

House Amendments to Senate Bill No. 3129

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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 and Plant Industry,
10 for the fiscal year beginning July 1, 2004, and ending
11 June 30, 2005..... \$ 7,467,949.00.

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, for the fiscal year beginning July 1, 2004,
18 and ending June 30, 2005..... \$ 4,994,371.00.

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

23 **SECTION 3.** Of the funds appropriated under the provisions of
24 Sections 1 and 2, the following positions are authorized:

25 **AUTHORIZED POSITIONS:**

26	Permanent:	Full Time.....	191
27		Part Time.....	2
28	Time-Limited:	Full Time.....	19
29		Part Time.....	0

30 With the funds herein appropriated, it is the intention of
31 the Legislature that it shall be the agency's responsibility to
32 make certain that funds required to be appropriated for "Personal
33 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
34 funds appropriated for that purpose, unless programs or positions
35 are added to the agency's Fiscal Year 2006 budget by the
36 Mississippi Legislature. Based on data provided by the
37 Legislative Budget Office, the State Personnel Board shall
38 determine and publish the projected annual cost to fully fund all
39 appropriated positions in compliance with the provisions of this
40 act. It shall be the responsibility of the agency head to insure
41 that no single personnel action increases this projected annual
42 cost and/or the Fiscal Year 2005 appropriation for "Personal
43 Services" when annualized, with the exception of escalated funds.
44 If, at the time the agency takes any action to change "Personal
45 Services," the State Personnel Board determines that the agency
46 has taken an action which would cause the agency to exceed this
47 projected annual cost or the Fiscal Year 2005 "Personal Services"
48 appropriated level, when annualized, then only those actions which
49 reduce the projected annual cost and/or the appropriation
50 requirement will be processed by the State Personnel Board until
51 such time as the requirements of this provision are met.

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

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

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

69 **SECTION 4.** The funds authorized herein shall be used to fund
70 all operations of the agency with the following prohibitions:

71 (1) The agency shall not fill any current or future vacant
72 positions;

73 (2) The agency shall not take any action to promote or
74 otherwise award salary increases through reallocation,
75 reclassification, realignment, education benchmark, career ladder,
76 or any other means to increase salaries of employees or positions
77 except as allowed under the provisions set forth in House Bill No.
78 1279, 2004 Regular Session;

79 (3) The agency shall not expend funds for out-of-state
80 travel except as allowed under the provisions set forth in House
81 Bill No. 1279, 2004 Regular Session;

82 (4) The agency shall not expend funds for the purchase of or
83 contract for cellular phones, two-way radios or pagers, except for
84 support of employees in the Department of Public Safety and the
85 Bureau of Narcotics as recommended by Information Technology
86 Services or as allowed under the provisions set forth in House
87 Bill No. 1279, 2004 Regular Session;

88 (5) The agency shall not expend funds to publish or
89 distribute any annual reports or other publications;

90 (6) The agency shall not expend funds for public relation
91 activities regarding the functions, programs or services of the
92 agency except as allowed under the provisions set forth in House
93 Bill No. 1279, 2004 Regular Session;

94 (7) The agency shall not advertise the functions, programs
95 or services of the agency except that the Mississippi Development
96 Authority is authorized to expend funds for advertising to carry
97 out the purposes of key programs administered by the authority;

98 (8) The agency shall not expend funds for staff development
99 or training services;

100 (9) The agency shall not expend funds for the purchase of
101 new or replacement equipment or furniture, excluding lease
102 purchase payments on agreements in effect upon passage of this
103 appropriation bill, except as allowed under the provisions set
104 forth in House Bill No. 1279, 2004 Regular Session.

105 **SECTION 5.** It is the intention of the Legislature that none
106 of the funds appropriated above shall be expended unless members
107 of the Mississippi House of Representatives and Mississippi Senate
108 are notified at least five (5) days prior to a public ceremony
109 announcing the award of any grant in their district or any public
110 announcement or ceremony regarding the groundbreaking or opening
111 of a facility, roadway or bridge for which the Legislature has
112 made funds available. Any signage regarding any public event or
113 any new facility, roadway or bridge shall include the following
114 language: "Funds were made available for this project by the
115 Mississippi State Legislature."

116 **SECTION 6.** It is the intention of the Legislature that the
117 State Department of Agriculture and Commerce shall maintain
118 complete accounting and personnel records related to the
119 expenditure of all funds appropriated under this act and that such
120 records shall be in the same format and level of detail as
121 maintained for Fiscal Year 2004. It is further the intention of
122 the Legislature that the agency's budget request for Fiscal Year
123 2006 shall be submitted to the Joint Legislative Budget Committee
124 in a format and level of detail comparable to the format and level
125 of detail provided during the Fiscal Year 2005 budget request
126 process.

127 **SECTION 7.** The funds appropriated and authorized to be
128 expended under the provisions of this act shall be expended for
129 the purpose of defraying all expenses incurred by the State
130 Department of Agriculture and Commerce in the operation of all
131 programs and activities (except operation of the State Lime
132 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
133 Inspection Stations and Fire Ant Program) authorized to be
134 conducted and carried on by said department; including, but not

135 limited to: the administration of the Feed, Fertilizer and Dairy
136 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
137 the Mississippi Pure Seed Law; and the following additional
138 programs and activities: enforcement of the egg law; publication
139 and distribution of the Mississippi Market Bulletin, agricultural
140 statistics, market news service at Stoneville, Mississippi; and
141 inspection, grading and certifying of fruits, vegetables, hay,
142 grain, meat and meat products, milk and dairy products, pecans,
143 seed and syrup.

144 **SECTION 8.** The Mississippi Department of Agriculture and
145 Commerce, with the assistance of the State Department of Audit and
146 the Department of Finance and Administration, shall establish
147 nonbudgeted enterprise funds for all "for profit" activities
148 related to the Mississippi Agriculture and Forestry Museum. The
149 funds shall be maintained in accordance with generally accepted
150 accounting principles and regulations prescribed by the Department
151 of Finance and Administration.

152 **SECTION 9.** It is the intention of the Legislature that any
153 regulations promulgated by the State Department of Agriculture and
154 Commerce concerning the labeling of liming materials include the
155 actual analysis of said lime. Nothing in the regulations shall
156 prevent any manufacturer from selling his products to any consumer
157 as long as the labeling is accurate.

158 **SECTION 10.** It is the intention of the Legislature that the
159 State Department of Agriculture and Commerce is hereby authorized
160 to accept, budget and expend funds from any source not to exceed
161 Five Hundred Thousand Dollars (\$500,000.00). Such funds are to be
162 escalated as established in Section 27-104-21, Mississippi Code of
163 1972, and expended for the purpose of performing such duties as
164 set forth by law in accordance with rules and regulations of the
165 Department of Finance and Administration in a manner consistent
166 with the escalation of federal funds.

167 **SECTION 11.** The following sum, or so much thereof as may be
168 necessary, is hereby appropriated out of any money in the State
169 Treasury to the credit of the Beaver Control Program or from any

170 other special source funds made available to the Beaver Control
171 Program, to the Department of Agriculture and Commerce for the
172 support of the Beaver Control Program for the fiscal year
173 beginning July 1, 2004, and ending June 30, 2005.....
174 \$ 718,000.00.

175 Of the special funds authorized in this Section, Two Hundred
176 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
177 received from the Mississippi Department of Transportation, Two
178 Hundred Sixty-eight Thousand Dollars (\$268,000.00) shall be
179 derived from counties and from fees charged private
180 persons/organizations, and Two Hundred Thousand Dollars
181 (\$200,000.00) shall be derived for the purpose of defraying the
182 cost to assist counties in the eradication or control of beaver
183 populations, contingent upon passage of House Bill No. 1279, 2004
184 Regular Session.

185 **SECTION 12.** Of the funds provided by the provisions of this
186 act, it is the intent of the Legislature that not more than Thirty
187 Thousand Dollars (\$30,000.00) shall be expended for the
188 Mississippi Senior Farmers' Market Nutrition Pilot Program, which
189 shall be established by the State Department of Agriculture and
190 Commerce to serve senior citizens above sixty (60) years of age
191 who fall within one hundred thirty percent (130%) of the poverty
192 level. The Commissioner of Agriculture may promulgate rules and
193 regulations necessary to implement the Mississippi Senior Farmers'
194 Market Nutrition Pilot Program.

195 **SECTION 13.** The money herein appropriated shall be paid by
196 the State Treasurer out of any money in the State Treasury to the
197 credit of the proper fund or funds as set forth in this act, upon
198 warrants issued by the State Fiscal Officer; and the State Fiscal
199 Officer shall issue his warrants upon requisitions signed by the
200 proper person, officer or officers in the manner provided by law.

201 **SECTION 14.** This act shall take effect and be in force from
202 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.

HR05\SB3129A.J

Don Richardson
Clerk of the House of Representatives