

By: Representative Warren

To: Ways and Means

HOUSE BILL NO. 438

1 AN ACT TO AMEND SECTION 39-11-13, MISSISSIPPI CODE OF 1972,
 2 TO EXTEND THE DATE OF REPEAL ON THE PROVISION WHICH PROVIDES THAT
 3 MONIES IN THE "BUILDING FUND FOR THE ARTS" WHICH ARE DERIVED FROM
 4 PROCEEDS OF BONDS ISSUED AFTER A CERTAIN DATE MAY BE USED TO
 5 REIMBURSE CERTAIN COSTS INCURRED BY THE MISSISSIPPI ARTS
 6 COMMISSION IN PROVIDING ASSISTANCE RELATED TO PROJECTS FOR WHICH
 7 GRANT FUNDS ARE PROVIDED FROM THE USE OF PROCEEDS FROM SUCH BONDS;
 8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 39-11-13, Mississippi Code of 1972, is
 11 amended as follows:

12 39-11-13. (1) (a) A special fund, to be designated as the
 13 "Building Fund for the Arts" is created within the State Treasury.
 14 The fund shall be maintained by the State Treasurer as a separate
 15 and special fund, separate and apart from the General Fund of the
 16 state. The fund shall consist of any money designated for deposit
 17 therein from any source, including, but not limited to, any state
 18 general obligation bonds issued for the purposes described in this
 19 section. Unexpended amounts remaining in the fund at the end of a
 20 fiscal year shall not lapse into the State General Fund, and
 21 investment earnings on amounts in the fund shall be deposited into
 22 such fund.

23 (b) Money deposited into the fund shall be disbursed,
 24 in the discretion of the Mississippi Arts Commission, to provide
 25 grants to nonprofit organizations that are qualified as tax exempt
 26 under Section 501(c)(3) of the Internal Revenue Code and units of
 27 local government to pay the costs of:

28 (i) Repair, upgrading, expansion, renovation or
 29 enhancement of existing buildings and facilities for the
 30 presentation, teaching or exhibition of the arts in any and all of

31 its forms and furniture, equipment and/or technology for such
32 buildings or facilities;

33 (ii) Construction of new buildings and facilities
34 for the presentation, teaching or exhibition of the arts in any
35 and all of its forms and furniture, equipment and/or technology
36 for such buildings or facilities; or

37 (iii) The development, construction, equipping and
38 furnishing of an entertainment and film center and museum and
39 completion of a sound stage project.

40 (c) The entity to which such grants are made shall
41 provide matching funds from local, federal or private sources
42 equal to forty percent (40%) of the proposed project cost in order
43 to be eligible for a grant under this section.

44 (d) The maximum aggregate amount of monies in the
45 special fund that may be used to provide grant funds to an entity
46 or combination of entities under paragraph (b)(iii) of this
47 subsection shall not exceed One Million Dollars (\$1,000,000.00),
48 and no monies in the special fund may be used to provide grant
49 funds under paragraph (b)(iii) of this subsection after July 1,
50 2003. The maximum aggregate amount of grant funds that may be
51 provided to an entity or combination of entities under paragraph
52 (b)(iii) of this subsection during a fiscal year shall not exceed
53 Five Hundred Thousand Dollars (\$500,000.00).

54 (2) (a) Amounts deposited into such special fund shall be
55 disbursed to pay the costs of projects described in subsection (1)
56 of this section. If any monies in the special fund are derived
57 from proceeds of bonds issued under Sections 3 through 18 of
58 Chapter 541, Laws of 2001, as amended by Chapter 540, Laws of
59 2002, as amended by Chapter 519, Laws of 2003, as amended by
60 Senate Bill No. 2010, 2004 Third Extraordinary Session, and are
61 not used within four (4) years after the date such bond proceeds
62 are deposited into the special fund, then the Mississippi Arts

63 Commission shall provide an accounting of such unused monies to
64 the State Bond Commission.

65 (b) Monies in the special fund which are derived from
66 proceeds of bonds issued after April 9, 2002, may be used to
67 reimburse reasonable actual and necessary costs incurred by the
68 Mississippi Arts Commission in providing assistance directly
69 related to a project described in subsection (1) of this section
70 for which grant funds are provided under this section from the use
71 of proceeds of such bonds. Reimbursement may be made only until
72 such time as the project is completed. An accounting of actual
73 costs incurred for which reimbursement is sought shall be
74 maintained for each project by the Mississippi Arts Commission.
75 Reimbursement of reasonable actual and necessary costs for a
76 project shall not exceed three percent (3%) of the proceeds of
77 bonds issued for such project. Monies authorized for a particular
78 project may not be used to reimburse administrative costs for
79 unrelated projects. This paragraph (b) shall be repealed from and
80 after July 1, 2007.

81 (3) The Mississippi Arts Commission is expressly authorized
82 and empowered to receive and expend any local or other source
83 funds in connection with the expenditure of funds provided for in
84 this section. The expenditure of money deposited into the special
85 fund shall be under the direction of the Mississippi Arts
86 Commission, and such funds shall be paid by the State Treasurer
87 upon warrants issued by the Department of Finance and
88 Administration upon request of the Mississippi Arts Commission,
89 which warrants shall be issued upon requisitions signed by the
90 Executive Director of the Mississippi Arts Commission or his or
91 her designee.

92 (4) The Mississippi Arts Commission shall adopt necessary
93 rules and regulations to govern the administration of the program
94 described in subsection (1) of this section, including, but not
95 limited to, rules and regulations governing applications for

96 grants and rules and regulations providing for the distribution of
97 grant funds. The Mississippi Arts Commission shall comply with
98 the provisions of the Mississippi Administrative Procedures Law.
99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2005.