

By: Representative Warren

To: Appropriations

HOUSE BILL NO. 685

1 AN ACT TO AMEND SECTION 39-11-13, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THE AUTHORITY OF THE MISSISSIPPI ARTS
3 COMMISSION TO USE CERTAIN BOND PROCEEDS DEPOSITED INTO THE
4 BUILDING FUND FOR THE ARTS FOR COSTS INCURRED BY THE COMMISSION IN
5 PROVIDING ASSISTANCE RELATED TO CERTAIN PROJECTS TO JULY 1, 2009;
6 AND FOR RELATED PURPOSES.

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

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

10 39-11-13. (1) (a) A special fund, to be designated as the
11 "Building Fund for the Arts," is created within the State
12 Treasury. The fund shall be maintained by the State Treasurer as
13 a separate and special fund, separate and apart from the General
14 Fund of the state. The fund shall consist of any money designated
15 for deposit therein from any source, including, but not limited
16 to, any state general obligation bonds issued for the purposes
17 described in this section. Unexpended amounts remaining in the
18 fund at the end of a fiscal year shall not lapse into the State
19 General Fund, and investment earnings on amounts in the fund shall
20 be deposited into such fund.

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

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

29 its forms and furniture, equipment and/or technology for such
30 buildings or facilities;

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

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

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

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

52 (2) (a) Amounts deposited into such special fund shall be
53 disbursed to pay the costs of projects described in subsection (1)
54 of this section. If any monies in the special fund are derived
55 from proceeds of bonds issued under Sections 3 through 18 of
56 Chapter 541, Laws of 2001, as amended by Chapter 540, Laws of
57 2002, as amended by Chapter 519, Laws of 2003, as amended by
58 Chapter 1, Laws of 2004 Third Extraordinary Session, as amended by
59 House Bill No. 1634, 2006 Regular Session, and are not used within
60 four (4) years after the date such bond proceeds are deposited
61 into the special fund, then the Mississippi Arts Commission shall

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

64 (b) Monies in the special fund which are derived from
65 proceeds of bonds issued after April 9, 2002, may be used to
66 reimburse reasonable actual and necessary costs incurred by the
67 Mississippi Arts Commission in providing assistance directly
68 related to a project described in subsection (1) of this section
69 for which grant funds are provided under this section from the use
70 of proceeds of such bonds. Reimbursement may be made only until
71 such time as the project is completed. An accounting of actual
72 costs incurred for which reimbursement is sought shall be
73 maintained for each project by the Mississippi Arts Commission.
74 Reimbursement of reasonable actual and necessary costs for a
75 project shall not exceed three percent (3%) of the proceeds of
76 bonds issued for such project. Monies authorized for a particular
77 project may not be used to reimburse administrative costs for
78 unrelated projects. This paragraph (b) shall be repealed from and
79 after July 1, 2009.

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

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

95 grants and rules and regulations providing for the distribution of
96 grant funds. The Mississippi Arts Commission shall comply with
97 the provisions of the Mississippi Administrative Procedures Law.

98 **SECTION 2.** This act shall take effect and be in force from
99 and after July 1, 2007.