

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

To: Appropriations

SENATE BILL NO. 3029

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 2007.

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, 2006, and ending June 30, 2007..... \$ 7,547,542.00.

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, 2006, and ending June 30, 2007.....
19 \$ 5,493,121.00.

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..... 191

28	Part Time.....	2
29	Time-Limited: Full Time.....	17
30	Part Time.....	0

31 Funds are provided herein to adjust the Variable Compensation
32 Plan to ensure that all full-time employees receive a pay increase
33 equal to the realignment component of the Variable Compensation
34 Plan or Twelve Hundred Dollars (\$1,200.00), whichever is greater,
35 beginning on July 1, 2006.

36 Pursuant to policies established by the State Personnel
37 Board, agency heads may, on a case by case basis and within funds
38 available, recommend equity salary adjustments to Fiscal Year 2006
39 agency appropriation acts where application of limitations result
40 in awarding one employee a salary increase greater than another
41 employee within the same agency, with the same job classification
42 series and greater longevity.

43 With the funds herein appropriated, it is the intention of
44 the Legislature that it shall be the agency's responsibility to
45 make certain that funds required to be appropriated for "Personal
46 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2008 budget by the
49 Mississippi Legislature. Based on data provided by the
50 Legislative Budget Office, the State Personnel Board shall
51 determine and publish the projected annual cost to fully fund all
52 appropriated positions in compliance with the provisions of this
53 act. It shall be the responsibility of the agency head to insure
54 that no single personnel action increases this projected annual
55 cost and/or the Fiscal Year 2007 appropriation for "Personal
56 Services" when annualized, with the exception of escalated funds.
57 If, at the time the agency takes any action to change "Personal
58 Services," the State Personnel Board determines that the agency
59 has taken an action which would cause the agency to exceed this
60 projected annual cost or the Fiscal Year 2007 "Personal Services"

61 appropriated level, when annualized, then only those actions which
62 reduce the projected annual cost and/or the appropriation
63 requirement will be processed by the State Personnel Board until
64 such time as the requirements of this provision are met.

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

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

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

93 grain, meat and meat products, milk and dairy products, pecans,
94 seed and syrup.

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

103 **SECTION 6.** It is the intention of the Legislature that the
104 State Department of Agriculture and Commerce is hereby authorized
105 to accept, budget and expend funds from any source in accordance
106 with rules and regulations of the Department of Finance and
107 Administration in a manner consistent with the escalation of
108 federal funds.

109 **SECTION 7.** The following sum, or so much thereof as may be
110 necessary, is hereby appropriated out of any money in the State
111 Treasury to the credit of the Beaver Control Program or from any
112 other special source funds made available to the Beaver Control
113 Program, to the Department of Agriculture and Commerce for the
114 support of the Beaver Control Program for the fiscal year
115 beginning July 1, 2006, and ending June 30, 2007.....
116 \$ 700,000.00.

117 Of the special funds authorized in this section, Two Hundred
118 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
119 received from the Mississippi Department of Transportation and Two
120 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from
121 counties and from fees charged private persons/organizations, and
122 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from
123 funds received from the State Forestry Commission.

124 **SECTION 8.** The following sum, or so much thereof as may be
125 necessary, is hereby appropriated from special source funds for

126 the upgrade and operation of the State Seed Testing Laboratory for
127 the fiscal year beginning July 1, 2006, and ending
128 June 30, 2007..... \$ 140,000.00

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

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

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

150 **SECTION 11.** The money herein appropriated shall be paid by
151 the State Treasurer out of any money in the State Treasury to the
152 credit of the proper fund or funds as set forth in this act, upon
153 warrants issued by the State Fiscal Officer; and the State Fiscal
154 Officer shall issue his warrants upon requisitions signed by the
155 proper person, officer or officers in the manner provided by law.

156 **SECTION 12.** This act shall take effect and be in force from
157 and after July 1, 2006.