

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

To: Appropriations

SENATE BILL NO. 3137  
(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 2008.

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, 2007, and ending June 30, 2008..... \$ 8,883,248.00.

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, 2007, and ending June 30, 2008.....  
19 ..... \$ 5,910,185.00.

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.** With the funds appropriated under the provisions  
25 of Sections 1 and 2, the following positions are authorized:

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 223

28	Part Time.....	2
29	Time-Limited: Full Time.....	19
30	Part Time.....	0

31 Funds are provided herein to adjust the Variable Compensation  
32 Plan to ensure that all full-time employees receive a pay increase  
33 equal to the realignment component of the Variable Compensation  
34 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
35 is greater, to be awarded on July 1, 2007.

36 With the funds herein appropriated, it is the intention of  
37 the Legislature that it shall be the agency's responsibility to  
38 make certain that funds required to be appropriated for "Personal  
39 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
40 funds appropriated for that purpose, unless programs or positions  
41 are added to the agency's Fiscal Year 2008 budget by the  
42 Mississippi Legislature. Based on data provided by the  
43 Legislative Budget Office, the State Personnel Board shall  
44 determine and publish the projected annual cost to fully fund all  
45 appropriated positions in compliance with the provisions of this  
46 act. It shall be the responsibility of the agency head to insure  
47 that no single personnel action increases this projected annual  
48 cost and/or the Fiscal Year 2008 appropriations for "Personal  
49 Services" when annualized, with the exception of escalated funds  
50 and educational benchmarks. If, at the time the agency takes any  
51 action to change "Personal Services," the State Personnel Board  
52 determines that the agency has taken an action which would cause  
53 the agency to exceed this projected annual cost or the Fiscal Year  
54 2008 "Personal Services" appropriated level, when annualized, then  
55 only those actions which reduce the projected annual cost and/or  
56 the appropriation requirement will be processed by the State  
57 Personnel Board until such time as the requirements of this  
58 provision are met. On January 1, 2008, the State Personnel Board  
59 will make adjustments to the structure side of the compliance

60 report based on data provided by the Legislative Budget Office in  
61 order for agencies to award educational benchmarks.

62 Any transfers or escalations shall be made in accordance with  
63 the terms, conditions and procedures established by law or  
64 allowable under the terms set forth within this act. The State  
65 Personnel Board shall not escalate positions without written  
66 approval from the Department of Finance and Administration. The  
67 Department of Finance and Administration shall not provide written  
68 approval to escalate any funds for salaries and/or positions  
69 without proof of availability of new or additional funds above the  
70 appropriated level.

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

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

92           **SECTION 5.** The Mississippi Department of Agriculture and  
93 Commerce, with the assistance of the State Department of Audit and  
94 the Department of Finance and Administration, shall establish  
95 nonbudgeted enterprise funds for all "for profit" activities  
96 related to the Mississippi Agriculture and Forestry Museum. The  
97 funds shall be maintained in accordance with generally accepted  
98 accounting principles and regulations prescribed by the Department  
99 of Finance and Administration.

100           **SECTION 6.** It is the intention of the Legislature that the  
101 State Department of Agriculture and Commerce is hereby authorized  
102 to accept, budget and expend funds from any source in accordance  
103 with rules and regulations of the Department of Finance and  
104 Administration in a manner consistent with the escalation of  
105 federal funds.

106           **SECTION 7.** The following sum, or so much thereof as may be  
107 necessary, is hereby appropriated out of any money in the State  
108 Treasury to the credit of the Beaver Control Program or from any  
109 other special source funds made available to the Beaver Control  
110 Program, to the Department of Agriculture and Commerce for the  
111 support of the Beaver Control Program for the fiscal year  
112 beginning July 1, 2007, and ending June 30, 2008.....  
113 ..... \$           700,000.00.

114           Of the special funds authorized in this section, Two Hundred  
115 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds  
116 received from the Mississippi Department of Transportation and Two  
117 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from  
118 counties and from fees charged private persons/organizations, and  
119 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from  
120 funds received from the State Forestry Commission.

121           **SECTION 8.** Of the funds provided by the provisions of this  
122 act, it is the intent of the Legislature that not more than Thirty  
123 Thousand Dollars (\$30,000.00) shall be expended for the  
124 Mississippi Senior Farmers' Market Nutrition Pilot Program, which

125 shall be established by the State Department of Agriculture and  
126 Commerce to serve senior citizens above sixty (60) years of age  
127 who fall within one hundred thirty percent (130%) of the poverty  
128 level. The Commissioner of Agriculture may promulgate rules and  
129 regulations necessary to implement the Mississippi Senior Farmers'  
130 Market Nutrition Pilot Program.

131 **SECTION 9.** Of the funds appropriated herein, not more than  
132 Five Hundred Thousand Dollars (\$500,000.00) is provided, for the  
133 purpose of making incentive payments to producers of ethanol  
134 utilizing Mississippi-produced agriculture commodities under the  
135 provisions of Section 69-51-5, Mississippi Code of 1972.

136 **SECTION 10.** It is the intention of the Legislature that the  
137 State Department of Agriculture and Commerce shall have the  
138 authority to escalate its budget and expend funds from peanut  
139 revenue not to exceed Five Hundred Thousand Dollars (\$500,000.00)  
140 in accordance with rules and regulations of the Department of  
141 Finance and Administration in a manner consistent with the  
142 escalation of federal funds.

143 **SECTION 11.** It is the intention of the Legislature that  
144 whenever two (2) or more bids are received by this agency for the  
145 purchase of commodities or equipment, and whenever all things  
146 stated in such received bids are equal with respect to price,  
147 quality and service, the Mississippi Industries for the Blind  
148 shall be given preference. A similar preference shall be given to  
149 the Mississippi Industries for the Blind whenever purchases are  
150 made without competitive bids.

151 **SECTION 12.** It is legislative intent to ensure beneficial  
152 information reaches as many Mississippians as possible. Further,  
153 it is legislative intent that the expenditure of public funds for  
154 this purpose be accomplished in an efficient and effective manner.

155 Therefore, state agencies as standard procedure, will observe  
156 the following criteria:

157 (a) Develop goals and desired result for a campaign.

158           (b) Evaluate effectiveness through respected  
159 advertising standards, including market reach and cost  
160 effectiveness.

161           (c) Seek public service announcements, which would be  
162 aired by media without cost.

163           (d) Itemize and justify professional assistance and  
164 related expenses for creative and production costs outside of the  
165 actual media expenditures.

166           (e) Utilize Mississippi-owned media companies when  
167 feasible.

168           **SECTION 13.** Of the funds provided under the provisions of  
169 this act, Twenty Thousand Dollars (\$20,000.00) shall be provided  
170 to the Fair Commission County Livestock Shows for prize money.

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

177           **SECTION 15.** This act shall take effect and be in force from  
178 and after July 1, 2007.