

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

To: Appropriations

SENATE BILL NO. 3043  
(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 2020.

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, 2019, and ending June 30, 2020.....\$ 7,461,254.00.

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, 2019, and ending



19 June 30, 2020.....\$ 9,267,529.00.

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.....	0

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 2021 do not  
39 exceed Fiscal Year 2020 funds appropriated for that purpose,  
40 unless programs or positions are added to the agency's Fiscal Year  
41 2020 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 2020  
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 2020 "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 Funds are provided herein for all full-time employees to  
59 receive up to a Three Percent (3%) pay increase to the realignment  
60 component of the Variable Compensation Plan, excluding head of  
61 agencies, board members and commission members.

62 Any transfers or escalations shall be made in accordance with  
63 the terms, conditions and procedures established by law or  
64 allowable under the terms set forth within this act. The State  
65 Personnel Board shall not escalate positions without written  
66 approval from the Department of Finance and Administration. The  
67 Department of Finance and Administration shall not provide written  
68 approval to escalate any funds for salaries and/or positions



69 without proof of availability of new or additional funds above the  
70 appropriated level.

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74 act and which are withdrawn and no longer available.

75 None of the funds herein appropriated shall be used in  
76 violation of Internal Revenue Service's Publication 15-A relating  
77 to the reporting of income paid to contract employees, as  
78 interpreted by the Office of the State Auditor.

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

86		FY2020
87	<u>Performance Measures</u>	<u>Target</u>
88	Plant Industry	
89	Pesticide related inspections (Number of)	2,000
90	Marketplace Inspections in Full	
91	Compliance (Number of)	205
92	Dealer Inspections in Full Compliance	
93	(Number of)	110



94	Agricultural and Non-Agricultural	
95	Pesticide Application Inspections in	
96	Full Compliance (Number of)	1,200
97	Agricultural and Non-Agricultural Record	
98	Inspections in Full Compliance (Number	
99	of)	350
100	Marketplace Inspections in Full	
101	Compliance (%)	85.00
102	Dealer Inspections in Full Compliance (%)	96.00
103	Agricultural and Non-Agricultural	
104	Pesticide Application Inspections in	
105	Full Compliance (%)	93.00
106	Agricultural and Non-Agricultural Record	
107	Inspections in Full Compliance (%)	95.00
108	Museum	
109	Total Attendance (Number of) Baseline	
110	FY 2012: 157,393	115,000
111	Students in School Groups (Number of)	17,000
112	Private Revenue Generating Functions	
113	(Number of)	1,700
114	Change in Number of Private Revenue	
115	Generating Functions (%)	1.00
116	Change in Revenue from Private Functions (%)	1.00
117	Increase in Attendance from Prior Year (%)	2.00
118	Increase of School Students in	



119	Attendance from Prior Year (%)	2.00
120	Revenue Generated from Functions (\$)	312,000.00
121	Regulatory	
122	Retail Motor Fuel devices Inspected	
123	(Number of)	55,100
124	Food Sanitation Inspections (Number of)	5,000
125	Total Retail Motor Fuel Devices	
126	Inspected (%)	100.00
127	Total Retail Food Sanitation Inspections (%)	100.00
128	Consumer Complaints Answered within 48	
129	Hours (%)	97.00
130	Marketing	
131	Persons Reached by Marketing Means	
132	(Number of)	1,138,150
133	Increase of Persons Reached by Marketing	
134	Means (%)	3.00
135	Administration	
136	Maintain Administrative Cost at 18% of	
137	Total Budget (%)	25.00
138	Livestock Theft	
139	Cases Investigated (Number of)	200
140	Cases cleared (Number of)	30
141	Cases Prosecuted (%)	20.00
142	Farmer's Market	
143	Retail Spaces Rented Based on Seasonal	



144	Availability of Produce (%)	Baseline	
145	FY 2012: 32%		85.00
146	Amount of Revenue Generated through		
147	Rental Space Rented (\$)		45,000.00
148	Seed Testing Lab		
149	Days to run cool test (Number of)		7
150	Official samples collected (Number of)		2,350
151	Days for Germination test (Number of)		
152	(average depending on type of seed)		20
153	Hours to evaluate TZ test (Number of)		1
154	A reporting of the degree to which the performance targets		
155	set above have been or are being achieved shall be provided in the		
156	agency's budget request submitted to the Joint Legislative Budget		
157	Committee for Fiscal Year 2021.		
158	<b>SECTION 6.</b> The funds appropriated and authorized to be		
159	expended under the provisions of this act shall be expended for		
160	the purpose of defraying all expenses incurred by the State		
161	Department of Agriculture and Commerce in the operation of all		
162	programs and activities (except operation of the State Lime		
163	Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine		
164	Inspection Stations and Fire Ant Program) authorized to be		
165	conducted and carried on by said department; including, but not		
166	limited to: the administration of the Feed, Fertilizer and Dairy		
167	Act; the Weights and Measures Act; the Meat Inspection Act of		
168	1968; the Mississippi Pure Seed Law; and the following additional		



169 programs and activities: enforcement of the egg law; publication  
170 and distribution of the Mississippi Market Bulletin, agricultural  
171 statistics, market news service at Stoneville, Mississippi; and  
172 inspection, grading and certifying of fruits, vegetables, hay,  
173 grain, meat and meat products, milk and dairy products, pecans,  
174 seed and syrup.

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

183       **SECTION 8.** The following sum, or so much thereof as may be  
184 necessary, is hereby appropriated out of any money in the State  
185 Treasury to the credit of the Beaver Control Program or from any  
186 other special source funds made available to the Beaver Control  
187 Program, to the Department of Agriculture and Commerce for the  
188 support of the Beaver Control Program for the fiscal year  
189 beginning July 1, 2019, and ending June 30, 2020.....  
190 .....\$ 1,100,000.00.

191       Of the special funds authorized in this section, Six Hundred  
192 Fifty Thousand Dollars (\$650,000.00) shall be derived from funds  
193 received from the Mississippi Department of Transportation and





194 from fees charged private persons/organizations, and Two Hundred  
195 Thousand Dollars (\$200,000.00) shall be derived from funds  
196 received from the State Forestry Commission. A county in order to  
197 participate must pay up to Seven Thousand Five Hundred Dollars  
198 (\$7,500.00) and if any county wishes to pay any additional funds  
199 than provided, those funds may be used only in said county.

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

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



218           **SECTION 11.** It is the intention of the Legislature that the  
219 Department of Agriculture and Commerce shall maintain complete  
220 accounting and personnel records related to the expenditure of all  
221 funds appropriated under this act and that such records shall be  
222 in the same format and level of detail as maintained for Fiscal  
223 Year 2019. It is further the intention of the Legislature that  
224 the agency's budget request for Fiscal Year 2021 shall be  
225 submitted to the Joint Legislative Budget Committee in a format  
226 and level of detail comparable to the format and level of detail  
227 provided during the Fiscal Year 2020 budget request process.

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

234           **SECTION 13.** This act shall take effect and be in force from  
235 and after July 1, 2019.

