

House Amendments to Senate Bill No. 3029

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, Plant Industry and
10 Farmers Central Market, for the fiscal year beginning
11 July 1, 2006, and ending June 30, 2007..... \$ 7,076,242.00.

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, 2006, and ending June 30, 2007.....
19 \$ 5,669,814.00.

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.** With the funds appropriated under the provisions
25 of Sections 1 and 2, not more than the amounts set forth below
26 shall 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.. \$ 9,133,829.00

31	Travel and Subsistence.....	115,114.00
32	Contractual Services.....	1,516,199.00
33	Commodities.....	580,646.00
34	Capital Outlay:	
35	Other Than Equipment.....	0.00
36	Equipment.....	840,287.00
37	Subsidies, Loans and Grants.....	<u>559,981.00</u>
38	Total.....	\$ 12,746,056.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	191
41	Part Time.....	2
42	Time-Limited: Full Time.....	17
43	Part Time.....	0

44 For the fiscal year beginning on July 1, 2006, funds are
45 provided herein to adjust the annual compensation of each employee
46 who has been employed for twelve (12) months or longer by an
47 amount equal to One Thousand Dollars (\$1,000.00), effective on
48 July 1, 2006.

49 With the funds herein appropriated, it is the intention of
50 the Legislature that it shall be the agency's responsibility to
51 make certain that funds required to be appropriated for "Personal
52 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
53 funds appropriated for that purpose, unless programs or positions
54 are added to the agency's Fiscal Year 2008 budget by the
55 Mississippi Legislature. Based on data provided by the
56 Legislative Budget Office, the State Personnel Board shall
57 determine and publish the projected annual cost to fully fund all
58 appropriated positions in compliance with the provisions of this
59 act. It shall be the responsibility of the agency head to insure
60 that no single personnel action increases this projected annual
61 cost and/or the Fiscal Year 2007 appropriation for "Personal
62 Services" when annualized, with the exception of escalated funds.
63 If, at the time the agency takes any action to change "Personal
64 Services," the State Personnel Board determines that the agency
65 has taken an action which would cause the agency to exceed this

66 projected annual cost or the Fiscal Year 2007 "Personal Services"
67 appropriated level, when annualized, then only those actions which
68 reduce the projected annual cost and/or the appropriation
69 requirement will be processed by the State Personnel Board until
70 such time as the requirements of this provision are met.

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

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

84 **SECTION 4.** The funds appropriated and authorized to be
85 expended under the provisions of this act shall be expended for
86 the purpose of defraying all expenses incurred by the State
87 Department of Agriculture and Commerce in the operation of all
88 programs and activities (except operation of the State Lime
89 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
90 Inspection Stations and Fire Ant Program) authorized to be
91 conducted and carried on by said department; including, but not
92 limited to: the administration of the Feed, Fertilizer and Dairy
93 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
94 the Mississippi Pure Seed Law; and the following additional
95 programs and activities: enforcement of the egg law; publication
96 and distribution of the Mississippi Market Bulletin, agricultural
97 statistics, market news service at Stoneville, Mississippi; and
98 inspection, grading and certifying of fruits, vegetables, hay,
99 grain, meat and meat products, milk and dairy products, pecans,
100 seed and syrup.

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

109 **SECTION 6.** It is the intention of the Legislature that the
110 State Department of Agriculture and Commerce is hereby authorized
111 to accept, budget and expend funds from any source in accordance
112 with rules and regulations of the Department of Finance and
113 Administration in a manner consistent with the escalation of
114 federal funds.

115 **SECTION 7.** The following sum, or so much thereof as may be
116 necessary, is hereby appropriated out of any money in the State
117 Treasury to the credit of the Beaver Control Program or from any
118 other special source funds made available to the Beaver Control
119 Program, to the Department of Agriculture and Commerce for the
120 support of the Beaver Control Program for the fiscal year
121 beginning July 1, 2006, and ending June 30, 2007.....
122 \$ 700,000.00.

123 Of the special funds authorized in this section, Two Hundred
124 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
125 received from the Mississippi Department of Transportation and Two
126 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from
127 counties and from fees charged private persons/organizations, and
128 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from
129 funds received from the State Forestry Commission.

130 **SECTION 8.** The following sum, or so much thereof as may be
131 necessary, is hereby appropriated from special source funds for
132 the upgrade and operation of the State Seed Testing Laboratory for
133 the fiscal year beginning July 1, 2006, and ending
134 June 30, 2007..... \$ 140,000.00

135 The special funds appropriated in this section shall be
136 expended in accordance with rules and regulations of the
137 Department of Finance and Administration in a manner consistent
138 with the escalation of federal funds for the purpose of defraying
139 costs of up to three (3) permanent positions and associated
140 expenses of operating the State Seed Testing Laboratory.

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

151 **SECTION 10.** Of the funds appropriated herein, not more than
152 Five Hundred Thousand Dollars (\$500,000.00) is provided, for the
153 purpose of making incentive payments to producers of ethanol
154 utilizing Mississippi-produced agriculture commodities under the
155 provisions of Section 69-51-5, Mississippi Code of 1972.

156 **SECTION 11.** Of the funds appropriated under the provisions
157 of Section 2, Three Hundred Thousand Dollars (\$300,000.00) shall
158 be derived from the Budget Contingency Fund, as created in Section
159 27-103-301, Mississippi Code of 1972.

160 **SECTION 12.** It is the intention of the Legislature that
161 whenever two (2) or more bids are received by this agency for the
162 purchase of commodities or equipment, and whenever all things
163 stated in such received bids are equal with respect to price,
164 quality and service, the Mississippi Industries for the Blind
165 shall be given preference. A similar preference shall be given to
166 the Mississippi Industries for the Blind whenever purchases are
167 made without competitive bids.

168 **SECTION 13.** All expenditures of funds appropriated by this
169 act for the purposes of advertising through the media shall comply

170 with the provisions of this section. All notices, advertisements,
171 or announcements designed to accomplish distribution of vital
172 information paid for wholly or in part through funds appropriated
173 by this act and distributed through the media shall be placed
174 according to a formula based upon the following criteria:

175 (a) Outlets of the Mississippi Public Broadcasting
176 System shall receive twenty percent (20%) of all expenditures
177 allotted for any advertising campaign undertaken by the agency to
178 which funds are appropriated by this act. All distribution of
179 information undertaken by the Mississippi Broadcasting System
180 under these requirements shall conform to the accepted standards
181 of information distribution common to public media.

182 (b) Media outlets, other than outlets of the
183 Mississippi Public Broadcasting System, shall receive placement of
184 such notices through the following method of distribution and
185 based upon commonly accepted boundaries of distribution:

186 (i) Newspapers. Newspapers demonstrating
187 established market reach through verifiable and auditable
188 circulation numbers shall receive twenty-five percent (25%) of all
189 expenditures allotted for distribution of vital information, and
190 such expenditures to the individual newspapers shall be determined
191 and prorated based upon the verifiable and auditable share of
192 total circulation within the individual counties. This
193 requirement does not replace the requirements and systems
194 currently in place regarding legal notices in the newspapers.

195 (ii) Radio. Radio stations demonstrating
196 established market reach through verifiable and auditable market
197 share information as recorded through reputable and established
198 rating services shall receive twenty percent (20%) of all
199 expenditures allotted for such distribution of vital information,
200 and such expenditures to the individual stations shall be
201 determined and prorated based upon the verifiable and auditable
202 share of total market reach within the individual counties.

203 (iii) Television. Television stations and
204 television cable outlets demonstrating established market reach

205 through verifiable and auditable market share information as
206 recorded through reputable and established rating services shall
207 receive twenty percent (20%) of all expenditures allotted for such
208 distribution of vital information, and such expenditures to the
209 individual stations shall be determined and prorated based upon
210 the verifiable and auditable share of total market reach within
211 the individual demonstrated market reach area of the station or
212 cable outlet.

213 (iv) Magazines. Magazines demonstrating
214 established market reach through verifiable and auditable
215 circulation numbers shall receive ten percent (10%) of all
216 expenditures allotted for such distribution of vital information,
217 and such expenditures to the individual magazines shall be
218 determined and prorated based upon the verifiable and auditable
219 circulation numbers within the counties. If no magazine exists
220 which meets the criteria stated above, the portion of those funds
221 so allotted shall be distributed among the other media outlets
222 equally.

223 (v) Electronic media. Electronic media
224 demonstrating established market reach through verifiable and
225 auditable circulation numbers shall receive five percent (5%) of
226 all expenditures allotted for such distribution of vital
227 information, and such expenditures to the individual electronic
228 media outlets shall be determined and prorated based upon the
229 verifiable and auditable circulation numbers within the counties.
230 If no electronic media exists which meets the criteria stated
231 above, the portion of those funds so allotted shall be distributed
232 equally among the other media outlets.

233 Provisions of this section do not apply to the placement of
234 advertisements in national media outlets to recruit economic
235 development or to promote tourism in the state.

236 **SECTION 14.** The money herein appropriated shall be paid by
237 the State Treasurer out of any money in the State Treasury to the
238 credit of the proper fund or funds as set forth in this act, upon
239 warrants issued by the State Fiscal Officer; and the State Fiscal

240 Officer shall issue his warrants upon requisitions signed by the
241 proper person, officer or officers in the manner provided by law.

242 **SECTION 15.** This act shall take effect and be in force from
243 and after July 1, 2006.

**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 2007.

HR03\SB3029PH.J

Don Richardson
Clerk of the House of Representatives