escalation of federal funds.

203 (iii) The Mississippi Development Authority may
204 provide to the Department of Audit not more than Fifty Thousand
205 Dollars (\$50,000.00), in the aggregate, of monies in the fund that
206 are derived from proceeds of bonds issued under Sections 1 through
207 16 of Chapter 505, Laws of 2003, and Fifty Thousand Dollars
208 (\$50,000.00), in the aggregate, of monies in the fund that are
209 derived from proceeds of bonds issued under Sections 72 through 87
210 of Chapter 1, Laws of 2004 Third Extraordinary Session, for the
211 purpose of providing additional funds to defray costs incurred by
212 the department in assisting the authority in carrying out the
213 provisions of the Mississippi Land, Water and Timber Resources
214 Act. However, the Department of Audit may not use any portion of
215 such funds for the purpose of hiring any person as an employee as
216 defined in Section 25-3-91(c). The Department of Audit may
217 escalate its budget and expend such funds, when provided by the
218 authority, in accordance with rules and regulations of the
219 Department of Finance and Administration in a manner consistent
220 with the escalation of federal funds.

221 * * *

222 (2) In anticipation of the issuance of bonds authorized for
223 the purpose of providing funds for the Mississippi Land, Water and
224 Timber Resources Fund, the State Bond Commission is authorized to
225 negotiate and enter into any purchase, loan, credit or other
226 agreement with any bank, trust company or other lending

227 institution or to issue and sell interim notes for the purpose of
228 carrying out the provisions of the Mississippi Land, Water and
229 Timber Resources Act. All borrowings made under this
230 subsection * * * shall be evidenced by notes of the State of
231 Mississippi, which shall be issued from time to time, for such
232 amounts, in such form and in such denomination and subject to such
233 terms and conditions of sale and issuance, prepayment or
234 redemption and maturity, rate or rates of interest not to exceed
235 the maximum rate authorized for bonds in Section 75-17-101, and
236 time of payment of interest as the State Bond Commission shall
237 agree to in such agreement. Such notes shall constitute general
238 obligations of the State of Mississippi, and shall be backed by
239 the full faith and credit of the state. Such notes may also be
240 issued for the purpose of refunding previously issued notes. No
241 note shall mature more than three (3) years following the date of
242 its issuance. The State Bond Commission is authorized to provide
243 for the compensation of any purchaser of the notes by payment of a
244 fixed fee or commission and for all other costs and expenses of
245 issuance and service, including paying agent costs. Such costs
246 and expenses may be paid from the proceeds of the notes.
247 Borrowings made under the provisions of this subsection * * *
248 shall not exceed the aggregate sum of Five Million Dollars
249 (\$5,000,000.00) outstanding at any one time.

250 **SECTION 4.** Section 69-46-3, Mississippi Code of 1972, which
251 creates the Mississippi Land, Water and Timber Resources Board and
252 provides for its purpose, membership and meetings, is repealed.

253 **SECTION 5.** Section 1 of this act shall be codified in
254 Chapter 46, Title 69, Mississippi Code of 1972.

255 **SECTION 6.** This act shall take effect and be in force from
256 and after July 1, 2006.