

Chapter No. 67  
10/SS26/A401SG  
JW 187/ML

**SENATE BILL NO. 3159**

Originated in Senate *Frank D. Hughes* Secretary

SENATE BILL NO. 3159

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE, FOR THE FISCAL YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the State Department of Agriculture and Commerce, including the Divisions of Support, Plant Industry and Farmers Central Market, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 ..... \$ 8,950,000.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is hereby authorized for expenditure out of any special source funds, which are collected by or otherwise become available for the purpose of defraying the expenses of the State Department of Agriculture and Commerce, including the Divisions of Support and Plant Industry and Farmers Central Market, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .....  
..... \$ 5,845,655.00.

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

**SECTION 3.** The following sum, or so much there of as may be necessary, is hereby authorized and approved for expenditure out of the Mississippi Department of Agriculture and Commerce - Fruit and Vegetable Revolving Fund, for the purpose of defraying the

expenses of the Department, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 ..... \$ 600,000.00.

**SECTION 4.** Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits ..... \$ 11,437,890.00.

FUNDING:

General Funds .....	\$ 8,950,000.00
Special Funds .....	<u>6,445,655.00</u>
Total .....	\$ 15,395,655.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	230
	Part Time .....	2
Time-Limited:	Full Time .....	19
	Part Time .....	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which

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

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

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

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

**SECTION 5.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2011
<u>Performance Measures</u>	<u>Target</u>
Plant Industry	
Number of Pesticides Registered (Pesticides)	12,500
Number of Dealers Licenses (Licenses)	300
Museum	
Museum Attendance (Persons)	150,000
Regulatory	
Number of Nozzle Inspections (Petroleum)	75,000
Number of Scales Tested (Cons Protection)	6,200
Number of Animals Inspected (Meat Inspect)	287,356
Marketing	
Number of Ag Enterprises Assisted (Entities)	1,500
Number Reached thru Ag Awareness (Persons)	1,105,000
Administration	
Administration Percent of Budget (%)	18
Livestock Theft	
Number of Ag Theft Cases (Cases)	295
Percent Recovery of Stolen Property (Property)	35
Farmer's Market	
Number of Retail Spaces Rented (Booths)	27
Number of Wholesale Spaces Rented (Booths)	2

Avg Revenue per Retail Space Rented (\$)	10.00
Avg Revenue per Wholesale Space Rented (\$)	1,350.00

Seed Testing Lab

Number of Seed Permits Issued (Permits)	1,285
Number of Samples Received (Samples)	14,000
Number of Test Performed (Tests)	30,000

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

**SECTION 6.** The funds appropriated and authorized to be expended under the provisions of this act shall be expended for the purpose of defraying all expenses incurred by the State Department of Agriculture and Commerce in the operation of all programs and activities (except operation of the State Lime Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine Inspection Stations and Fire Ant Program) authorized to be conducted and carried on by said department; including, but not limited to: the administration of the Feed, Fertilizer and Dairy Act; the Weights and Measure Act; the Meat Inspection Act of 1968; the Mississippi Pure Seed Law; and the following additional programs and activities: enforcement of the egg law; publication and distribution of the Mississippi Market Bulletin, agricultural statistics, market news service at Stoneville, Mississippi; and inspection, grading and certifying of fruits, vegetables, hay, grain, meat and meat products, milk and dairy products, pecans, seed and syrup.

**SECTION 7.** The Mississippi Department of Agriculture and Commerce, with the assistance of the State Department of Audit and the Department of Finance and Administration, shall establish nonbudgeted enterprise funds for all "for profit" activities related to the Mississippi Agriculture and Forestry Museum. The funds shall be maintained in accordance with generally accepted

accounting principles and regulations prescribed by the Department of Finance and Administration.

**SECTION 8.** It is the intention of the Legislature that the State Department of Agriculture and Commerce is hereby authorized to accept, budget and expend funds from any source in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

**SECTION 9.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Beaver Control Program or from any other special source funds made available to the Beaver Control Program, to the Department of Agriculture and Commerce for the support of the Beaver Control Program for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .....

..... \$ 700,000.00.

Of the special funds authorized in this section, Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from funds received from the Mississippi Department of Transportation and from fees charged private persons/organizations, and Two Hundred Thousand Dollars (\$200,000.00) shall be derived from funds received from the State Forestry Commission. A county to participate must pay up to Seven Thousand Five Hundred Dollars (\$7,500.00) and if any county wishes to pay any additional funds than provided, those funds may be used only in said county.

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

regulations necessary to implement the Mississippi Senior Farmers' Market Nutrition Pilot Program.

**SECTION 11.** It is the intention of the Legislature that the State Department of Agriculture and Commerce shall have the authority to escalate its budget and expend funds from peanut revenue not to exceed Five Hundred Thousand Dollars (\$500,000.00) in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

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

**SECTION 13.** It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

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

- (a) Develop goals and desired result for a campaign.
- (b) Evaluate effectiveness through respected advertising standards, including market reach and cost-effectiveness.
- (c) Seek public service announcements, which would be aired by media without cost.
- (d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

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

**SECTION 14.** Of the funds provided under the provisions of this act, Twenty Thousand Dollars (\$20,000.00) shall be provided to the Fair Commission County Livestock Shows for prize money.

**SECTION 15.** It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

**SECTION 16.** It is the intention of the Legislature that the Mississippi Department of Agriculture and Commerce shall have the authority to escalate any funds generated from the renting or leasing the right to place a sign on property under the Department's domain, in accordance with any such rules and regulations of the Bureau of Buildings. Such funds shall be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

**SECTION 17.** It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available

due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

**SECTION 18.** It is the intention of the Legislature that the Department of Agriculture and Commerce shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

**SECTION 19.** The following sum, or so much as may be necessary, is hereby reappropriated out of any money in the State General Fund not otherwise appropriated, for the Mississippi Department of Agriculture and Commerce for the purpose of reauthorizing the expenditure of State General Funds as authorized in Senate Bill 2049, Second Extraordinary Session of 2009, for the fiscal year beginning July 1, 2010 and ending June 30, 2011 .....

..... \$ 250,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance of June 30, 2010.

**SECTION 20.** Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

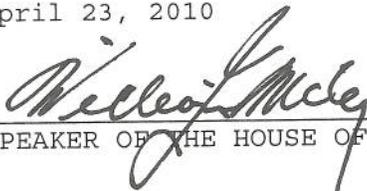
**SECTION 21.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

**SECTION 22.** This act shall take effect and be in force from and after July 1, 2010.

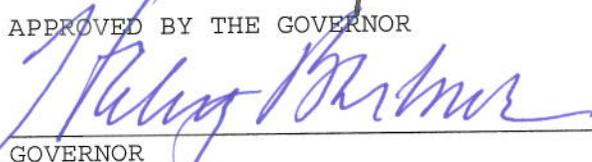
PASSED BY THE SENATE  
April 22, 2010

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 23, 2010

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

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