

## House Amendments to Senate Bill No. 3043

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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.....\$       6,827,292.00.

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 June 30, 2020..\$       9,181,464.00.

19           The funds authorized for expenditure under the provisions of  
20 this section include subscription fees produced from the Market

21 Bulletin and admission fees produced from the Mississippi  
22 Agriculture and Forestry Museum.

23 **SECTION 3.** Of the funds appropriated in Section 2, the  
24 following sum, or so much thereof as may be necessary, shall be  
25 derived from the Mississippi Department of Agriculture and  
26 Commerce - Fruit and Vegetable Revolving Fund, for the purpose of  
27 defraying the expenses of the department.....\$ 600,000.00.

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

30 AUTHORIZED POSITIONS:

31	Permanent:	Full Time.....	230
32		Part Time.....	2
33	Time-Limited:	Full Time.....	19
34		Part Time.....	0

35 With the funds herein appropriated, it shall be the agency's  
36 responsibility to make certain that funds required to be  
37 appropriated for "Personal Services" for Fiscal Year 2021 do not  
38 exceed Fiscal Year 2020 funds appropriated for that purpose,  
39 unless programs or positions are added to the agency's Fiscal Year  
40 2020 budget by the Mississippi Legislature. Based on data  
41 provided by the Legislative Budget Office, the State Personnel  
42 Board shall determine and publish the projected annual cost to  
43 fully fund all appropriated positions in compliance with the  
44 provisions of this act. It shall be the responsibility of the  
45 agency head to ensure that no single personnel action increases  
46 this projected annual cost and/or the Fiscal Year 2020

47 appropriations for "Personal Services" when annualized, with the  
48 exception of escalated funds and the award of benchmarks. If, at  
49 the time the agency takes any action to change "Personal  
50 Services," the State Personnel Board determines that the agency  
51 has taken an action which would cause the agency to exceed this  
52 projected annual cost or the Fiscal Year 2020 "Personal Services"  
53 appropriated level, when annualized, then only those actions which  
54 reduce the projected annual cost and/or the appropriation  
55 requirement will be processed by the State Personnel Board until  
56 such time as the requirements of this provision are met.

57 Any transfers or escalations shall be made in accordance with  
58 the terms, conditions and procedures established by law or  
59 allowable under the terms set forth within this act. The State  
60 Personnel Board shall not escalate positions without written  
61 approval from the Department of Finance and Administration. The  
62 Department of Finance and Administration shall not provide written  
63 approval to escalate any funds for salaries and/or positions  
64 without proof of availability of new or additional funds above the  
65 appropriated level.

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

70 None of the funds herein appropriated shall be used in  
71 violation of Internal Revenue Service's Publication 15-A relating

72 to the reporting of income paid to contract employees, as  
73 interpreted by the Office of the State Auditor.

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

81		FY2020
82	<u>Performance Measures</u>	<u>Target</u>
83	Plant Industry	
84	Pesticide related inspections (Number of)	2,000
85	Marketplace Inspections in Full	
86	Compliance (Number of)	205
87	Dealer Inspections in Full Compliance	
88	(Number of)	110
89	Agricultural and Non-Agricultural	
90	Pesticide Application Inspections in	
91	Full Compliance (Number of)	1,200
92	Agricultural and Non-Agricultural Record	
93	Inspections in Full Compliance (Number	
94	of)	350
95	Marketplace Inspections in Full	
96	Compliance (%)	85.00
97	Dealer Inspections in Full Compliance (%)	96.00

98	Agricultural and Non-Agricultural	
99	Pesticide Application Inspections in	
100	Full Compliance (%)	93.00
101	Agricultural and Non-Agricultural Record	
102	Inspections in Full Compliance (%)	95.00
103	Museum	
104	Total Attendance (Number of) Baseline	
105	FY 2012: 157,393	115,000
106	Students in School Groups (Number of)	17,000
107	Private Revenue Generating Functions	
108	(Number of)	1,700
109	Change in Number of Private Revenue	
110	Generating Functions (%)	1.00
111	Change in Revenue from Private Functions (%)	1.00
112	Increase in Attendance from Prior Year (%)	2.00
113	Increase of School Students in	
114	Attendance from Prior Year (%)	2.00
115	Revenue Generated from Functions (\$)	312,000.00
116	Regulatory	
117	Retail Motor Fuel devices Inspected	
118	(Number of)	55,100
119	Food Sanitation Inspections (Number of)	5,000
120	Total Retail Motor Fuel Devices	
121	Inspected (%)	100.00
122	Total Retail Food Sanitation Inspections (%)	100.00
123	Consumer Complaints Answered within 48	

124	Hours (%)	97.00
125	Marketing	
126	Persons Reached by Marketing Means	
127	(Number of)	1,138,150
128	Increase of Persons Reached by Marketing	
129	Means (%)	3.00
130	Administration	
131	Maintain Administrative Cost at 18% of	
132	Total Budget (%)	25.00
133	Livestock Theft	
134	Cases Investigated (Number of)	200
135	Cases cleared (Number of)	30
136	Cases Prosecuted (%)	20.00
137	Farmer's Market	
138	Retail Spaces Rented Based on Seasonal	
139	Availability of Produce (%) Baseline	
140	FY 2012: 32%	85.00
141	Amount of Revenue Generated through	
142	Rental Space Rented (\$)	45,000.00
143	Seed Testing Lab	
144	Days to run cool test (Number of)	7
145	Official samples collected (Number of)	2,350
146	Days for Germination test (Number of)	
147	(average depending on type of seed)	20
148	Hours to evaluate TZ test (Number of)	1

149           A reporting of the degree to which the performance targets  
150 set above have been or are being achieved shall be provided in the  
151 agency's budget request submitted to the Joint Legislative Budget  
152 Committee for Fiscal Year 2021.

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

170           **SECTION 7.** The Mississippi Department of Agriculture and  
171 Commerce, with the assistance of the State Department of Audit and  
172 the Department of Finance and Administration, shall establish  
173 nonbudgeted enterprise funds for all "for-profit" activities  
174 related to the Mississippi Agriculture and Forestry Museum. The

175 funds shall be maintained in accordance with generally accepted  
176 accounting principles and regulations prescribed by the Department  
177 of Finance and Administration.

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

186       Of the special funds authorized in this section, Six Hundred  
187 Fifty Thousand Dollars (\$650,000.00) shall be derived from funds  
188 received from the Mississippi Department of Transportation and  
189 from fees charged private persons/organizations, and Two Hundred  
190 Thousand Dollars (\$200,000.00) shall be derived from funds  
191 received from the State Forestry Commission. A county in order to  
192 participate must pay up to Seven Thousand Five Hundred Dollars  
193 (\$7,500.00) and if any county wishes to pay any additional funds  
194 than provided, those funds may be used only in said county.

195       **SECTION 9.** Of the funds provided by the provisions of this  
196 act, it is the intent of the Legislature that not more than Thirty  
197 Thousand Dollars (\$30,000.00) shall be expended for the  
198 Mississippi Senior Farmers' Market Nutrition Pilot Program, which  
199 shall be established by the State Department of Agriculture and  
200 Commerce to serve senior citizens above sixty (60) years of age



201 who fall within one hundred thirty percent (130%) of the poverty  
202 level. The Commissioner of Agriculture may promulgate rules and  
203 regulations necessary to implement the Mississippi Senior Farmers'  
204 Market Nutrition Pilot Program.

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

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

223         **SECTION 12.** The money herein appropriated shall be paid by  
224 the State Treasurer out of any money in the State Treasury to the  
225 credit of the proper fund or funds as set forth in this act, upon  
226 warrants issued by the State Fiscal Officer; and the State Fiscal

227 Officer shall issue his warrants upon requisitions signed by the  
228 proper person, officer or officers in the manner provided by law.

229       **SECTION 13.** This act shall take effect and be in force from  
230 and after July 1, 2019, and shall stand repealed June 30, 2019.

HR13\SB3043A.J

Andrew Ketchings  
Clerk of the House of Representatives