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Chapter No. 20
13/SS26/A401SG
CRL / PT/S1

SENATE BILL NO. 2890

Originated in Senate _____ Secretary

SENATE BILL NO. 2890

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE, FOR THE FISCAL YEAR 2014.

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, 2013, and ending June 30, 2014 ..... $ 9,486,299.00.

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, 2013, and ending June 30, 2014 .....

..... $ 7,026,691.00.

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 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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 2014 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 2014 "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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY2014 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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:

Performance Measures	FY2014 Target
Plant Industry	
Stop Sales issued for mislabeled pesticide products based on 400 inspection per year (%).	
Baseline FY 2012: 400	1
Stop Sales issued for non-registered pesticide products based on 200 inspections per year (%).	
Baseline FY 2012: 200	2
Museum	
Increase in attendance (%).	
Baseline FY 2012: 157,393	5
Regulatory	
Maintain zero tolerance on carcass contamination based on USDA required inspections and frequency (%)(Meat).	
Baseline FY 2012: 210,663	100
Maintain a high compliance rate based on multiple external factors such as number of stores, product variety, and other outside	

influences (%)(Consumer Protection).

Baseline FY 2012: 6,105 97

Maintain high compliance rate based on multiple external factors such as number of stores, new products introduced in market place, and quality of product supplied through product chain (%)(Petroleum).

Baseline FY 2012: 67,685 97

Marketing

Increase the number of persons reached by marketing means to meet target demographics (%).

Baseline FY 2012: 1,105,000 3

Increase in assistance to agricultural community to meet target demographics through marketing based on funding availability (both state & federal), input from targeted industry, and producers (%).

Baseline FY 2012: 1,500 5

Administration

Maintain administration cost at 18% of total budget.

Baseline FY 2012: No Baseline 18

Livestock Theft

Number of Cases cleared (%)

Baseline FY 2012: 315 44

Recovery of Stolen Property based on external factors of price of agricultural commodities, available evidence, and local county assistance (%).

Baseline FY 2012: $3,825,738 30

Farmer's Market

Percent of Retail Spaces Rented based on seasonal availability of produce (%).

Baseline FY 2012: 32% 85

Seed Testing Lab

Stop sales issued for Purity noncompliance Based on 2,600 regulatory inspections per year (%).

Baseline FY 2012: 2,600 4

Stop sales issued for Germination noncompliance based on 2,600 regulatory inspections per year (%).

Baseline FY 2012: 2,600 3

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 2015.

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. 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, 2013, and ending June 30, 2014 .... $ 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 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 Six Hundred Thousand Dollars ($600,000.00) 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. 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 14. 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 15. 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 2013. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2015 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 2014 budget request process.

SECTION 16. With the funds herein appropriated, it is the intention of the Legislature that the Department of Agriculture and Commerce is authorized to give nine (9) reclassifications, five (5) reallocations, and eight (8) educational benchmarks at a

total cost not to exceed Sixty-six Thousand Thirty-five Dollars ($66,035.00).

SECTION 17. 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 18. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE SENATE
February 21, 2013

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 13, 2013

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

4-15-13
3:30pm