



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

October 11, 2022

Arch Bullard, Esq.
Attorney, Alcorn County School District
511 Franklin Street
Corinth, Mississippi 38835

Re: Free Admission for Veterans

Dear Mr. Bullard:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, the Trustees for the Alcorn School District (the “District”) want to show their appreciation to military veterans by offering them free admission to athletic events at District schools. We understand from a subsequent conversation with you that money from ticket sales is collected by the District and treated as activity funds pursuant to Section 37-7-301(s) of the Mississippi Code.

Question Presented

In light of state constitutional prohibitions, may the District give veterans free tickets to athletic events?

Brief Response

This office is grateful for your interest in demonstrating appreciation and respect to veterans. Unfortunately, however laudable the intent, the District may not give veterans free tickets to athletic events because such would amount to an unlawful donation.

Applicable Law and Discussion

“Schools are not required to charge admission to any school event, but if admission is charged, the money received must be treated as public funds.” MS AG Op., *Caves* at *1 (Mar. 16, 1995) (opining that a parent teacher organization cannot collect athletic ticket sales funds as a fund raiser for the P.T.O.).

This office has previously opined that pursuant to Article 4, Section 66 of the Mississippi Constitution, a school district may not pay a gratuity or make a donation in favor of any person without the concurrence of two-thirds of the Legislature. MS AG Op., *Treadway* at *1 (Nov. 6, 2009). A donation is defined as “a transfer of money or other thing of value from the owner to another without any consideration.” *Id.* (quoting *Craig v. Mercy Hospital-Street Memorial*, 45 So. 2d 809, 814 (Miss. 1950)). See MS AG Op., *Adams* at *1 (Mar. 11, 2005) (opining that free admission to sporting and social events for former school board members is prohibited).

While municipalities and counties also are generally prohibited from granting donations, unlike school districts, municipalities and counties “may in their discretion, set aside, appropriate and expend moneys . . . for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of such municipality or county.” Miss. Code Ann. § 17-3-1. See MS AG Op., *Brown* at *1 (Nov. 21, 2014) (authorizing board of supervisors to expend county funds to support local Mayor’s Youth Council for the purpose of bringing into favorable notice the opportunities of the county); MS AG Op., *Moore* at *1 (Aug. 9, 1996) (permitting governing authorities of Byhalia to spend funds to send local high school choir to New York for the purpose of advertising as contemplated by § 17-3-1).

While the county and municipalities therein may have authority under Section 17-3-1 to purchase tickets for the veterans, and there is no prohibition against a private organization buying tickets for the veterans, it is the opinion of this office that the District is without authority to give veterans free admission to athletic events because to do so would constitute a donation in contravention of the state constitution.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Misty Monroe

Misty Monroe
Assistant Attorney General