

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. 3137: 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, 2007, and ending June 30, 2008..... \$ 8,883,248.00.

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, 2007, and ending June 30, 2008.....
19 \$ 5,910,185.00.

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, the following positions are authorized:

26 AUTHORIZED POSITIONS:

27	Permanent:	Full Time.....	223
28		Part Time.....	2
29	Time-Limited:	Full Time.....	19
30		Part Time.....	0

31 Funds are provided herein to adjust the Variable Compensation
32 Plan to ensure that all full-time employees receive a pay increase
33 equal to the realignment component of the Variable Compensation
34 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
35 is greater, to be awarded on July 1, 2007.

36 With the funds herein appropriated, it is the intention of
37 the Legislature that it shall be the agency's responsibility to
38 make certain that funds required to be appropriated for "Personal
39 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2008 budget by the
42 Mississippi Legislature. Based on data provided by the
43 Legislative Budget Office, the State Personnel Board shall
44 determine and publish the projected annual cost to fully fund all
45 appropriated positions in compliance with the provisions of this
46 act. It shall be the responsibility of the agency head to insure
47 that no single personnel action increases this projected annual
48 cost and/or the Fiscal Year 2008 appropriations for "Personal
49 Services" when annualized, with the exception of escalated funds
50 and educational benchmarks. If, at the time the agency takes any
51 action to change "Personal Services", the State Personnel Board
52 determines that the agency has taken an action which would cause
53 the agency to exceed this projected annual cost or the Fiscal Year
54 2008 "Personal Services" appropriated level, when annualized, then
55 only those actions which reduce the projected annual cost and/or
56 the appropriation requirement will be processed by the State
57 Personnel Board until such time as the requirements of this

58 provision are met. On January 1, 2008, the State Personnel Board
59 will make adjustments to the structure side of the compliance
60 report based on data provided by the Legislative Budget Office in
61 order for agencies to award educational benchmarks.

62 Any transfers or escalations shall be made in accordance with
63 the terms, conditions and procedures established by law or
64 allowable under the terms set forth within this act. The State
65 Personnel Board shall not escalate positions without written
66 approval from the Department of Finance and Administration. The
67 Department of Finance and Administration shall not provide written
68 approval to escalate any funds for salaries and/or positions
69 without proof of availability of new or additional funds above the
70 appropriated level.

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

75 **SECTION 4.** The funds appropriated and authorized to be
76 expended under the provisions of this act shall be expended for
77 the purpose of defraying all expenses incurred by the State
78 Department of Agriculture and Commerce in the operation of all
79 programs and activities (except operation of the State Lime
80 Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine
81 Inspection Stations and Fire Ant Program) authorized to be
82 conducted and carried on by said department; including, but not
83 limited to: the administration of the Feed, Fertilizer and Dairy
84 Act; the Weights and Measure Act; the Meat Inspection Act of 1968;
85 the Mississippi Pure Seed Law; and the following additional
86 programs and activities: enforcement of the egg law; publication
87 and distribution of the Mississippi Market Bulletin, agricultural
88 statistics, market news service at Stoneville, Mississippi; and
89 inspection, grading and certifying of fruits, vegetables, hay,

90 grain, meat and meat products, milk and dairy products, pecans,
91 seed and syrup.

92 **SECTION 5.** The Mississippi Department of Agriculture and
93 Commerce, with the assistance of the State Department of Audit and
94 the Department of Finance and Administration, shall establish
95 nonbudgeted enterprise funds for all "for profit" activities
96 related to the Mississippi Agriculture and Forestry Museum. The
97 funds shall be maintained in accordance with generally accepted
98 accounting principles and regulations prescribed by the Department
99 of Finance and Administration.

100 **SECTION 6.** It is the intention of the Legislature that the
101 State Department of Agriculture and Commerce is hereby authorized
102 to accept, budget and expend funds from any source in accordance
103 with rules and regulations of the Department of Finance and
104 Administration in a manner consistent with the escalation of
105 federal funds.

106 **SECTION 7.** The following sum, or so much thereof as may be
107 necessary, is hereby appropriated out of any money in the State
108 Treasury to the credit of the Beaver Control Program or from any
109 other special source funds made available to the Beaver Control
110 Program, to the Department of Agriculture and Commerce for the
111 support of the Beaver Control Program for the fiscal year
112 beginning July 1, 2007, and ending June 30, 2008.....
113 \$ 700,000.00.

114 Of the special funds authorized in this section, Two Hundred
115 Fifty Thousand Dollars (\$250,000.00) shall be derived from funds
116 received from the Mississippi Department of Transportation and Two
117 Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from
118 counties and from fees charged private persons/organizations, and
119 Two Hundred Thousand Dollars (\$200,000.00) shall be derived from
120 funds received from the State Forestry Commission.

121 **SECTION 8.** Of the funds provided by the provisions of this
122 act, it is the intent of the Legislature that not more than Thirty
123 Thousand Dollars (\$30,000.00) shall be expended for the
124 Mississippi Senior Farmers' Market Nutrition Pilot Program, which
125 shall be established by the State Department of Agriculture and
126 Commerce to serve senior citizens above sixty (60) years of age
127 who fall within one hundred thirty percent (130%) of the poverty
128 level. The Commissioner of Agriculture may promulgate rules and
129 regulations necessary to implement the Mississippi Senior Farmers'
130 Market Nutrition Pilot Program.

131 **SECTION 9.** Of the funds appropriated herein, not more than
132 Five Hundred Thousand Dollars (\$500,000.00) is provided, for the
133 purpose of making incentive payments to producers of ethanol
134 utilizing Mississippi-produced agriculture commodities under the
135 provisions of Section 69-51-5, Mississippi Code of 1972.

136 **SECTION 10.** It is the intention of the Legislature that the
137 State Department of Agriculture and Commerce shall have the
138 authority to escalate its budget and expend funds from peanut
139 revenue not to exceed Five Hundred Thousand Dollars (\$500,000.00)
140 in accordance with rules and regulations of the Department of
141 Finance and Administration in a manner consistent with the
142 escalation of federal funds.

143 **SECTION 11.** It is the intention of the Legislature that
144 whenever two (2) or more bids are received by this agency for the
145 purchase of commodities or equipment, and whenever all things
146 stated in such received bids are equal with respect to price,
147 quality and service, the Mississippi Industries for the Blind
148 shall be given preference. A similar preference shall be given to
149 the Mississippi Industries for the Blind whenever purchases are
150 made without competitive bids.

151 **SECTION 12.** It is legislative intent to ensure beneficial
152 information reaches as many Mississippians as possible. Further,

153 it is legislative intent that the expenditure of public funds for
154 this purpose be accomplished in an efficient and effective manner.

155 Therefore, state agencies as standard procedure, will observe
156 the following criteria:

157 (1) Develop goals and desired result for a campaign.

158 (2) Evaluate effectiveness through respected advertising
159 standards, including market reach and cost effectiveness.

160 (3) Seek public service announcements, which would be aired
161 by media without cost.

162 (4) Itemize and justify professional assistance and related
163 expenses for creative and production costs outside of the actual
164 media expenditures.

165 (5) Utilize Mississippi owned media companies when feasible.

166 **SECTION 13.** Of the funds provided under the provisions of
167 this act, Twenty Thousand Dollars (\$20,000.00) shall be provided
168 to the Fair Commission County Livestock Shows for prize money.

169 **SECTION 14.** The money herein appropriated shall be paid by
170 the State Treasurer out of any money in the State Treasury to the
171 credit of the proper fund or funds as set forth in this act, upon
172 warrants issued by the State Fiscal Officer; and the State Fiscal
173 Officer shall issue his warrants upon requisitions signed by the
174 proper person, officer or officers in the manner provided by law.

175 **SECTION 15.** This act shall take effect and be in force from
176 and after July 1, 2007.

**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 2008.

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Jackson (32nd)

X (SIGNED)
Hyde-Smith

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Eaton

X (SIGNED)
Warren