

House Amendments to Senate Bill No. 2942

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,
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\$ 7,013,675.00.

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.....\$ 13,446,103.00.

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.....	202
36		Part Time.....	7
37	Time-Limited:	Full Time.....	16
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 **SECTION 5.** In compliance with the "Mississippi Performance
90 Budget and Strategic Planning Act of 1994," it is the intent of
91 the Legislature that the funds provided herein shall be utilized
92 in the most efficient and effective manner possible to achieve the
93 intended mission of this agency. Based on the funding authorized,
94 this agency shall make every effort to attain the targeted
95 performance measures provided below:

96		FY2022
97	<u>Performance Measures</u>	<u>Target</u>

98	Plant Industry	
99	Pesticide related inspections (Number of)	2,000
100	Marketplace Inspections in Full	
101	Compliance (Number of)	205
102	Dealer Inspections in Full Compliance	
103	(Number of)	110
104	Agricultural and Non-Agricultural	
105	Pesticide Application Inspections in	
106	Full Compliance (Number of)	1,200
107	Agricultural and Non-Agricultural Record	
108	Inspections in Full Compliance (Number	
109	of)	350
110	Marketplace Inspections in Full	
111	Compliance (%)	85.00
112	Dealer Inspections in Full Compliance (%)	96.00
113	Agricultural and Non-Agricultural	
114	Pesticide Application Inspections in	
115	Full Compliance (%)	93.00
116	Agricultural and Non-Agricultural Record	
117	Inspections in Full Compliance (%)	95.00
118	Museum	
119	Total Attendance (Number of)	125,000
120	Students in School Groups (Number of)	18,000
121	Private Revenue Generating Functions	
122	(Number of)	1,700
123	Change in Number of Private Revenue	

124	Generating Functions (%)	1.00
125	Change in Revenue from Private Functions (%)	1.00
126	Increase in Attendance from Prior Year (%)	2.00
127	Increase of School Students in	
128	Attendance from Prior Year (%)	2.00
129	Revenue Generated from Functions (\$)	312,000.00
130	Regulatory	
131	Retail Motor Fuel devices Inspected	
132	(Number of)	55,100
133	Food Sanitation Inspections (Number of)	5,000
134	Total Retail Motor Fuel Devices	
135	Inspected (%)	100.00
136	Total Retail Food Sanitation Inspections (%)	100.00
137	Consumer Complaints Answered within 48	
138	Hours (%)	97.00
139	Marketing	
140	Persons Reached by Marketing Means	
141	(Number of)	1,138,150
142	Increase of Persons Reached by Marketing	
143	Means (%)	3.00
144	Administration	
145	Maintain Administrative Cost at 18% of	
146	Total Budget (%)	25.00
147	Livestock Theft	
148	Cases Investigated (Number of)	200
149	Cases cleared (Number of)	30

150	Cases Prosecuted (%)	20.00
151	Farmer's Market	
152	Retail Spaces Rented Based on Seasonal	
153	Availability of Produce (%)	85
154	Amount of Revenue Generated through	
155	Rental Space Rented (\$)	45,000.00
156	Seed Testing Lab	
157	Days to run cool test (Number of)	7
158	Official samples collected (Number of)	2,350
159	Days for Germination test (Number of)	
160	(Average Depending on Type of Seed)	20
161	Hours to evaluate TZ test (Number of)	1
162	Mississippi State Fairgrounds	
163	Event Days	520
164	Estimated Total Attendance	1,250,000

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

169 **SECTION 6.** The funds appropriated and authorized to be
170 expended under the provisions of this act shall be expended for
171 the purpose of defraying all expenses incurred by the State
172 Department of Agriculture and Commerce in the operation of all
173 programs and activities (except operation of the State Lime
174 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
175 Inspection Stations and Fire Ant Program) authorized to be

176 conducted and carried on by said department; including, but not
177 limited to: the administration of the Feed, Fertilizer and Dairy
178 Act; the Weights and Measures Act; the Meat Inspection Act of
179 1968; the Mississippi Pure Seed Law; and the following additional
180 programs and activities: enforcement of the egg law; publication
181 and distribution of the Mississippi Market Bulletin, agricultural
182 statistics, market news service at Stoneville, Mississippi; and
183 inspection, grading and certifying of fruits, vegetables, hay,
184 grain, meat and meat products, milk and dairy products, pecans,
185 seed and syrup.

186 **SECTION 7.** The Mississippi Department of Agriculture and
187 Commerce, with the assistance of the State Department of Audit and
188 the Department of Finance and Administration, shall establish
189 nonbudgeted enterprise funds for all "for-profit" activities
190 related to the Mississippi Agriculture and Forestry Museum. The
191 funds shall be maintained in accordance with generally accepted
192 accounting principles and regulations prescribed by the Department
193 of Finance and Administration.

194 **SECTION 8.** In addition to all other sums herein
195 appropriated, the following sum, or so much thereof as may be
196 necessary, is hereby appropriated out of any money in the State
197 Treasury to the credit of the Beaver Control Program or from any
198 other special source funds made available to the Beaver Control
199 Program, to the Department of Agriculture and Commerce for the
200 support of the Beaver Control Program for the fiscal year
201 beginning July 1, 2021, and ending June 30, 2022.....

202\$ 1,100,000.00.

203 Of the special funds authorized in this section, Six Hundred
204 Fifty Thousand Dollars (\$650,000.00) shall be derived from funds
205 received from the Mississippi Department of Transportation and
206 from fees charged private persons/organizations, and Two Hundred
207 Thousand Dollars (\$200,000.00) shall be derived from funds
208 received from the State Forestry Commission. A county in order to
209 participate must pay up to Seven Thousand Five Hundred Dollars
210 (\$7,500.00) and if any county wishes to pay any additional funds
211 than provided, those funds may be used only in said county.

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

222 **SECTION 10.** It is the intention of the Legislature that
223 whenever two (2) or more bids are received by this agency for the
224 purchase of commodities or equipment, and whenever all things
225 stated in such received bids are equal with respect to price,
226 quality and service, the Mississippi Industries for the Blind
227 shall be given preference. A similar preference shall be given to

228 the Mississippi Industries for the Blind whenever purchases are
229 made without competitive bids.

230 **SECTION 11.** It is the intention of the Legislature that the
231 Department of Agriculture and Commerce shall maintain complete
232 accounting and personnel records related to the expenditure of all
233 funds appropriated under this act and that such records shall be
234 in the same format and level of detail as maintained for Fiscal
235 Year 2021. It is further the intention of the Legislature that
236 the agency's budget request for Fiscal Year 2023 shall be
237 submitted to the Joint Legislative Budget Committee in a format
238 and level of detail comparable to the format and level of detail
239 provided during the Fiscal Year 2022 budget request process.

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

246 **SECTION 13.** This act shall take effect and be in force from
247 and after July 1, 2021, and shall stand repealed from and after
248 June 29, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR13\SB2942A.J

Andrew Ketchings
Clerk of the House of Representatives