

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3043

BY: Committee

**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:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Plant Industry	
Pesticide related inspections (Number of)	2,000
Marketplace Inspections in Full	
Compliance (Number of)	205
Dealer Inspections in Full Compliance	
(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.

