

By: Senator(s) Clarke, Hopson, Carmichael,
Jackson (11th), Moran

To: Appropriations

SENATE BILL NO. 2982
(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 2019.

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, 2018, and ending June 30, 2019.....\$ 6,751,504.00.

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, 2018, and ending June 30, 2019.....



19\$ 9,135,830.00.

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.** Of the funds appropriated in Section 2, the
25 following sum, or so much thereof as may be necessary, shall be
26 derived from the Mississippi Department of Agriculture and
27 Commerce - Fruit and Vegetable Revolving Fund, for the purpose of
28 defraying the expenses of the department.....\$ 600,000.00.

29 **SECTION 4.** Of the funds appropriated under the provisions of
30 this act, the following positions are authorized:

31 AUTHORIZED POSITIONS:

32	Permanent:	Full Time.....	230
33		Part Time.....	2
34	Time-Limited:	Full Time.....	19
35		Part Time.....	4

36 With the funds herein appropriated, it shall be the agency's
37 responsibility to make certain that funds required to be
38 appropriated for "Personal Services" for Fiscal Year 2020 do not
39 exceed Fiscal Year 2019 funds appropriated for that purpose,
40 unless programs or positions are added to the agency's Fiscal Year
41 2019 budget by the Mississippi Legislature. Based on data
42 provided by the Legislative Budget Office, the State Personnel
43 Board shall determine and publish the projected annual cost to



44 fully fund all appropriated positions in compliance with the
45 provisions of this act. It shall be the responsibility of the
46 agency head to ensure that no single personnel action increases
47 this projected annual cost and/or the Fiscal Year 2019
48 appropriations for "Personal Services" when annualized, with the
49 exception of escalated funds and the award of benchmarks. If, at
50 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 2019 "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 None of the funds herein appropriated shall be used in
72 violation of Internal Revenue Service's Publication 15-A relating
73 to the reporting of income paid to contract employees, as
74 interpreted by the Office of the State Auditor.

75 **SECTION 5.** In compliance with the "Mississippi Performance
76 Budget and Strategic Planning Act of 1994," it is the intent of
77 the Legislature that the funds provided herein shall be utilized
78 in the most efficient and effective manner possible to achieve the
79 intended mission of this agency. Based on the funding authorized,
80 this agency shall make every effort to attain the targeted
81 performance measures provided below:

82		FY2019
83	<u>Performance Measures</u>	<u>Target</u>
84	Plant Industry	
85	Number of Pesticide Related Inspections	2,000
86	Number of Marketplace Inspections in Full	
87	Compliance	205
88	Number of Dealer Inspections in Full	
89	Compliance	110
90	Number of Agricultural and Non-Agricultural	
91	Pesticide Application Inspections in	
92	Full Compliance	1,200
93	Number of Agricultural and Non-Agricultural	



94	Record Inspections in Full Compliance	350
95	Percent of Marketplace Inspection in Full	
96	Compliance	85.00
97	Percent of Dealer Inspections in Full	
98	Compliance	96.00
99	Percent of Agricultural and Non-Agricultural	
100	Pesticide Application Inspections in Full	
101	Compliance	93.00
102	Percent of Agricultural and Non-Agricultural	
103	Record Inspections in Full Compliance	95.00
104	Museum	
105	Total Number in Attendance	110,000
106	Baseline FY 2012: 157,393	
107	Number of Students in School Groups	16,000
108	Number of Private Revenue Generating	
109	Functions	1,700
110	Percentage Change in Number of Private	
111	Revenue Generating Functions	1.00
112	Percentage Change in Revenue from	
113	Private Functions	1.00
114	Percentage Increase in Attendance from Prior	
115	Year	2.00
116	Percentage Increase of School Students in	
117	Attendance from Prior Year	2.00
118	Revenue Generated from Functions (\$)	312,000.00



119	Regulatory	
120	Number of Retail Motor Fuel Devices Inspected	52,000
121	Number of Food Sanitation Inspections	5,500
122	Percent of Total Retail Motor Fuel Devices	
123	Inspected	100.00
124	Percent of Total Retail	
125	Food Sanitation Inspections	95.00
126	Percentage of Consumer Complaints	
127	Answered Within 48 Hours	97.00
128	Marketing	
129	Number of Persons Reached by	
130	Marketing Means	1,138,150
131	Percentage Increase of Persons Reached by	
132	Marketing Means	3.00
133	Administration	
134	Maintain Administration Cost at 18% of	
135	Total Budget (%)	20.00
136	Livestock Theft	
137	Number of Cases Investigated	200
138	Number of Cases Cleared	30
139	Percentage of Cases Prosecuted	20.00
140	Farmer's Market	
141	Percent of Retail Spaces Rented Based	
142	on Seasonal Availability of Produce	85.00
143	Baseline FY 2012: 32%	



144	Amount of Revenue Generated through	
145	Rental Space Rented (\$)	45,000.00
146	Seed Testing Lab	
147	Number of Days to Run Cool Test	7
148	Number of Official Samples Collected	2,350
149	Number of Days for Germination Test	
150	(Average Depending on Type of Seed)	20
151	Number of Hours to Evaluate TZ Test	1

152 A reporting of the degree to which the performance targets
 153 set above have been or are being achieved shall be provided in the
 154 agency's budget request submitted to the Joint Legislative Budget
 155 Committee for Fiscal Year 2020.

156 **SECTION 6.** The funds appropriated and authorized to be
 157 expended under the provisions of this act shall be expended for
 158 the purpose of defraying all expenses incurred by the State
 159 Department of Agriculture and Commerce in the operation of all
 160 programs and activities (except operation of the State Lime
 161 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
 162 Inspection Stations and Fire Ant Program) authorized to be
 163 conducted and carried on by said department; including, but not
 164 limited to: the administration of the Feed, Fertilizer and Dairy
 165 Act; the Weights and Measures Act; the Meat Inspection Act of
 166 1968; the Mississippi Pure Seed Law; and the following additional
 167 programs and activities: enforcement of the egg law; publication
 168 and distribution of the Mississippi Market Bulletin, agricultural



169 statistics, market news service at Stoneville, Mississippi; and
170 inspection, grading and certifying of fruits, vegetables, hay,
171 grain, meat and meat products, milk and dairy products, pecans,
172 seed and syrup.

173 **SECTION 7.** The Mississippi Department of Agriculture and
174 Commerce, with the assistance of the State Department of Audit and
175 the Department of Finance and Administration, shall establish
176 nonbudgeted enterprise funds for all "for-profit" activities
177 related to the Mississippi Agriculture and Forestry Museum. The
178 funds shall be maintained in accordance with generally accepted
179 accounting principles and regulations prescribed by the Department
180 of Finance and Administration.

181 **SECTION 8.** The following sum, or so much thereof as may be
182 necessary, is hereby appropriated out of any money in the State
183 Treasury to the credit of the Beaver Control Program or from any
184 other special source funds made available to the Beaver Control
185 Program, to the Department of Agriculture and Commerce for the
186 support of the Beaver Control Program for the fiscal year
187 beginning July 1, 2018, and ending June 30, 2019.....
188\$ 1,100,000.00.

189 Of the special funds authorized in this section, Six Hundred
190 Fifty Thousand Dollars (\$650,000.00) shall be derived from funds
191 received from the Mississippi Department of Transportation and
192 from fees charged private persons/organizations, and Two Hundred
193 Thousand Dollars (\$200,000.00) shall be derived from funds



received from the State Forestry Commission. A county in order to participate must pay up to Seven Thousand Five Hundred Dollars (\$7,500.00) and if any county wishes to pay any additional funds than provided, those funds may be used only in said county.

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

SECTION 10. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 11. It is the intention of the Legislature that the Department of Agriculture and Commerce shall maintain complete accounting and personnel records related to the expenditure of all



219 funds appropriated under this act and that such records shall be
220 in the same format and level of detail as maintained for Fiscal
221 Year 2018. It is further the intention of the Legislature that
222 the agency's budget request for Fiscal Year 2020 shall be
223 submitted to the Joint Legislative Budget Committee in a format
224 and level of detail comparable to the format and level of detail
225 provided during the Fiscal Year 2019 budget request process.

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

232 **SECTION 13.** This act shall take effect and be in force from
233 and after July 1, 2018.

