

**REPORT OF CONFERENCE COMMITTEE**

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3129: Appropriation; Agriculture & Commerce - Support and Grain Div.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, 2004, and ending June 30, 2005.....\$       7,547,949.00.

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, 2004, and ending June 30, 2005 .....

19 .....\$       5,580,017.00.

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.** Of the funds appropriated under the provisions of  
25 Sections 1 and 2, not more than the amounts set forth below shall

26 be expended for the respective major objects or purposes of  
27 expenditure:

28 MAJOR OBJECTS OF EXPENDITURE:

29 Personal Services:

30	Salaries, Wages and Fringe Benefits .. \$	9,226,598.00
31	Travel and Subsistence.....	147,452.00
32	Contractual Services .....	1,564,325.00
33	Commodities.....	421,666.00
34	Capital Outlay:	
35	Other Than Equipment .....	0.00
36	Equipment .....	1,296,225.00
37	Subsidies, Loans and Grants.....	<u>471,700.00</u>
38	Total..... \$	13,127,966.00

39 FUNDING:

40	General Funds .....	\$ 7,547,949.00
41	Special Funds .....	<u>5,580,017.00</u>
42	Total..... \$	13,127,966.00

43 AUTHORIZED POSITIONS:

44	Permanent: Full Time .....	217
45	Part Time .....	5
46	Time-Limited: Full Time .....	18
47	Part Time .....	0

48 With the funds herein appropriated, it is the intention of  
49 the Legislature that it shall be the agency's responsibility to  
50 make certain that funds required to be appropriated for "Personal  
51 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
52 funds appropriated for that purpose, unless programs or positions  
53 are added to the agency's Fiscal Year 2006 budget by the  
54 Mississippi Legislature. Based on data provided by the  
55 Legislative Budget Office, the State Personnel Board shall  
56 determine and publish the projected annual cost to fully fund all  
57 appropriated positions in compliance with the provisions of this

58 act. It shall be the responsibility of the agency head to insure  
59 that no single personnel action increases this projected annual  
60 cost and/or the Fiscal Year 2005 appropriation for "Personal  
61 Services" when annualized, with the exception of escalated funds.  
62 If, at the time the agency takes any action to change "Personal  
63 Services," the State Personnel Board determines that the agency  
64 has taken an action which would cause the agency to exceed this  
65 projected annual cost or the Fiscal Year 2005 "Personal Services"  
66 appropriated level, when annualized, then only those actions which  
67 reduce the projected annual cost and/or the appropriation  
68 requirement will be processed by the State Personnel Board until  
69 such time as the requirements of this provision are met.

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

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

83 **SECTION 4.** The funds appropriated and authorized to be  
84 expended under the provisions of this act shall be expended for  
85 the purpose of defraying all expenses incurred by the State  
86 Department of Agriculture and Commerce in the operation of all  
87 programs and activities (except operation of the State Lime  
88 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine  
89 Inspection Stations and Fire Ant Program) authorized to be

90 conducted and carried on by said department; including, but not  
91 limited to: the administration of the Feed, Fertilizer and Dairy  
92 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;  
93 the Mississippi Pure Seed Law; and the following additional  
94 programs and activities: enforcement of the egg law; publication  
95 and distribution of the Mississippi Market Bulletin, agricultural  
96 statistics, market news service at Stoneville, Mississippi; and  
97 inspection, grading and certifying of fruits, vegetables, hay,  
98 grain, meat and meat products, milk and dairy products, pecans,  
99 seed and syrup.

100       **SECTION 5.** The Mississippi Department of Agriculture and  
101 Commerce, with the assistance of the State Department of Audit and  
102 the Department of Finance and Administration, shall establish  
103 nonbudgeted enterprise funds for all "for profit" activities  
104 related to the Mississippi Agriculture and Forestry Museum. The  
105 funds shall be maintained in accordance with generally accepted  
106 accounting principles and regulations prescribed by the Department  
107 of Finance and Administration.

108       **SECTION 6.** It is the intention of the Legislature that any  
109 regulations promulgated by the State Department of Agriculture and  
110 Commerce concerning the labeling of liming materials include the  
111 actual analysis of said lime. Nothing in the regulations shall  
112 prevent any manufacturer from selling his products to any consumer  
113 as long as the labeling is accurate.

114       **SECTION 7.** It is the intention of the Legislature that the  
115 State Department of Agriculture and Commerce is hereby authorized  
116 to accept, budget and expend funds from any source in accordance  
117 with rules and regulations of the Department of Finance and  
118 Administration in a manner consistent with the escalation of  
119 federal funds.

120       **SECTION 8.** The following sum, or so much thereof as may be  
121 necessary, is hereby appropriated out of any money in the State

122 Treasury to the credit of the Beaver Control Program or from any  
123 other special source funds made available to the Beaver Control  
124 Program, to the Department of Agriculture and Commerce for the  
125 support of the Beaver Control Program for the fiscal year  
126 beginning July 1, 2004, and ending June 30, 2005 .....  
127 ..... \$ 718,000.00.

128 Of the special funds authorized in this Section, Two Hundred  
129 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds  
130 received from the Mississippi Department of Transportation, Two  
131 Hundred Sixty-eight Thousand Dollars (\$268,000.00) shall be  
132 derived from counties and from fees charged private  
133 persons/organizations, and Two Hundred Thousand Dollars  
134 (\$200,000.00) shall be derived from the Budget Contingency Fund  
135 created in Section 27-103-301, Mississippi Code of 1972.

136 **SECTION 9.** Of the funds provided by the provisions of this  
137 act, it is the intent of the Legislature that not more than Thirty  
138 Thousand Dollars (\$30,000.00) shall be expended for the  
139 Mississippi Senior Farmers' Market Nutrition Pilot Program, which  
140 shall be established by the State Department of Agriculture and  
141 Commerce to serve senior citizens above sixty (60) years of age  
142 who fall within one hundred thirty percent (130%) of the poverty  
143 level. The Commissioner of Agriculture may promulgate rules and  
144 regulations necessary to implement the Mississippi Senior Farmers'  
145 Market Nutrition Pilot Program.

146 **SECTION 10.** The money herein appropriated shall be paid by  
147 the State Treasurer out of any money in the State Treasury to the  
148 credit of the proper fund or funds as set forth in this act, upon  
149 warrants issued by the State Fiscal Officer; and the State Fiscal  
150 Officer shall issue his warrants upon requisitions signed by the  
151 proper person, officer or officers in the manner provided by law.

152 **SECTION 11.** This act shall take effect and be in force from  
153 and after July 1, 2004.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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 2005.

CONFEREES FOR THE SENATE

X (SIGNED)  
Jack Gordon

X (SIGNED)  
Sampson Jackson II

X (SIGNED)  
Cindy Hyde-Smith

CONFEREES FOR THE HOUSE

X (SIGNED)  
Johnny W. Stringer

X (SIGNED)  
Blaine Eaton

X (SIGNED)  
Tom Weathersby