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Chapter No. 66
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AR / TB/LR

SENATE BILL NO. 3043

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 3043

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE, FOR THE FISCAL YEAR 2020.

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, 2019, and ending June 30, 2020..... $ 7,461,254.00.

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, 2019, and ending

June 30, 2020 ..... $ 9,267,529.00.

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 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 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 2020 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 2020 "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.

Funds are provided herein for all full-time employees to receive up to a Three Percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

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:

Performance Measures	FY2020 Target
Plant Industry	
Pesticide related inspections (Number of)	2,000
Marketplace Inspections in Full Compliance (Number of)	205
Dealer Inspections in Full Compliance (Number of)	110

Agricultural and Non-Agricultural Pesticide Application Inspections in Full Compliance (Number of)	1,200
Agricultural and Non-Agricultural Record Inspections in Full Compliance (Number of)	350
Marketplace Inspections in Full Compliance (%)	85.00
Dealer Inspections in Full Compliance (%)	96.00
Agricultural and Non-Agricultural Pesticide Application Inspections in Full Compliance (%)	93.00
Agricultural and Non-Agricultural Record Inspections in Full Compliance (%)	95.00
Museum	
Total Attendance (Number of) Baseline FY 2012: 157,393	115,000
Students in School Groups (Number of)	17,000
Private Revenue Generating Functions (Number of)	1,700
Change in Number of Private Revenue Generating Functions (%)	1.00
Change in Revenue from Private Functions (%)	1.00
Increase in Attendance from Prior Year (%)	2.00
Increase of School Students in	

Attendance from Prior Year (%)	2.00
Revenue Generated from Functions ($)	312,000.00
Regulatory	
Retail Motor Fuel devices Inspected (Number of)	55,100
Food Sanitation Inspections (Number of)	5,000
Total Retail Motor Fuel Devices Inspected (%)	100.00
Total Retail Food Sanitation Inspections (%)	100.00
Consumer Complaints Answered within 48 Hours (%)	97.00
Marketing	
Persons Reached by Marketing Means (Number of)	1,138,150
Increase of Persons Reached by Marketing Means (%)	3.00
Administration	
Maintain Administrative Cost at 18% of Total Budget (%)	25.00
Livestock Theft	
Cases Investigated (Number of)	200
Cases cleared (Number of)	30
Cases Prosecuted (%)	20.00
Farmer's Market	
Retail Spaces Rented Based on Seasonal	

Availability of Produce (%) Baseline	
FY 2012: 32%	85.00
Amount of Revenue Generated through	
Rental Space Rented ($)	45,000.00
Seed Testing Lab	
Days to run cool test (Number of)	7
Official samples collected (Number of)	2,350
Days for Germination test (Number of)	
(average depending on type of seed)	20
Hours to evaluate TZ test (Number of)	1

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 2021.

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, 2019, and ending June 30, 2020 .... $ 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. 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 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 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 2020 budget request process.

SECTION 12. 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 13. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE SENATE
March 28, 2019

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 16, 2019
12:43 pm