

5/5/16

2:39 P.M.

Chapter No. 17  
16/SS26/A401SG  
aj 166/6

## ***SENATE BILL NO. 2904***

Originated in Senate

*Argueda*

Secretary

SENATE BILL NO. 2904

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE, FOR THE FISCAL YEAR 2017.

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, 2016, and ending June 30, 2017 ..... \$ 7,711,897.00.

**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, 2016, and ending June 30, 2017 .....

..... \$ 8,322,095.00.

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.** Of the funds appropriated in Section 2, the following sum, or so much thereof as may be necessary, shall be derived from the Mississippi Department of Agriculture and Commerce - Fruit and Vegetable Revolving Fund, for the purpose of defraying the expenses of the department ..... \$ 600,000.00.

**SECTION 4.** Of the funds appropriated under the provisions of this act, the following positions are authorized:

**AUTHORIZED POSITIONS:**

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

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2017 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. 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 2017 "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.

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.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**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:

	FY2017
<u>Performance Measures</u>	<u>Target</u>
Plant Industry	
Number of Pesticide Related inspections	500
Number of Marketplace Inspections in Full Compliance	205
Number of Dealer Inspections in Full Compliance	110
Number of Agricultural and Non-Agricultural Pesticide Application Inspections in Full Compliance	1,200
Number of Agricultural and Non-Agricultural	

Record Inspections in Full Compliance	350
Percent of Marketplace Inspection in Full Compliance (%)	95.00
Percent of Dealer Inspections in Full Compliance (%)	96.00
Percent of Agricultural and Non-Agricultural Pesticide Application Inspections in Full Compliance (%)	93.00
Percent of Agricultural and Non-Agricultural Record Inspections in Full Compliance (%)	95.00

Museum

Total Number in Attendance	155,000
Baseline FY 2012: 157,393	
Number of Students in School Groups	15,000
Number of Private Revenue Generating Functions	600
Revenue Generated from Functions (\$)	300,000.00
Percentage Change in Number of Private Revenue Generating Functions (%)	1.00
Percentage Change in Revenue from Private Functions (%)	1.00
Percentage Increase in Attendance from Prior Year (%)	2.00
Percentage Increase of School Students in Attendance from Prior Year (%)	1.00

Regulatory

Number of Retail Motor Fuel Devices Inspected	52,000
Number of Food Sanitation Inspections	6,900
Percent of Total Retail Motor Fuel Devices Inspected (%)	100.00
Percent of Total Retail Food Sanitation Inspections (%)	100.00
Percentage of Consumer Complaints Answered Within 48 Hours (%)	97.00

Marketing

Number of Persons Reached by Marketing Means	1,138,150
Percentage Increase of Persons Reached by Marketing Means (%)	3.00

Administration

Maintain Administration Cost at 18% of Total Budget (%)	19.00
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Livestock Theft

Number of Cases Investigated	350
Number of Cases Cleared	36
Percentage of Cases Prosecuted (%)	10.00

Farmer's Market

Percent of Retail Spaces Rented Based on Seasonal Availability of Produce (%)	85.00
Baseline FY 2012: 32%	

Amount of Revenue Generated through	
Rental Space Rented (\$)	45,000.00
Seed Testing Lab	
Number of Days to Run Cool Test	7.00
Number of Official Samples Collected	2,350.00
Number of Days for Germination Test	
(Average Depending on Type of Seed)	20.00
Number of Hours to Evaluate TZ Test	1.00

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 2018.

**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 Measures 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.** 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, 2016, and ending June 30, 2017 .....

..... \$ 1,100,000.00.

Of the special funds authorized in this section, Six Hundred Fifty Thousand Dollars (\$650,000.00) 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 in order 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 9.** 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 10.** 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.

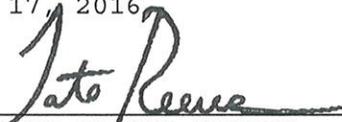
**SECTION 11.** Of the funds provided under the provisions of this act, Twenty Thousand Dollars (\$20,000.00) shall be provided to the Fair Commission County Livestock Shows for prize money.

**SECTION 12.** 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 2016. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2018 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 2017 budget request process.

**SECTION 13.** 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 14.** This act shall take effect and be in force from and after July 1, 2016.

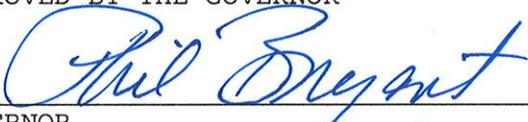
PASSED BY THE SENATE  
April 17, 2016

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 17, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

*May 5, 2016  
2:39pm*