

By: Moak

To: Public Buildings,
Grounds and Lands;
Appropriations

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

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