

By: Representatives Read, McGee

To: State Affairs;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 1357

1 AN ACT TO BRING FORWARD SECTION 69-5-3, MISSISSIPPI CODE OF
2 1972, WHICH PROVIDES FOR THE POWERS AND DUTIES OF THE DEPARTMENT
3 OF AGRICULTURE AND COMMERCE REGARDING THE STATE FAIRGROUNDS, FOR
4 THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
5 69-1-48, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE DEPARTMENT
6 OF AGRICULTURE AND COMMERCE TO LEASE NAMING RIGHTS FOR ADVERTISING
7 ON DEPARTMENT PROPERTY, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 69-5-3, Mississippi Code of 1972, is
11 brought forward as follows:

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



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

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

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

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

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



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

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



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

80 (8) The Department of Agriculture and Commerce shall have
81 the authority to enter into a lease or right-of-way with a third
82 party covering any land or buildings on the State Fairgrounds and
83 any funds generated from such lease or right-of-way shall remain
84 in a special fund managed by the department for the benefit of the
85 State Fairgrounds. All monies in the special fund 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 and the Chairman of the Senate
102 Agriculture Committee and the Chairman of the House of
103 Representatives Agriculture Committee.

104 **SECTION 2.** Section 69-1-48, Mississippi Code of 1972, is
105 brought forward as follows:

106 69-1-48. (1) For purposes of this section, the following
107 words shall have the meanings ascribed herein:

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

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

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

115 (3) (a) The department may allow a federal, state, or local
116 governmental entity or a public, private, commercial or charitable
117 entity to use, publish or advertise the entity's name on
118 department property and in its publications. Furthermore, the
119 commissioner may lease to any public, private, commercial or



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

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

131 (c) The department may accept, budget, receive and
132 expend these funds in accordance with rules and regulations of the
133 Department of Finance and Administration in the manner consistent
134 with the escalation of federal funds.

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

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

142 (5) (a) The department shall make reasonable attempts to
143 notify the donor of any donated property or artifacts determined
144 to be obsolete to allow such donor to retake possession of such



145 item. If efforts to notify the donor prove unsuccessful, then the
146 department may dispose of, auction or sell any property or
147 artifact in the possession of the museum if the department
148 determines that it is obsolete, no longer of value or use to the
149 museum or unclaimed by the donor.

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

156 (c) The department may expend these funds for
157 improvements to the museum and for marketing and promotion
158 programs for the museum in a manner consistent with the museum's
159 historical purpose.

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

