

By: Senator(s) Hopson, Polk, Jackson (32nd), Hill, Simmons (13th), Suber To: Appropriations

SENATE BILL NO. 2942
(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 FISCAL YEAR 2022.

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,
10 Farmers Central Market, Fair Commission, Livestock Coliseum,
11 Industrial Showcase, and Trade Mart Building, for the fiscal year
12 beginning July 1, 2021, and ending June 30, 2022.....
13 \$ 7,998,944.00.

14 **SECTION 2.** The following sum, or so much thereof as may be
15 necessary, is hereby authorized for expenditure out of any special
16 source funds, which are collected by or otherwise become available
17 for the purpose of defraying the expenses of the State Department
18 of Agriculture and Commerce, including the Divisions of Support



19 and Plant Industry, Farmers Central Market, Fair Commission,
20 Livestock Coliseum, Industrial Showcase, and Trade Mart Building
21 for the fiscal year beginning July 1, 2021, and ending
22 June 30, 2022 \$ 14,192,933.00.

23 The funds authorized for expenditure under the provisions of
24 this section include subscription fees produced from the Market
25 Bulletin and admission fees produced from the Mississippi
26 Agriculture and Forestry Museum.

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

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

34 AUTHORIZED POSITIONS:

35	Permanent:	Full Time	235
36		Part Time	38
37	Time-Limited:	Full Time	5
38		Part Time	0

39 With the funds herein appropriated, it shall be the agency's
40 responsibility to make certain that funds required to be
41 appropriated for "Personal Services" for Fiscal Year 2023 do not
42 exceed Fiscal Year 2022 funds appropriated for that purpose unless
43 programs or positions are added to the agency's Fiscal Year 2022



44 budget by the Mississippi Legislature. Based on data provided by
45 the Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this
48 act. Absent a special situation or circumstance approved by the
49 State Personnel Board, or unless otherwise authorized by this act,
50 no state agency shall take any action to promote or otherwise
51 award salary increases through reallocation or realignment. If
52 the State Personnel Board determines a special situation or
53 circumstance exists and approves an action, then the agency and
54 the State Personnel Board shall provide a monthly report of each
55 action approved by the State Personnel Board to the Chairmen of
56 the Accountability, Efficiency and Transparency Committees of the
57 Senate and House of Representatives and the Chairmen of the
58 Appropriations Committees of the Senate and House of
59 Representatives. It shall be the responsibility of the agency
60 head to ensure that no single personnel action increases this
61 projected annual cost and/or the Fiscal Year 2022 appropriations
62 for "Personal Services" when annualized, with the exception of
63 escalated funds and the award of benchmarks. If, at the time the
64 agency takes any action to change "Personal Services," the State
65 Personnel Board determines that the agency has taken an action
66 which would cause the agency to exceed this projected annual cost
67 or the Fiscal Year 2022 "Personal Services" appropriated level,
68 when annualized, then only those actions which reduce the



69 projected annual cost and/or the appropriation requirement will be
70 processed by the State Personnel Board until such time as the
71 requirements of this provision are met.

72 Any transfers or escalations shall be made in accordance with
73 the terms, conditions and procedures established by law or
74 allowable under the terms set forth within this act. The State
75 Personnel Board shall not escalate positions without written
76 approval from the Department of Finance and Administration. The
77 Department of Finance and Administration shall not provide written
78 approval to escalate any funds for salaries and/or positions
79 without proof of availability of new or additional funds above the
80 appropriated level.

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

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

89 Funds have been appropriated herein for the purpose of
90 implementation and funding Project SEC2 of the Colonel Guy Groff
91 State Variable Compensation Plan beginning January 1, 2022, and
92 ending June 30, 2022. It shall be the agency's responsibility to
93 make certain that each person, excluding executive directors,



94 agency heads, and elected judges, shall receive no more than a
 95 three percent (3%) annual increase in salary which shall not
 96 exceed the market rate established by the State Personnel Board
 97 pursuant to the Colonel Guy Groff State Variable Compensation Plan
 98 for each classification.

99 **SECTION 5.** Of the funds appropriated in Section 2,
 100 Seventy-four Thousand Eight Hundred Five Dollars (\$74,805.00)
 101 shall be provided for the support of the Mississippi Egg Marketing
 102 Board.

103 **SECTION 6.** In compliance with the "Mississippi Performance
 104 Budget and Strategic Planning Act of 1994," it is the intent of
 105 the Legislature that the funds provided herein shall be utilized
 106 in the most efficient and effective manner possible to achieve the
 107 intended mission of this agency. Based on the funding authorized,
 108 this agency shall make every effort to attain the targeted
 109 performance measures provided below:

110		FY2022
111	<u>Performance Measures</u>	<u>Target</u>
112	Plant Industry	
113	Pesticide-related inspections (Number of)	2,000
114	Marketplace Inspections in Full	
115	Compliance (Number of)	205
116	Dealer Inspections in Full Compliance	
117	(Number of)	110
118	Agricultural and Non-Agricultural	



119	Pesticide Application Inspections in	
120	Full Compliance (Number of)	1,200
121	Agricultural and Non-Agricultural Record	
122	Inspections in Full Compliance (Number	
123	of)	350
124	Marketplace Inspections in Full	
125	Compliance (%)	85.00
126	Dealer Inspections in Full Compliance (%)	96.00
127	Agricultural and Non-Agricultural	
128	Pesticide Application Inspections in	
129	Full Compliance (%)	93.00
130	Agricultural and Non-Agricultural Record	
131	Inspections in Full Compliance (%)	95.00
132	Museum	
133	Total Attendance (Number of)	125,000
134	Students in School Groups (Number of)	18,000
135	Private Revenue Generating Functions	
136	(Number of)	1,700
137	Change in Number of Private Revenue	
138	Generating Functions (%)	1.00
139	Change in Revenue from Private Functions (%)	1.00
140	Increase in Attendance from Prior Year (%)	2.00
141	Increase of School Students in	
142	Attendance from Prior Year (%)	2.00
143	Revenue Generated from Functions (\$)	312,000.00



144	Regulatory	
145	Retail Motor Fuel devices Inspected	
146	(Number of)	55,100
147	Food Sanitation Inspections (Number of)	5,000
148	Total Retail Motor Fuel Devices	
149	Inspected (%)	100.00
150	Total Retail Food Sanitation Inspections (%)	100.00
151	Consumer Complaints Answered within 48	
152	Hours (%)	97.00
153	Marketing	
154	Persons Reached by Marketing Means	
155	(Number of)	1,138,150
156	Increase of Persons Reached by Marketing	
157	Means (%)	3.00
158	Administration	
159	Maintain Administrative Cost at 18% of	
160	Total Budget (%)	25.00
161	Livestock Theft	
162	Cases Investigated (Number of)	200
163	Cases Cleared (Number of)	30
164	Cases Prosecuted (%)	20.00
165	Farmers Market	
166	Retail Spaces Rented Based on Seasonal	
167	Availability of Produce (%)	85.00
168	Amount of Revenue Generated through	



169	Rental Space Rented (\$)	45,000.00
170	Seed Testing Lab	
171	Days to run cool test (Number of)	7
172	Official samples collected (Number of)	2,350
173	Days for Germination test (Number of)	
174	(Average Depending on Type of Seed)	20
175	Hours to evaluate TZ test (Number of)	1
176	Mississippi State Fairgrounds	
177	Event Days	520
178	Estimated Total Attendance	1,250,000

179 A reporting of the degree to which the performance targets
180 set above have been or are being achieved shall be provided in the
181 agency's budget request submitted to the Joint Legislative Budget
182 Committee for Fiscal Year 2023.

183 **SECTION 7.** The funds appropriated and authorized to be
184 expended under the provisions of this act shall be expended for
185 the purpose of defraying all expenses incurred by the State
186 Department of Agriculture and Commerce in the operation of all
187 programs and activities (except operation of the State Lime
188 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
189 Inspection Stations and Fire Ant Program) authorized to be
190 conducted and carried on by said department; including, but not
191 limited to: the administration of the Feed, Fertilizer and Dairy
192 Act; the Weights and Measures Act; the Meat Inspection Act of
193 1968; the Mississippi Pure Seed Law; and the following additional



194 programs and activities: enforcement of the egg law; publication
195 and distribution of the Mississippi Market Bulletin, agricultural
196 statistics, market news service at Stoneville, Mississippi; and
197 inspection, grading and certifying of fruits, vegetables, hay,
198 grain, meat and meat products, milk and dairy products, pecans,
199 seed and syrup.

200 **SECTION 8.** The Mississippi Department of Agriculture and
201 Commerce, with the assistance of the State Department of Audit and
202 the Department of Finance and Administration, shall establish
203 nonbudgeted enterprise funds for all "for-profit" activities
204 related to the Mississippi Agriculture and Forestry Museum. The
205 funds shall be maintained in accordance with generally accepted
206 accounting principles and regulations prescribed by the Department
207 of Finance and Administration.

208 **SECTION 9.** In addition to all other sums herein
209 appropriated, the following sum, or so much thereof as may be
210 necessary, is hereby appropriated out of any money in the State
211 Treasury to the credit of the Beaver Control Program or from any
212 other special source funds made available to the Beaver Control
213 Program, to the Department of Agriculture and Commerce for the
214 support of the Beaver Control Program for the fiscal year
215 beginning July 1, 2021, and ending June 30, 2022.....
216\$ 1,100,000.00.

217 Of the special funds authorized in this section, Six Hundred
218 Fifty Thousand Dollars (\$650,000.00) shall be derived from funds



219 received from the Mississippi Department of Transportation and
220 from fees charged private persons/organizations, and Two Hundred
221 Thousand Dollars (\$200,000.00) shall be derived from funds
222 received from the State Forestry Commission. A county in order to
223 participate must pay up to Seven Thousand Five Hundred Dollars
224 (\$7,500.00) and if any county wishes to pay any additional funds
225 than provided, those funds may be used only in said county.

226 **SECTION 10.** Of the funds provided by the provisions of this
227 act, it is the intent of the Legislature that not more than Thirty
228 Thousand Dollars (\$30,000.00) shall be expended for the
229 Mississippi Senior Farmers' Market Nutrition Pilot Program, which
230 shall be established by the State Department of Agriculture and
231 Commerce to serve senior citizens above sixty (60) years of age
232 who fall within one hundred thirty percent (130%) of the poverty
233 level. The Commissioner of Agriculture may promulgate rules and
234 regulations necessary to implement the Mississippi Senior Farmers'
235 Market Nutrition Pilot Program.

236 **SECTION 11.** Of the funds appropriated under the provisions
237 of Section 2, Six Hundred Thousand Dollars (\$600,000.00), or so
238 much thereof, shall be derived out of any money in the State
239 Treasury to the credit of the Capital Expense Fund, as created in
240 Section 27-103-303, Mississippi Code of 1972, and allocated in a
241 manner as determined by the Treasurer's Office. These funds are
242 provided for equipment expenditures.



243 **SECTION 12.** It is the intention of the Legislature that
244 whenever two (2) or more bids are received by this agency for the
245 purchase of commodities or equipment, and whenever all things
246 stated in such received bids are equal with respect to price,
247 quality and service, the Mississippi Industries for the Blind
248 shall be given preference. A similar preference shall be given to
249 the Mississippi Industries for the Blind whenever purchases are
250 made without competitive bids.

251 **SECTION 13.** It is the intention of the Legislature that the
252 Department of Agriculture and Commerce shall maintain complete
253 accounting and personnel records related to the expenditure of all
254 funds appropriated under this act and that such records shall be
255 in the same format and level of detail as maintained for Fiscal
256 Year 2021. It is further the intention of the Legislature that
257 the agency's budget request for Fiscal Year 2023 shall be
258 submitted to the Joint Legislative Budget Committee in a format
259 and level of detail comparable to the format and level of detail
260 provided during the Fiscal Year 2022 budget request process.

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



267 **SECTION 15.** This act shall take effect and be in force from
268 and after July 1, 2021.

