

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

To: Appropriations

SENATE BILL NO. 3029
(As Sent to Governor)

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..... \$ 7,840,401.00.

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 \$ 5,763,585.00.

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.....	19
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 Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
35 with not more than one-half (1/2) to be awarded on July 1, 2006,
36 with the remainder to be awarded on January 1, 2007.

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

59 Any transfers or escalations shall be made in accordance with
60 the terms, conditions and procedures established by law or

61 allowable under the terms set forth within this act. The State
62 Personnel Board shall not escalate positions without written
63 approval from the Department of Finance and Administration. The
64 Department of Finance and Administration shall not provide written
65 approval to escalate any funds for salaries and/or positions
66 without proof of availability of new or additional funds above the
67 appropriated level.

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

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

89 **SECTION 5.** The Mississippi Department of Agriculture and
90 Commerce, with the assistance of the State Department of Audit and
91 the Department of Finance and Administration, shall establish
92 nonbudgeted enterprise funds for all "for profit" activities
93 related to the Mississippi Agriculture and Forestry Museum. The

94 funds shall be maintained in accordance with generally accepted
95 accounting principles and regulations prescribed by the Department
96 of Finance and Administration.

97 **SECTION 6.** It is the intention of the Legislature that the
98 State Department of Agriculture and Commerce is hereby authorized
99 to accept, budget and expend funds from any source in accordance
100 with rules and regulations of the Department of Finance and
101 Administration in a manner consistent with the escalation of
102 federal funds.

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

111 Of the special funds authorized in this section, Two Hundred
112 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
113 received from the Mississippi Department of Transportation and Two
114 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from
115 counties and from fees charged private persons/organizations, and
116 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from
117 funds received from the State Forestry Commission.

118 **SECTION 8.** The following sum, or so much thereof as may be
119 necessary, is hereby appropriated from special source funds for
120 the upgrade and operation of the State Seed Testing Laboratory for
121 the fiscal year beginning July 1, 2006, and ending
122 June 30, 2007..... \$ 140,000.00

123 The special funds appropriated in this section shall be
124 expended in accordance with rules and regulations of the
125 Department of Finance and Administration in a manner consistent
126 with the escalation of federal funds for the purpose of defraying

127 costs of up to three (3) permanent positions and associated
128 expenses of operating the State Seed Testing Laboratory.

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

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

144 **SECTION 11.** Of the funds appropriated under the provisions
145 of Section 2, Three Hundred Thousand Dollars (\$300,000.00) shall
146 be derived from the Budget Contingency Fund, as created in Section
147 27-103-301, Mississippi Code of 1972.

148 **SECTION 12.** It is the intention of the Legislature that
149 whenever two (2) or more bids are received by this agency for the
150 purchase of commodities or equipment, and whenever all things
151 stated in such received bids are equal with respect to price,
152 quality and service, the Mississippi Industries for the Blind
153 shall be given preference. A similar preference shall be given to
154 the Mississippi Industries for the Blind whenever purchases are
155 made without competitive bids.

156 **SECTION 13.** It is legislative intent to ensure beneficial
157 information reaches as many Mississippians as possible. Further,
158 it is legislative intent that the expenditure of public funds for
159 this purpose be accomplished in an efficient and effective manner.

160 Therefore, state agencies as standard procedure, will observe
161 the following criteria:

162 (1) Develop goals and desired result for a campaign.

163 (2) Evaluate effectiveness through respected advertising
164 standards, including market reach and cost effectiveness.

165 (3) Seek public service announcements, which would be aired
166 by media without cost.

167 (4) Itemize and justify professional assistance and related
168 expenses for creative and production costs outside of the actual
169 media expenditures.

170 (5) Utilize Mississippi owned media companies when feasible.

171 **SECTION 14.** Of the funds provided under the provisions of
172 this act, Twenty Thousand Dollars (\$20,000.00) shall be provided
173 to the Fair Commission County Livestock Shows for prize money.

174 **SECTION 15.** The money herein appropriated shall be paid by
175 the State Treasurer out of any money in the State Treasury to the
176 credit of the proper fund or funds as set forth in this act, upon
177 warrants issued by the State Fiscal Officer; and the State Fiscal
178 Officer shall issue his warrants upon requisitions signed by the
179 proper person, officer or officers in the manner provided by law.

180 **SECTION 16.** This act shall take effect and be in force from
181 and after July 1, 2006.