

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.

