

By: Moak

To: Public Buildings,  
Grounds and Lands;  
AppropriationsCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1373

1 AN ACT TO AMEND SECTION 49-4-9, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO  
3 DONATE, TRANSFER OR SELL CERTAIN LANDS OWNED BY THE DEPARTMENT TO  
4 THE MISSISSIPPI ARTS AND ENTERTAINMENT CENTER; TO CREATE THE  
5 MISSISSIPPI ARTS AND ENTERTAINMENT CENTER; TO PROVIDE THAT THE  
6 CENTER SHALL BE ADMINISTERED BY THE MISSISSIPPI ARTS COMMISSION;  
7 TO AMEND SECTION 39-11-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
8 THERETO; TO AMEND SECTION 39-11-9, MISSISSIPPI CODE OF 1972, IN  
9 CONFORMITY THERETO AND TO CREATE A SPECIAL FUND FOR THE CENTER,  
10 MONIES IN WHICH SHALL BE USED FOR THE CONSTRUCTION AND  
11 ADMINISTRATION OF THE CENTER; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 49-4-9, Mississippi Code of 1972, is  
14 amended as follows:[HS1]

15 49-4-9. Effective July 1, 1979, the Department of Wildlife,  
16 Fisheries and Parks shall have the following powers and duties:

17 (a) To formulate the policy of the department regarding  
18 wildlife and fisheries within the jurisdiction of the department;

19 (b) To apply for, receive and expend any federal or  
20 state funds or contributions, gifts, devises, bequests or funds  
21 from any other source;

22 (c) To commission or conduct studies designed to  
23 determine alternative methods of managing and conserving the  
24 wildlife and fisheries resources of this state in a manner to  
25 insure efficiency and sustained productivity;

26 (d) To receive the advice and counsel of the advisory  
27 committees created for the Division of Parks and Recreation and  
28 the Division of Wildlife and Fisheries; \* \* \*

29 (e) To donate, transfer or sell lands owned by the  
30 department in the City of Jackson to the Mississippi Arts and

31 Entertainment Center created in Section 2 of this act; and

32           (f) To discharge such other duties, responsibilities  
33 and powers as are necessary to implement the provisions of this  
34 chapter.

35           SECTION 2. (1) There is created the Mississippi Arts and  
36 Entertainment Center located in Jackson, Mississippi. The purpose  
37 of the center shall be to provide an educational, entertaining and  
38 interactive facility to illustrate the unique culture of the State  
39 of Mississippi; to illustrate the outstanding contributions of  
40 Mississippians to the arts and the field of entertainment; and to  
41 provide family-oriented attractions in the delivery of an  
42 educational experience to citizens of, and visitors to,  
43 Mississippi.

44           (2) The Mississippi Arts and Entertainment Center shall  
45 consist of a conference center, a performing arts theater, an  
46 amphitheater and an artists' village. The center shall conduct  
47 ongoing events such as induction into an arts and entertainment  
48 hall of fame, seminars, workshops and demonstrations by guest  
49 artists.

50           (3) The center shall be administered by the Mississippi Arts  
51 Commission. Subject to the availability of funding appropriated  
52 therefor, the commission may hire a director of the center, who  
53 shall serve at the will and pleasure of the commission. The  
54 director shall administer the center in accordance with the  
55 policies established by the commission.

56           (4) For the construction, operation and support of the  
57 center, the commission may receive contributions, donations of  
58 land or other property, gifts, bequests of money, other forms of  
59 financial assistance and property, equipment, materials or  
60 manpower from persons, foundations, trust funds, corporations,  
61 organizations and other sources, public or private, to be expended  
62 and utilized by the commission in carrying out the mission of the  
63 center.

64 (5) All expenditures for the center shall be paid by the  
65 State Treasurer on warrants issued by the State Fiscal Officer,  
66 and he shall issue his warrants upon requisition signed by the  
67 director of the center and the chairman of the commission.

68 SECTION 3. Section 39-11-7, Mississippi Code of 1972, is  
69 amended as follows:[HS2]

70 39-11-7. The duties and objectives of the commission shall  
71 be:

72 (a) To stimulate and encourage throughout the state the  
73 study and presentation of the performing, visual, and literary  
74 arts and public interest and participation therein;

75 (b) To encourage participation in, appreciation of, and  
76 education in the arts to meet the legitimate needs and aspirations  
77 of persons in all parts of the state;

78 (c) To take such steps as may be necessary and  
79 appropriate, to encourage public interest in the cultural heritage  
80 of Mississippi, to expand the state's cultural resources, and to  
81 promote the use of art in the state government's activities and  
82 facilities; \* \* \*

83 (d) To encourage excellence and assist freedom of  
84 artistic expression essential for the well-being of the arts; and

85 (e) To administer the Mississippi Arts and  
86 Entertainment Center and to acquire land and property in order to  
87 construct and administer the center.

88 SECTION 4. Section 39-11-9, Mississippi Code of 1972, is  
89 amended as follows:[HS3]

90 39-11-9. (1) The Mississippi Arts Commission is authorized  
91 and empowered to hold public hearings, to enter into contracts  
92 within the limit of funds available therefor, with individuals,  
93 organizations and institutions for services furthering the  
94 objectives of the commission's programs; to enter into contracts,  
95 within the limit of funds available therefor, with local and  
96 regional associations for cooperative endeavors furthering the

97 objectives of the commission's programs; to accept gifts,  
98 contributions and bequests of unrestricted funds from individuals,  
99 foundations, corporations and other organizations or institutions  
100 for the purpose of furthering the objectives of the commission's  
101 programs; to make and sign any agreements and to do and perform  
102 any acts that may be necessary to carry out the purposes of this  
103 chapter. The commission may request and shall receive from any  
104 department, division, board, bureau, commission or agency of the  
105 state such assistance and data as will enable it properly to carry  
106 out its powers and duties hereunder.

107 (2) Any private donations, bequests or private foundation  
108 grants to the Mississippi Arts Commission, other than those  
109 designated to benefit the Mississippi Arts and Entertainment  
110 Center, shall be deposited into the Mississippi Fund for the Arts,  
111 a special fund which is hereby created in the State Treasury. All  
112 funds deposited in this fund shall be used exclusively for the  
113 objectives of the commission as herein provided. Funds deposited  
114 into the Mississippi Fund for the Arts may be disbursed by the  
115 Mississippi Arts Commission in accordance with the terms of the  
116 bequest or grant and in compliance with the purposes and policies  
117 of the Mississippi Arts Commission. Any disbursements made from  
118 the fund shall be authorized by both the chairman and the  
119 executive director of the commission and shall be supported by  
120 official actions and votes spread upon the minutes of the  
121 commission at an open public meeting. Any unexpended balance in  
122 the fund at the end of the fiscal year shall not lapse into the  
123 State General Fund and may be expended by the commissioner in  
124 subsequent fiscal years. Any interest earned on the fund may  
125 remain in the fund for disbursement by the commission in  
126 compliance with its purposes and policies. All transactions of  
127 the fund shall be reported annually to appropriate state agencies  
128 and subject to audit by the State Auditor and by auditors of  
129 donors. The Mississippi Fund for the Arts shall not be used for

130 grants from federal agencies, including, but not limited to, the  
131 National Endowment for the Arts.

132 (3) Any monies made available by public or private transfers  
133 of property, public or private donations or bequests, public or  
134 private foundation grants for the benefit of the Mississippi Arts  
135 and Entertainment Center shall be deposited into the Mississippi  
136 Fund for the Arts and Entertainment Center, a special fund which  
137 is created in the State Treasury. All funds deposited in this  
138 fund shall be used exclusively for the construction and  
139 administration of the Mississippi Arts and Entertainment Center.  
140 Unexpended amounts remaining in the special fund at the end of a  
141 fiscal year shall not lapse into the State General Fund, and any  
142 interest earned on amounts in the special fund shall be deposited  
143 to the credit of the special fund.

144 SECTION 5. This act shall take effect and be in force from  
145 and after July 1, 2000.