

By: Senator(s) Hopson, Polk,
Blackwell, Norwood, Parks,
Simmons (13th)

To: Appropriations

SENATE BILL NO. 2028
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF AGRICULTURE AND COMMERCE
3 FOR FISCAL YEAR 2026.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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,
10 Farmers Central Market, Fair Commission, Livestock Coliseum,
11 Industrial Showcase, and Trade Mart Building, for the fiscal year
12 beginning July 1, 2025, and ending June 30, 2026.....
13\$ 9,588,715.00.

14 **SECTION 2.** The following sum, or so much thereof as may be
15 necessary, is hereby authorized for expenditure out of any special
16 source funds, which are collected by or otherwise become available
17 for the purpose of defraying the expenses of the State Department
18 of Agriculture and Commerce, including the Divisions of Support



19 and Plant Industry, Farmers Central Market, Fair Commission,
20 Livestock Coliseum, Industrial Showcase, Agriculture Museum, the
21 Fairgrounds, Dixie National Rodeo and Trade Mart Building for the
22 fiscal year beginning July 1, 2025, and ending June 30, 2026.....
23\$ 19,951,804.00.

24 The funds authorized for expenditure under the provisions of
25 this section include subscription fees produced from the Market
26 Bulletin and admission fees produced from the Mississippi
27 Agriculture and Forestry Museum.

28 **SECTION 3.** Of the funds appropriated under the provisions of
29 this act, not more than the following amount of funds, with the
30 exception of the provisions in this section, shall be expended
31 only for "Personal Services," which includes "Vacancy Funding,"
32 for the following authorized number of employment headcount:

33 FUNDING:

34	General Funds:	\$ 8,145,574.00
35	Special Funds:	\$ 7,068,062.00
36	Total Funds:	\$ 15,213,636.00

37 PERSONAL SERVICES:

38	Employee Salaries, Wages, and	
39	Fringe Benefits:	\$ 14,520,010.00
40	Progressions:	\$ 0.00
41	Vacancy Funding:	\$ 693,626.00
42	Total Personal Services:	\$ 15,213,636.00

43 AUTHORIZED HEADCOUNT:



Year 2026 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2026 budget by the Mississippi Legislature.

If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken or will take an action that would cause the agency to exceed the funds appropriated in this act when annualized for Fiscal Year 2026 or increase the need for "Personal Services" for Fiscal Year 2027, when annualized, the State Personnel Board shall process no salary actions until such time as the requirements of the provisions of this section are met with the exception of new hires determined to be essential for the agency.

When used in this section, "Vacancy Funding" shall mean funds included in the Total Personal Services amount listed above and designated for approved vacancies in Fiscal Year 2026. These funds are to be utilized to increase the number of filled headcounts that were authorized but unfilled as of the last day of Fiscal Year 2025. If the agency fills additional headcounts after May 1, 2025, until the end of Fiscal Year 2025, the amount of available Vacancy Funding may be proportionally reduced to reflect the updated number of filled headcounts. The agency shall be responsible for ensuring that "Vacancy Funding" is used to increase headcounts and not for promotions, title changes,



in-range salary adjustments, or any other mechanism for increasing salaries for current employees.

Any transfers or escalations shall be made in accordance with the terms, conditions, and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or headcounts without proof of availability of new or additional funds above the appropriated level. Unless specifically noted, all Fiscal Year 2025 escalated headcounts have been accounted for and shall be converted to authorized time-limited headcounts.

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

None of the funds herein appropriated shall be used in violation of the Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

If the agency's total authorized headcount decreases from Fiscal Year 2025 to Fiscal Year 2026, it will be the agency's discretion as to what headcounts are removed.



The Legislature authorized three (3) new headcounts, which are included in the authorized headcount above for Fiscal Year 2026. One (1) headcount for the Program Management and Support will be utilized by using one (1) FY 2025 existing headcount.

New Headcount Titles Authorized:

Consumer Safety, Protection and Compliance - Meat
Inspector - 1

Consumer Safety, Protection and Compliance - Seed
Inspector - 2

Program Management and Support -Trade Mart Assistant
Manager -1

SECTION 4. In addition to all other sums herein appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Beaver Control Program or from any other special source funds made available to the Beaver Control Program, to the Department of Agriculture and Commerce for the support of the Beaver Control Program for the fiscal year beginning July 1, 2025, and ending June 30, 2026.....
.....\$ 1,100,000.00.

Of the special funds authorized in this section, Six Hundred Fifty Thousand Dollars (\$650,000.00) shall be derived from funds received from the Mississippi Department of Transportation and from fees charged private persons/organizations, and Two Hundred Thousand Dollars (\$200,000.00) shall be derived from funds



received from the State Forestry Commission. A county in order to participate must pay up to Seven Thousand Five Hundred Dollars (\$7,500.00), and if any county wishes to pay any additional funds than provided, those funds may be used only in said county.

SECTION 5. Of the funds appropriated in Section 2 of this act, the following sum, or so much thereof as may be necessary, shall be derived from the Mississippi Department of Agriculture and Commerce - Fruit and Vegetable Revolving Fund, for the purpose of defraying the expenses of the department.....\$ 600,000.00.

SECTION 6. Of the funds appropriated in Section 2 of this act, Seventy-four Thousand Eight Hundred Five Dollars (\$74,805.00) shall be provided for the support of the Mississippi Egg Marketing Board.

SECTION 7. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2026
<u>Performance Measures</u>	<u>Target</u>
Plant Industry	
Number of Pesticide Related Inspections	2,000
Number of Marketplace Inspections in	



167	Full Compliance	205
168	Number of Dealer Inspections in Full	
169	Compliance	110
170	Number of Agricultural and	
171	Non-Agricultural Pesticide Application	
172	Inspections in Full Compliance	1,200
173	Number of Agricultural and	
174	Non-Agricultural Record Inspections in	
175	Full Compliance	350
176	Percent of Marketplace Inspections in	
177	Full Compliance	85.00
178	Percent of Dealer Inspections in Full	
179	Compliance	96.00
180	Percent of Agricultural and	
181	Non-Agricultural Pesticide Application	
182	Inspections in Full Compliance	93.00
183	Percent of Agricultural and	
184	Non-Agricultural Record Inspections in	
185	Full Compliance	95.00
186	Museum	
187	Total Attendance	110,000
188	Number of Students in School Groups	16,000
189	Number of Private Revenue Generating	
190	Functions	450
191	Percent Change in Number of Private	



192	Revenue Generating Functions	3.00
193	Percent Change in Revenue from Private	
194	Functions	3.00
195	Percent Increase in Attendance from	
196	Prior Year	2.00
197	Percent Increase of School Students in	
198	Attendance from Prior Year	2.00
199	Revenue Generated from Functions	300,000.00
200	Regulatory	
201	Number of Retail Motor Fuel Devices	
202	Inspected	63,000
203	Number of Food Sanitation Inspections	4,700
204	Percent of Total Retail Motor Fuel	
205	Devices Inspected	100.00
206	Percent of Total Retail Food Sanitation	
207	Inspections	100.00
208	Percent of Consumer Complaints Answered	
209	within 48 Hours	100.00
210	Marketing	
211	Number of Persons Reached by Marketing Means	1,138,150
212	Percent Increase of Persons Reached by	
213	Marketing Means	3.00
214	Administration	
215	Maintain Administrative Cost at 18% of	
216	Total Budget	25.00



217	Livestock Theft	
218	Number of Cases Investigated	200
219	Number of Cases Cleared	30
220	Percent of Cases Prosecuted	20.00
221	Farmer's Market	
222	Number of Retail Spaces Rented (Average	
223	Per Week)	35
224	Amount of Revenue Generated through	
225	Rental Space Rented	55,000.00
226	Seed Testing Lab	
227	Number of Days to Run Cool Test	7
228	Number of Official Samples Collected	2,350
229	Number of Days for Germination Test	
230	(Average Depending on Type of Seed)	20
231	Number of Hours to Evaluate TZ Test	1
232	Mississippi State Fairgrounds	
233	Number of Events	520
234	Estimated Total Attendance	1,250,000
235	Egg Marketing Promotion	
236	Percent Increase in the Number of Eggs	
237	Purchased	2.00
238	Cost of Outreach in Relation to	
239	Consumers Reached. (This Number is the	
240	Percent of the Budget Dedicated to	
241	Advertising)	80.00



Percent Increase of Consumption of Eggs 2.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2027.

SECTION 8. The funds appropriated and authorized to be expended under the provisions of this act shall be expended for the purpose of defraying all expenses incurred by the State Department of Agriculture and Commerce in the operation of all programs and activities (except operation of the State Lime Plants, Veterinary Laboratory, Pink Bollworm-Plant Quarantine Inspection Stations and Fire Ant Program) authorized to be conducted and carried on by said department; including, but not limited to: the administration of the Feed, Fertilizer and Dairy Act; the Weights and Measures Act; the Meat Inspection Act of 1968; the Mississippi Pure Seed Law; and the following additional programs and activities: enforcement of the egg law; publication and distribution of the Mississippi Market Bulletin, agricultural statistics, market news service at Stoneville, Mississippi; and inspection, grading and certifying of fruits, vegetables, hay, grain, meat and meat products, milk and dairy products, pecans, seed and syrup.

SECTION 9. The Mississippi Department of Agriculture and Commerce, with the assistance of the State Department of Audit and the Department of Finance and Administration, shall establish a



budgeted enterprise funds for all "for-profit" activities related to the Mississippi Agriculture and Forestry Museum. The funds shall be maintained in accordance with generally accepted accounting principles and regulations prescribed by the Department of Finance and Administration.

SECTION 10. Of the funds provided by the provisions of this act, it is the intent of the Legislature that not more than Thirty Thousand Dollars (\$30,000.00) shall be expended for the Mississippi Senior Farmers' Market Nutrition Pilot Program, which shall be established by the State Department of Agriculture and Commerce to serve senior citizens above sixty (60) years of age who fall within one hundred thirty percent (130%) of the poverty level. The Commissioner of Agriculture may promulgate rules and regulations necessary to implement the Mississippi Senior Farmers' Market Nutrition Pilot Program.

SECTION 11. Of the funds appropriated in Section 2 of this act, Four Hundred Thousand Dollars (\$400,000.00), is provided for matching funds required for the Mississippi Healthy Food and Families Program as established in Senate Bill No. 2077, 2022 Regular Session.

SECTION 12. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind



shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 13. It is the intention of the Legislature that the Department of Agriculture and Commerce shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2025. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2027 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2026 budget request process.

SECTION 14. Of the funds appropriated in Section 2 of this act, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Department of Agriculture and Commerce from the proceeds collected from surety bonds posted under the "Mississippi Grain Warehouse Law" as provided by Section 75-44-1 et seq., Mississippi Code of 1972 and the "Mississippi Grain Dealers Law of 1978" as provided by Section 75-45-301 et seq., Mississippi Code of 1972 for the purpose of paying claimants under such laws from the fiscal year beginning July 1, 2025, and ending June 30, 2026.....\$ 1,100,000.00.



316 **SECTION 15.** Of the funds appropriated in Section 2 of this
317 act, Seven Hundred Fifty Thousand (\$750,000.00), or so much
318 thereof as may be necessary, is provided for operational
319 expenditures at the Mississippi Agriculture and Forestry Museum.
320 The department may expend these funds for improvements to the
321 museum and for marketing and promotion programs for the museum in
322 a manner consistent with the museum's historical purpose.

323 **SECTION 16.** The Mississippi Department of Agriculture and
324 Commerce is authorized to accept and expend any grant, donation,
325 or contribution from any individual, public, or private
326 organization, or government entity for purposes of defraying the
327 operational costs of the department. Such grants, donations or
328 contributions shall be received and expended under the rules and
329 regulations of the Department of Finance and Administration in a
330 manner consistent with the escalation of federal funds not to
331 exceed One Million Dollars (\$1,000,000.00).

332 The Commissioner of Agriculture shall notify, in writing, the
333 Lieutenant Governor, the Speaker of the House of Representatives,
334 the Chairman of the Senate Appropriations Committee, the Chairman
335 of the House Appropriations A Committee, and the Legislative
336 Budget Office of any escalation. The written notification shall
337 include the justification for the escalation of funds, the amount,
338 and how the funds will be used. This written notification shall
339 be sent on or before the fifteenth day of the month prior to the
340 effective date of the escalation.



341 **SECTION 17.** It is the intention of the Legislature that the
342 Department of Agriculture shall direct an employee or contractor
343 to conduct inspections of peanuts to coincide with the statewide
344 annual peanut harvest.

345 **SECTION 18.** Of the funds appropriated in Section 1 of this
346 act, Two Hundred Fifty Thousand Dollars (\$250,000.00) is provided
347 for the operational expenditures of the Regulatory program at the
348 Department of Agriculture and Commerce.

349 **SECTION 19.** Of the funds appropriated in Section 2 of this
350 act, Six Hundred Seventy-five Thousand Dollars (\$675,000.00) or so
351 much thereof as may be necessary, shall be derived out of any
352 money in the State Treasury to the credit of the Capital Expense
353 Fund, as created in Section 27-103-303, Mississippi Code of 1972,
354 and allocated in a manner as determined by the Treasurer's Office.
355 These funds are provided for infrastructure projects at the Kirk
356 Fordice Equine Center, which shall include the replacement of
357 seating, and the repair and/or replacement of the elevator.

358 **SECTION 20.** Of the funds appropriated in Section 2 of this
359 act, Fifty Thousand Dollars (\$50,000.00), or so much thereof as
360 may be necessary, shall be derived out of any money in the State
361 Treasury to the credit of the Capital Expense Fund, as created in
362 Section 27-103-303, Mississippi Code of 1972, and allocated in a
363 manner as determined by the Treasurer's Office. These funds are
364 provided for the purpose of lighting infrastructure at the barns



located at the Mississippi State Fairgrounds, as well as repairs and maintenance of the Mississippi State Fairgrounds.

SECTION 21. Of the funds provided in Section 2 of this act, Six Hundred Eighty-five Thousand Three Hundred Fifty Dollars (\$685,350.00), or so much thereof as may be necessary, is provided for repairs and renovation of the State Fairgrounds including asphalt repair, barn lighting and plumbing. As a condition of expending these funds, the Department of Agriculture and Commerce shall prepare and submit a report to the Chairmen of the Appropriation Committees of the Senate and House of Representatives that details the expenditures made. This report shall first be submitted by January 15 of each fiscal year, containing the first two quarters of expenditures, and a full fiscal year of expenditures report submitted no later than ninety (90) days after the conclusion of the fiscal year.

SECTION 22. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 23. This act shall take effect and be in force from and after July 1, 2025.

