

By: Representatives Read, McGee

To: State Affairs;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 1357
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 69-1-48, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE DEPARTMENT OF AGRICULTURE'S AUTHORITY TO BUDGET
3 FOR IMPROVEMENTS TO DEPARTMENT PROPERTY AND MARKETING AND
4 PROMOTION PROGRAMS AND FOR PURPOSES AS OTHERWISE APPROPRIATED BY
5 THE LEGISLATURE SHALL BE AT THE MISSISSIPPI AGRICULTURE AND
6 FORESTRY MUSEUM IN JACKSON, MISSISSIPPI; TO PROVIDE THAT THE
7 EXPENDITURE OF SUCH FUNDS SHALL BE UPON APPROPRIATION OF THE
8 LEGISLATURE; TO PROVIDE THAT LEASES CONCERNING NAMING RIGHTS UNDER
9 THIS SECTION SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT OF
10 FINANCE AND ADMINISTRATION; TO DELETE THE AUTHORITY OF THE
11 DEPARTMENT TO ESCALATE CERTAIN FUNDS; TO AMEND SECTION 69-5-3,
12 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF
13 AGRICULTURE'S AUTHORITY TO EXPEND CERTAIN FUNDS SHALL BE SUBJECT
14 TO APPROPRIATIONS; TO REQUIRE CERTAIN FUNDS TO BE PLACED IN A
15 SPECIAL FUND; TO PROVIDE THAT LEASES CONCERNING NAMING RIGHTS
16 UNDER THIS SECTION SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT
17 OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT THE MISSISSIPPI
18 STATE FAIR SHALL BE HELD IN JACKSON, MISSISSIPPI ON THE STATE
19 FAIRGROUNDS AS DEFINED BY THIS SECTION; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 69-1-48, Mississippi Code of 1972, is
22 amended as follows:

23 69-1-48. (1) For purposes of this section, the following
24 words shall have the meanings ascribed herein:

25 (a) "Department" means the Mississippi Department of
26 Agriculture and Commerce.



27 (b) "Museum" means the Mississippi Agriculture and
28 Forestry Museum located at 1150 Lakeland Drive, Jackson,
29 Mississippi, 39216.

30 (2) The department may accept, budget, receive and expend
31 funds from any source for improvements to * * * the museum and for
32 marketing and promotion programs for events at the museum for
33 purposes as otherwise appropriated by the Legislature. The
34 expenditure of funds under this section shall be subject to
35 appropriation by the Legislature.

36 (3) (a) The department may allow a federal, state * * * or
37 local governmental entity, or a public, private, commercial or
38 charitable entity to use, publish or advertise the entity's name
39 on department property and in its publications. Furthermore,
40 subject to approval by the Department of Finance and
41 Administration, the commissioner may lease to any public, private,
42 commercial or charitable entity for a term not to exceed twenty
43 (20) years naming rights for museum buildings or property,
44 including, but not limited to, new construction, improvements to
45 existing buildings, grounds and/or objects located on museum
46 property in return for consideration benefitting the department.
47 The lessee shall pay the cost of erecting, maintaining and
48 removing signage related to the property.

49 (b) Any funds received from the advertising or lease of
50 naming rights shall be retained by the department and expended for
51 improvements to * * * the museum upon appropriation by the



52 Legislature and for marketing and promotion programs for events at
53 the museum, upon appropriation by the Legislature and for purposes
54 as otherwise appropriated by the Legislature.

55 * * *

56 (4) (a) There is established in the State Treasury a
57 special fund for the department for the monies collected under
58 this section.

59 (b) Unexpended monies remaining in the fund at the end
60 of a fiscal year shall not lapse into the State General Fund, and
61 any interest earned or investment earnings on amounts in the fund
62 shall be deposited into the fund. The department shall not expend
63 any monies from the fund without appropriation by the Legislature.

64 (5) (a) The department shall make reasonable attempts to
65 notify the donor of any donated property or artifacts determined
66 to be obsolete to allow such donor to retake possession of such
67 item. If efforts to notify the donor prove unsuccessful, then the
68 department may dispose of, auction or sell any property or
69 artifact in the possession of the museum if the department
70 determines that it is obsolete, no longer of value or use to the
71 museum or unclaimed by the donor.

72 (b) All funds received * * * on behalf of the museum,
73 shall be transferred into the * * * enterprise funds related to
74 the museum. The enterprise funds shall be maintained in
75 accordance with generally accepted accounting principles and
76 regulations prescribed by the Department of Finance and



77 Administration. The department shall not expend any funds from
78 the enterprise funds without appropriation by the Legislature.

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

83 **SECTION 2.** Section 69-5-3, Mississippi Code of 1972, is
84 amended as follows:

85 69-5-3. (1) The Department of Agriculture and Commerce
86 shall set up rules and regulations consistent with the law
87 governing the distribution of state monies for premiums or awards.
88 It will be the duty of the department, at least twice each year,
89 to approve premium lists or awards, and give out rules governing
90 participants in state premium money in Mississippi. The
91 department may invite the presidents of the various district
92 livestock shows before the department when determining policies
93 affecting district livestock shows.

94 (2) The Department of Agriculture and Commerce is hereby
95 authorized to accept money or funds donated to the department,
96 including funds to be awarded as prizes in livestock competition.
97 Any money or funds received under this subsection shall be placed
98 in a special fund. The department shall not expend any money or
99 funds from the special fund without appropriation by the
100 Legislature.



101 (3) The Department of Agriculture and Commerce shall have
102 charge of the State Fairgrounds located in Jackson, Mississippi,
103 including all buildings and improvements thereon, and shall have
104 full power and authority in perfecting plans and causing to be
105 held thereon the Mississippi State Fair and other such events that
106 may be authorized by the department. The Mississippi State Fair
107 shall be held on the State Fairgrounds as defined by this
108 subsection.

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

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

113 (6) Subject to the approval of the Department of Finance and
114 Administration, the Department of Agriculture and Commerce may
115 allow a commercial, charitable or governmental entity to use,
116 publish and advertise such entity's name in connection with any of
117 the buildings, improvements, grounds or objects located on the
118 State Fairgrounds * * * as defined in subsection (3) of this
119 section, except for the Kirk Fordice Equine Center, or in
120 connection with any of the events conducted on the State
121 Fairgrounds in return for a monetary consideration paid to the
122 department. Furthermore, the department may lease to any public,
123 private, commercial or charitable entity for a term not to exceed
124 twenty (20) years naming rights to buildings, except for the Kirk
125 Fordice Equine Center, or property, including, but not limited to,



126 new construction, improvements to existing buildings, grounds
127 and/or objects located on the State Fairgrounds as defined in
128 subsection (3) of this section in return for consideration
129 benefitting the commission. The lessee shall pay the cost of
130 erecting, maintaining and removing signage related to the
131 property. Those funds received from an entity for allowing its
132 name to be used, published or advertised in connection with the
133 buildings, improvements, objects or events shall be retained by
134 the department to be used for capital improvements to the
135 fairgrounds or in its annual operating budget subject to
136 appropriation by the Legislature and shall be deposited in the
137 special fund referenced in subsection (8) of this section. The
138 department shall not enter into any such agreement with any vendor
139 whose products are illegal for participation in or use by persons
140 eighteen (18) years of age and under.

141 (7) The Commissioner of Agriculture and Commerce is
142 authorized to form and establish a private foundation or nonprofit
143 corporation to receive and disburse * * * private funds * * * for
144 the purpose of supporting the fairgrounds through fundraising
145 efforts and the acceptance of donations for the benefit of the
146 fairgrounds. The funds shall be disbursed in accordance with the
147 guidelines described in this section, and the foundation or
148 nonprofit corporation shall be subject to the reporting
149 requirements described in subsection (10) of this section. All
150 funds shall remain with the foundation until disbursement and



151 shall not be transferred to the State General Fund. No public
152 funds shall be deposited into the account of the private
153 foundation or nonprofit corporation established by the department
154 for the benefit of the State Fairgrounds, nor shall the
155 Legislature appropriate any State General Fund or Special Fund
156 monies to the foundation or nonprofit corporation for such
157 purposes. All monies received by the foundation shall be
158 maintained separately from funds allocated to the department for
159 operating and administrative costs associated with the State
160 Fairgrounds as defined in subsection (3) of this section. In
161 addition to the reporting of information to be included in the
162 annual legislative report of the department, the private
163 foundation or nonprofit corporation shall be subject to annual
164 financial audits by the State Auditor and by auditors of donors in
165 the same manner as required for state agencies.

166 (8) The Department of Agriculture and Commerce shall have
167 the authority to enter into a lease or right-of-way with a third
168 party covering any land or buildings on the State Fairgrounds as
169 defined in subsection (3) of this section, and any funds generated
170 from such lease or right-of-way shall remain in a special fund
171 managed by the department for the benefit of the State
172 Fairgrounds. All monies in the special fund shall be subject to
173 appropriation by the Legislature and may be used for capital
174 improvements to the State Fairgrounds as defined in subsection (3)
175 of this section, or in the department's annual operating budget



176 for operating and administrative costs associated with the State
177 Fairgrounds. Any unexpended funds remaining in the special fund
178 shall not lapse into the State General Fund, and any interest
179 earned or investment earnings on amounts in the fund shall be
180 deposited in the fund.

181 (9) The Department of Agriculture and Commerce is hereby
182 authorized, with the advice of the Mississippi Fair Advisory
183 Council, to adopt such rules and regulations as may be necessary
184 or desirable to carry out, execute or implement the provisions of
185 this article.

186 (10) The Department of Agriculture and Commerce shall report
187 by January 1 of each year a detailed financial statement of all
188 monies received and expended under subsection (6) and subsection
189 (7) of this section to the Lieutenant Governor, the Speaker of the
190 House of Representatives and the Chairman of the Senate
191 Agriculture Committee and the Chairman of the House of
192 Representatives Agriculture Committee and the Chairs of the
193 Appropriations Committees of the House and Senate.

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

