

By: Senator(s) Gordon, Little, Jackson
(32nd), Harden, Hyde-Smith, Posey, Walls

To: Appropriations

SENATE BILL NO. 3129
(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 THE FISCAL YEAR 2005.

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 and
10 Farmers Central Market, for the fiscal year beginning
11 July 1, 2004, and ending June 30, 2005..... \$ 7,547,949.00.

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, 2004, and ending June 30, 2005.....
19 \$ 5,580,017.00.

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

24 **SECTION 3.** Of the funds appropriated under the provisions of
25 Sections 1 and 2, not more than the amounts set forth below shall
26 be expended for the respective major objects or purposes of
27 expenditure:

28 MAJOR OBJECTS OF EXPENDITURE:

29 Personal Services:

30	Salaries, Wages and Fringe Benefits.. \$	9,226,598.00
31	Travel and Subsistence.....	147,452.00
32	Contractual Services.....	1,564,325.00
33	Commodities.....	421,666.00
34	Capital Outlay:	
35	Other Than Equipment.....	0.00
36	Equipment.....	1,296,225.00
37	Subsidies, Loans and Grants.....	<u>471,700.00</u>
38	Total..... \$	13,127,966.00

39 FUNDING:

40	General Funds..... \$	7,547,949.00
41	Special Funds.....	<u>5,580,017.00</u>
42	Total..... \$	13,127,966.00

43 AUTHORIZED POSITIONS:

44	Permanent: Full Time.....	217
45	Part Time.....	5
46	Time-Limited: Full Time.....	18
47	Part Time.....	0

48 With the funds herein appropriated, it is the intention of
49 the Legislature that it shall be the agency's responsibility to
50 make certain that funds required to be appropriated for "Personal
51 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
52 funds appropriated for that purpose, unless programs or positions
53 are added to the agency's Fiscal Year 2006 budget by the
54 Mississippi Legislature. Based on data provided by the
55 Legislative Budget Office, the State Personnel Board shall
56 determine and publish the projected annual cost to fully fund all
57 appropriated positions in compliance with the provisions of this
58 act. It shall be the responsibility of the agency head to insure
59 that no single personnel action increases this projected annual
60 cost and/or the Fiscal Year 2005 appropriation for "Personal

61 Services" when annualized, with the exception of escalated funds.
62 If, at the time the agency takes any action to change "Personal
63 Services," the State Personnel Board determines that the agency
64 has taken an action which would cause the agency to exceed this
65 projected annual cost or the Fiscal Year 2005 "Personal Services"
66 appropriated level, when annualized, then only those actions which
67 reduce the projected annual cost and/or the appropriation
68 requirement will be processed by the State Personnel Board until
69 such time as the requirements of this provision are met.

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

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

83 **SECTION 4.** The funds appropriated and authorized to be
84 expended under the provisions of this act shall be expended for
85 the purpose of defraying all expenses incurred by the State
86 Department of Agriculture and Commerce in the operation of all
87 programs and activities (except operation of the State Lime
88 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
89 Inspection Stations and Fire Ant Program) authorized to be
90 conducted and carried on by said department; including, but not
91 limited to: the administration of the Feed, Fertilizer and Dairy
92 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
93 the Mississippi Pure Seed Law; and the following additional

94 programs and activities: enforcement of the egg law; publication
95 and distribution of the Mississippi Market Bulletin, agricultural
96 statistics, market news service at Stoneville, Mississippi; and
97 inspection, grading and certifying of fruits, vegetables, hay,
98 grain, meat and meat products, milk and dairy products, pecans,
99 seed and syrup.

100 **SECTION 5.** The Mississippi Department of Agriculture and
101 Commerce, with the assistance of the State Department of Audit and
102 the Department of Finance and Administration, shall establish
103 nonbudgeted enterprise funds for all "for profit" activities
104 related to the Mississippi Agriculture and Forestry Museum. The
105 funds shall be maintained in accordance with generally accepted
106 accounting principles and regulations prescribed by the Department
107 of Finance and Administration.

108 **SECTION 6.** It is the intention of the Legislature that any
109 regulations promulgated by the State Department of Agriculture and
110 Commerce concerning the labeling of liming materials include the
111 actual analysis of said lime. Nothing in the regulations shall
112 prevent any manufacturer from selling his products to any consumer
113 as long as the labeling is accurate.

114 **SECTION 7.** It is the intention of the Legislature that the
115 State Department of Agriculture and Commerce is hereby authorized
116 to accept, budget and expend funds from any source in accordance
117 with rules and regulations of the Department of Finance and
118 Administration in a manner consistent with the escalation of
119 federal funds.

120 **SECTION 8.** The following sum, or so much thereof as may be
121 necessary, is hereby appropriated out of any money in the State
122 Treasury to the credit of the Beaver Control Program or from any
123 other special source funds made available to the Beaver Control
124 Program, to the Department of Agriculture and Commerce for the
125 support of the Beaver Control Program for the fiscal year
126 beginning July 1, 2004, and ending June 30, 2005.....

127 \$ 718,000.00.

128 Of the special funds authorized in this section, Two Hundred
129 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
130 received from the Mississippi Department of Transportation, Two
131 Hundred Sixty-eight Thousand Dollars (\$268,000.00) shall be
132 derived from counties and from fees charged private
133 persons/organizations, and Two Hundred Thousand Dollars
134 (\$200,000.00) shall be derived from the Budget Contingency Fund
135 created in Section 27-103-301, Mississippi Code of 1972.

136 **SECTION 9.** 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 10.** 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 11.** This act shall take effect and be in force from
153 and after July 1, 2004.