

REPORT OF CONFERENCE COMMITTEE

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MADAM PRESIDENT AND MR. SPEAKER:

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

S. B. No. 3069: 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, 2005, and ending June 30, 2006.....\$ 7,271,375.00.

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, 2005, and ending June 30, 2006

19\$ 5,301,010.00.

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 .. \$	9,120,732.00
31	Travel and Subsistence.....	57,000.00
32	Contractual Services	1,516,199.00
33	Commodities.....	580,646.00
34	Capital Outlay:	
35	Other Than Equipment	0.00
36	Equipment	756,347.00
37	Subsidies, Loans and Grants.....	<u>541,461.00</u>
38	Total..... \$	12,572,385.00

39 FUNDING:

40	General Funds	\$ 7,271,375.00
41	Special Funds	<u>5,301,010.00</u>
42	Total..... \$	12,572,385.00

43 AUTHORIZED POSITIONS:

44	Permanent: Full Time	220
45	Part Time	2
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 2007 do not exceed Fiscal Year 2006
52 funds appropriated for that purpose, unless programs or positions
53 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
84 award salary increases through reallocation, reclassification,
85 realignment, education benchmark, career ladder, or any other
86 means to increase salaries of employees or positions, except for
87 the award of teacher pay increases.

88 **SECTION 4.** The funds appropriated and authorized to be
89 expended under the provisions of this act shall be expended for

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

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

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

119 **SECTION 7.** The following sum, or so much thereof as may be
120 necessary, is hereby appropriated out of any money in the State
121 Treasury to the credit of the Beaver Control Program or from any

122 other special source funds made available to the Beaver Control
123 Program, to the Department of Agriculture and Commerce for the
124 support of the Beaver Control Program for the fiscal year
125 beginning July 1, 2005, and ending June 30, 2006
126 \$ 700,000.00.

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

134 **SECTION 8.** Upon the passage of Senate Bill 2681, 2005
135 Regular Session, the following sum, or so much thereof as may be
136 necessary, is hereby appropriated from special source funds for
137 the upgrade and operation of the State Seed Testing Laboratory for
138 the fiscal year beginning July 1, 2005, and ending
139 June 30, 2006..... \$ 140,000.00

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

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

154 regulations necessary to implement the Mississippi Senior Farmers'
155 Market Nutrition Pilot Program.

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

161 **SECTION 11.** Of the funds appropriated under the provisions
162 of Section 2, Three Hundred Thousand Dollars (\$300,000.00) shall
163 be derived from the Budget Contingency Fund created in Section
164 27-103-301, Mississippi Code of 1972, for the purpose of defraying
165 the expenses of the operation of the State Department of
166 Agriculture.

167 **SECTION 12.** The money herein appropriated shall be paid by
168 the State Treasurer out of any money in the State Treasury to the
169 credit of the proper fund or funds as set forth in this act, upon
170 warrants issued by the State Fiscal Officer; and the State Fiscal
171 Officer shall issue his warrants upon requisitions signed by the
172 proper person, officer or officers in the manner provided by law.

173 **SECTION 13.** This act shall take effect and be in force from
174 and after July 1, 2005.

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)
Hudson