

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

To: Appropriations

SENATE BILL NO. 3137

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 2008.

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, 2007, and ending June 30, 2008..... \$ 8,707,228.00.

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, 2007, and ending June 30, 2008.....
19 \$ 5,557,956.00.

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.....	16
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 One Thousand Dollars (\$1,000.00), or Three Percent (3%)
35 whichever is greater, to be awarded on July 1, 2007.

36 With the funds herein appropriated, it is the intention of
37 the Legislature that it shall be the agency's responsibility to
38 make certain that funds required to be appropriated for "Personal
39 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2009 budget by the
42 Mississippi Legislature. Based on data provided by the
43 Legislative Budget Office, the State Personnel Board shall
44 determine and publish the projected annual cost to fully fund all
45 appropriated positions in compliance with the provisions of this
46 act. It shall be the responsibility of the agency head to insure
47 that no single personnel action increases this projected annual
48 cost and/or the Fiscal Year 2008 appropriation for "Personal
49 Services" when annualized, with the exception of escalated funds.
50 If, at the time the agency takes any action to change "Personal
51 Services," the State Personnel Board determines that the agency
52 has taken an action which would cause the agency to exceed this
53 projected annual cost or the Fiscal Year 2008 "Personal Services"
54 appropriated level, when annualized, then only those actions which
55 reduce the projected annual cost and/or the appropriation
56 requirement will be processed by the State Personnel Board until
57 such time as the requirements of this provision are met.

58 Any transfers or escalations shall be made in accordance with
59 the terms, conditions and procedures established by law or
60 allowable under the terms set forth within this act. The State

61 Personnel Board shall not escalate positions without written
62 approval from the Department of Finance and Administration. The
63 Department of Finance and Administration shall not provide written
64 approval to escalate any funds for salaries and/or positions
65 without proof of availability of new or additional funds above the
66 appropriated level.

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

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

87 **SECTION 4.** The funds appropriated and authorized to be
88 expended under the provisions of this act shall be expended for
89 the purpose of defraying all expenses incurred by the State
90 Department of Agriculture and Commerce in the operation of all
91 programs and activities (except operation of the State Lime
92 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
93 Inspection Stations and Fire Ant Program) authorized to be

94 conducted and carried on by said department; including, but not
95 limited to: the administration of the Feed, Fertilizer and Dairy
96 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
97 the Mississippi Pure Seed Law; and the following additional
98 programs and activities: enforcement of the egg law; publication
99 and distribution of the Mississippi Market Bulletin, agricultural
100 statistics, market news service at Stoneville, Mississippi; and
101 inspection, grading and certifying of fruits, vegetables, hay,
102 grain, meat and meat products, milk and dairy products, pecans,
103 seed and syrup.

104 **SECTION 5.** The Mississippi Department of Agriculture and
105 Commerce, with the assistance of the State Department of Audit and
106 the Department of Finance and Administration, shall establish
107 nonbudgeted enterprise funds for all "for profit" activities
108 related to the Mississippi Agriculture and Forestry Museum. The
109 funds shall be maintained in accordance with generally accepted
110 accounting principles and regulations prescribed by the Department
111 of Finance and Administration.

112 **SECTION 6.** It is the intention of the Legislature that the
113 State Department of Agriculture and Commerce is hereby authorized
114 to accept, budget and expend funds from any source in accordance
115 with rules and regulations of the Department of Finance and
116 Administration in a manner consistent with the escalation of
117 federal funds.

118 **SECTION 7.** The following sum, or so much thereof as may be
119 necessary, is hereby appropriated out of any money in the State
120 Treasury to the credit of the Beaver Control Program or from any
121 other special source funds made available to the Beaver Control
122 Program, to the Department of Agriculture and Commerce for the
123 support of the Beaver Control Program for the fiscal year
124 beginning July 1, 2007, and ending June 30, 2008.....
125 \$ 700,000.00.

126 Of the special funds authorized in this section, Two Hundred
127 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
128 received from the Mississippi Department of Transportation and Two
129 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from
130 counties and from fees charged private persons/organizations, and
131 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from
132 funds received from the State Forestry Commission.

133 **SECTION 8.** 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 9.** Of the funds appropriated herein, not more than
144 Five Hundred Thousand Dollars (\$500,000.00) is provided, for the
145 purpose of making incentive payments to producers of ethanol
146 utilizing Mississippi-produced agriculture commodities under the
147 provisions of Section 69-51-5, Mississippi Code of 1972.

148 **SECTION 10.** It is the intention of the Legislature that the
149 State Department of Agriculture and Commerce shall have the
150 authority to escalate its budget and expend funds from any source
151 not to exceed Five Hundred Thousand Dollars (\$500,000.00) in
152 accordance with rules and regulations of the Department of Finance
153 and Administration in a manner consistent with the escalation of
154 federal funds.

155 **SECTION 11.** It is the intention of the Legislature that
156 whenever two (2) or more bids are received by this agency for the
157 purchase of commodities or equipment, and whenever all things
158 stated in such received bids are equal with respect to price,

159 quality and service, the Mississippi Industries for the Blind
160 shall be given preference. A similar preference shall be given to
161 the Mississippi Industries for the Blind whenever purchases are
162 made without competitive bids.

163 **SECTION 12.** It is legislative intent to ensure beneficial
164 information reaches as many Mississippians as possible. Further,
165 it is legislative intent that the expenditure of public funds for
166 this purpose be accomplished in an efficient and effective manner.

167 Therefore, state agencies as standard procedure, will observe
168 the following criteria:

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

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

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

174 (4) Itemize and justify professional assistance and related
175 expenses for creative and production costs outside of the actual
176 media expenditures.

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

178 **SECTION 13.** Of the funds provided under the provisions of
179 this act, Twenty Thousand Dollars (\$20,000.00) shall be provided
180 to the Fair Commission County Livestock Shows for prize money.

181 **SECTION 14.** The money herein appropriated shall be paid by
182 the State Treasurer out of any money in the State Treasury to the
183 credit of the proper fund or funds as set forth in this act, upon
184 warrants issued by the State Fiscal Officer; and the State Fiscal
185 Officer shall issue his warrants upon requisitions signed by the
186 proper person, officer or officers in the manner provided by law.

187 **SECTION 15.** This act shall take effect and be in force from
188 and after July 1, 2007.