

By: Representatives Read, McGee

To: State Affairs;
Accountability, Efficiency,
Transparency

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1357

1 AN ACT TO AMEND SECTION 69-5-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
3 COMMERCE REGARDING THE STATE FAIRGROUNDS; TO AMEND SECTION
4 69-1-48, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE DEPARTMENT OF
5 AGRICULTURE AND COMMERCE EXPENDS CERTAIN FUNDS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 69-5-3, Mississippi Code of 1972, is
9 amended as follows:

10 69-5-3. (1) The Department of Agriculture and Commerce
11 shall set up rules and regulations consistent with the law
12 governing the distribution of state monies for premiums or awards.
13 It will be the duty of the department, at least twice each year,
14 to approve premium lists or awards, and give out rules governing
15 participants in state premium money in Mississippi. The
16 department may invite the presidents of the various district
17 livestock shows before the department when determining policies
18 affecting district livestock shows.



19 (2) The Department of Agriculture and Commerce is hereby
20 authorized to accept money or funds donated to the department,
21 including funds to be awarded as prizes in livestock competition.

22 (3) The Department of Agriculture and Commerce shall have
23 charge of the State Fairgrounds located in Jackson, Mississippi,
24 including all buildings and improvements thereon, and shall have
25 full power and authority in perfecting plans and causing to be
26 held thereon the Mississippi State Fair and other such events that
27 may be authorized by the department.

28 (4) The Department of Agriculture and Commerce is hereby
29 authorized to employ an attorney as prescribed in Section 69-1-14.

30 (5) The Department of Agriculture and Commerce may take any
31 action authorized in Section 1 of Chapter 306, Laws of 2000.

32 (6) The Department of Agriculture and Commerce may allow a
33 commercial, charitable or governmental entity to use, publish and
34 advertise such entity's name in connection with any of the
35 buildings, improvements, grounds or objects located on the State
36 Fairgrounds in Jackson, except for the Kirk Fordice Equine Center,
37 or in connection with any of the events conducted on the State
38 Fairgrounds in return for a monetary consideration paid to the
39 department. Furthermore, the department may lease to any public,
40 private, commercial or charitable entity for a term not to exceed
41 twenty (20) years naming rights to buildings, except for the Kirk
42 Fordice Equine Center, or property, including, but not limited to,
43 new construction, improvements to existing buildings, grounds



44 and/or objects located on the State Fairgrounds in return for
45 consideration benefitting the commission. The lessee shall pay
46 the cost of erecting, maintaining and removing signage related to
47 the property. Those funds received from an entity for allowing
48 its name to be used, published or advertised in connection with
49 the buildings, improvements, objects or events shall be retained
50 by the department to be used for capital improvements to the
51 fairgrounds or in its annual operating budget subject to
52 appropriation by the Legislature. The department shall not enter
53 into any such agreement with any vendor whose products are illegal
54 for participation in or use by persons eighteen (18) years of age
55 and under.

56 (7) The Commissioner of Agriculture and Commerce is
57 authorized to form and establish a private foundation or nonprofit
58 corporation to receive and disburse the funds generated by the
59 sale of naming rights described in subsection (6) of this section
60 and for any other donations made to the department. The funds
61 shall be disbursed in accordance with guidelines described in this
62 section, and the foundation or nonprofit corporation shall be
63 subject to the reporting requirements described in subsection (10)
64 of this section. All funds shall remain with the foundation until
65 disbursement and shall not be transferred to the State General
66 Fund. No public funds shall be deposited into the account of the
67 private foundation or nonprofit corporation established by the
68 department for the benefit of the State Fairgrounds, nor shall the



69 Legislature appropriate any State General Fund or Special Fund
70 monies to the foundation or nonprofit corporation for such
71 purposes. All monies received by the foundation shall be
72 maintained separately from funds allocated to the department for
73 operating and administrative costs associated with the State
74 Fairgrounds. In addition to the reporting of information to be
75 included in the annual legislative report of the department, the
76 private foundation or nonprofit corporation shall be subject to
77 annual financial audits by the State Auditor and by auditors of
78 donors in the same manner as required for state agencies.

79 (8) The Department of Agriculture and Commerce shall have
80 the authority to enter into a lease or right-of-way with a third
81 party covering any land or buildings on the State Fairgrounds and
82 any funds generated from such lease or right-of-way shall remain
83 in a special fund managed by the department for the benefit of the
84 State Fairgrounds. All monies in the special fund shall be
85 subject to appropriation by the Legislature and may be used for
86 capital improvements to the State Fairgrounds or in the
87 department's annual operating budget for operating and
88 administrative costs associated with the State Fairgrounds. Any
89 unexpended funds remaining in the special fund shall not lapse
90 into the State General Fund, and any interest earned or investment
91 earnings on amounts in the fund shall be deposited in the fund.

92 (9) The Department of Agriculture and Commerce is hereby
93 authorized, with the advice of the Mississippi Fair Advisory



94 Council, to adopt such rules and regulations as may be necessary
95 or desirable to carry out, execute or implement the provisions of
96 this article.

97 (10) The Department of Agriculture and Commerce shall report
98 by January 1 of each year a detailed financial statement of all
99 monies received and expended under subsection (6) and subsection
100 (7) of this section to the Lieutenant Governor, the Speaker of the
101 House of Representatives * * *, the Chairman of the Senate
102 Agriculture Committee * * *, the Chairman of the House of
103 Representatives Agriculture Committee, and the Chairmen of the
104 Appropriations Committees in the House and Senate.

105 **SECTION 2.** Section 69-1-48, Mississippi Code of 1972, is
106 amended as follows:

107 69-1-48. (1) For purposes of this section, the following
108 words shall have the meanings ascribed herein:

109 (a) "Department" means the Mississippi Department of
110 Agriculture and Commerce.

111 (b) "Museum" means the Mississippi Agriculture and
112 Forestry Museum.

113 (2) The department may accept, budget, receive and expend
114 funds from any source for improvements to department property and
115 for marketing and promotion programs.

116 (3) (a) The department may allow a federal, state, or local
117 governmental entity or a public, private, commercial or charitable
118 entity to use, publish or advertise the entity's name on



119 department property and in its publications. Furthermore, the
120 commissioner may lease to any public, private, commercial or
121 charitable entity for a term not to exceed twenty (20) years
122 naming rights for museum buildings or property, including, but not
123 limited to, new construction, improvements to existing buildings,
124 grounds and/or objects located on museum property in return for
125 consideration benefitting the department. The lessee shall pay
126 the cost of erecting, maintaining and removing signage related to
127 the property.

128 (b) Any funds received from the advertising or lease of
129 naming rights shall be retained by the department and expended for
130 improvements to its property, and marketing and promotion
131 programs.

132 * * *

133 (4) (a) There is established in the State Treasury a
134 special fund for the department for the monies collected under
135 this section.

136 (b) Unexpended monies remaining in the fund at the end
137 of a fiscal year shall not lapse into the State General Fund, and
138 any interest earned or investment earnings on amounts in the fund
139 shall be deposited into the fund.

140 (5) (a) The department shall make reasonable attempts to
141 notify the donor of any donated property or artifacts determined
142 to be obsolete to allow such donor to retake possession of such
143 item. If efforts to notify the donor prove unsuccessful, then the



144 department may dispose of, auction or sell any property or
145 artifact in the possession of the museum if the department
146 determines that it is obsolete, no longer of value or use to the
147 museum or unclaimed by the donor.

148 (b) All funds received under this section on behalf of
149 the museum, shall be transferred into the * * * enterprise fund
150 related to the museum. The enterprise funds shall be maintained
151 in accordance with generally accepted accounting principles and
152 regulations prescribed by the Department of Finance and
153 Administration.

154 (c) Subject to appropriation by the Legislature, the
155 department may expend these funds for improvements to the museum
156 and for marketing and promotion programs for the museum in a
157 manner consistent with the museum's historical purpose.

158 **SECTION 3.** This act shall take effect and be in force from
159 and after July 1, 2024.

