

By: Senator(s) Gordon, Thames, Stogner,
Burton, Carlton, Hamilton, Posey, Williamson

To: Appropriations

SENATE BILL NO. 2941
(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 AND GRAIN DIVISION FOR THE FISCAL YEAR 2004.

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 and Plant Industry,
10 for the fiscal year beginning July 1, 2003, and ending
11 June 30, 2004..... \$ 7,442,485.00.

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, for the fiscal year beginning July 1, 2003,
18 and ending June 30, 2004..... \$ 5,208,581.00.

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 under the provisions of
24 Sections 1 and 2, not more than the amounts set forth below shall
25 be expended for the respective major objects or purposes of
26 expenditure:

27 MAJOR OBJECTS OF EXPENDITURE:



28	Personal Services:		
29	Salaries, Wages and Fringe Benefits..	\$	8,924,161.00
30	Travel and Subsistence.....		144,452.00
31	Contractual Services.....		1,445,500.00
32	Commodities.....		406,816.00
33	Capital Outlay:		
34	Other Than Equipment.....		0.00
35	Equipment.....		1,273,035.00
36	Subsidies, Loans and Grants.....		<u>457,102.00</u>
37	Total.....	\$	12,651,066.00
38	FUNDING:		
39	General Funds.....	\$	7,442,485.00
40	Special Funds.....		<u>5,208,581.00</u>
41	Total.....	\$	12,651,066.00

42 AUTHORIZED POSITIONS:

43	Permanent:	Full Time.....	207
44		Part Time.....	5
45	Time-Limited:	Full Time.....	18
46		Part Time.....	0

47 With the funds herein appropriated, it is the intention of
48 the Legislature that it shall be the agency's responsibility to
49 make certain that funds required to be appropriated for "Personal
50 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004
51 funds appropriated for that purpose, unless programs or positions
52 are added to the agency's Fiscal Year 2005 budget by the
53 Mississippi Legislature. Based on data provided by the
54 Legislative Budget Office, the State Personnel Board shall
55 determine and publish the projected annual cost to fully fund all
56 appropriated positions in compliance with the provisions of this
57 act. It shall be the responsibility of the agency head to insure
58 that no single personnel action increases this projected annual
59 cost and/or the Fiscal Year 2004 appropriation for "Personal
60 Services" when annualized. If, at the end of any calendar month,



61 the State Personnel Board determines that the agency has taken
62 action(s) which would cause the agency to exceed this projected
63 annual cost or the Fiscal Year 2004 "Personal Services"
64 appropriated level, when annualized, then only those actions which
65 reduce the projected annual cost and/or the appropriation
66 requirement will be processed by the State Personnel Board until
67 such time as the requirements of this provision are met.

68 Any transfers or escalations shall be made in accordance with
69 the terms, conditions and procedures established by law.

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

74 **SECTION 4.** The funds appropriated and authorized to be
75 expended under the provisions of this act shall be expended for
76 the purpose of defraying all expenses incurred by the State
77 Department of Agriculture and Commerce in the operation of all
78 programs and activities (except operation of the State Lime
79 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
80 Inspection Stations and Fire Ant Program) authorized to be
81 conducted and carried on by said department; including, but not
82 limited to: the administration of the Feed, Fertilizer and Dairy
83 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
84 the Mississippi Pure Seed Law; and the following additional
85 programs and activities: enforcement of the egg law; publication
86 and distribution of the Mississippi Market Bulletin, agricultural
87 statistics, market news service at Stoneville, Mississippi; and
88 inspection, grading and certifying of fruits, vegetables, hay,
89 grain, meat and meat products, milk and dairy products, pecans,
90 seed and syrup.

91 **SECTION 5.** The Mississippi Department of Agriculture and
92 Commerce, with the assistance of the State Department of Audit and
93 the Department of Finance and Administration, shall establish



94 nonbudgeted enterprise funds for all "for profit" activities
95 related to the Mississippi Agriculture and Forestry Museum. The
96 funds shall be maintained in accordance with generally accepted
97 accounting principles and regulations prescribed by the Department
98 of Finance and Administration.

99 **SECTION 6.** It is the intention of the Legislature that any
100 regulations promulgated by the State Department of Agriculture and
101 Commerce concerning the labeling of liming materials include the
102 actual analysis of said lime. Nothing in the regulations shall
103 prevent any manufacturer from selling his products to any consumer
104 as long as the labeling is accurate.

105 **SECTION 7.** It is the intention of the Legislature that the
106 State Department of Agriculture and Commerce is hereby authorized
107 to accept, budget and expend funds from any source in accordance
108 with rules and regulations of the Department of Finance and
109 Administration in a manner consistent with the escalation of
110 federal funds.

111 **SECTION 8.** The following sum, or so much thereof as may be
112 necessary, is hereby appropriated out of any money in the State
113 Treasury to the credit of the Beaver Control Program or from any
114 other special source funds made available to the Beaver Control
115 Program, to the Department of Agriculture and Commerce for the
116 support of the Beaver Control Program for the fiscal year
117 beginning July 1, 2003, and ending June 30, 2004.....
118 \$ 718,000.00.

119 Of the special funds authorized in this Section, Two Hundred
120 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
121 received from the Mississippi Department of Transportation, Two
122 Hundred Sixty-eight Thousand Dollars (\$268,000.00) shall be
123 derived from counties and from fees charged private
124 persons/organizations, and Two Hundred Thousand Dollars
125 (\$200,000.00) shall be derived from the Budget Contingency Fund
126 created in Section 27-103-301, Mississippi Code of 1972.



127 **SECTION 9.** Of the funds appropriated under the provisions of
128 this act, Ninety-nine Thousand Eight Hundred Eighty-five Dollars
129 (\$99,885.00) may be used to reallocate or reclassify existing
130 positions of this agency.

131 **SECTION 10.** Of the funds appropriated in Section 2, One
132 Hundred Thousand Dollars (\$100,000.00) may be transferred from the
133 Mississippi Department of Agriculture and Commerce to the Farmers
134 Central Market to defray the cost of operations at the Farmers
135 Central Market.

136 **SECTION 11.** Of the funds provided by the provisions of this
137 act, it is the intent of the Legislature that not more than Thirty
138 Thousand Dollars (\$30,000.00) shall be expended for the
139 Mississippi Senior Farmers' Market Nutrition Pilot Program, which
140 shall be established by the State Department of Agriculture and
141 Commerce to serve senior citizens above sixty (60) years of age
142 who fall within one hundred thirty percent (130%) of the poverty
143 level. The Commissioner of Agriculture may promulgate rules and
144 regulations necessary to implement the Mississippi Senior Farmers'
145 Market Nutrition Pilot Program.

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

152 **SECTION 13.** This act shall take effect and be in force from
153 and after July 1, 2003.

