

By: Senator(s) McLendon

To: Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2840

1 AN ACT TO AMEND SECTION 39-11-13, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE MISSISSIPPI ARTS COMMISSION TO RETAIN A  
3 PERCENTAGE AMOUNT OF THE MONIES IN THE BUILDING FUND FOR THE ARTS  
4 TO DEFRAY ADMINISTRATIVE COSTS ASSOCIATED WITH ADMINISTERING THE  
5 GRANT PROGRAM UNDER THIS SECTION; AND FOR RELATED PURPOSES.

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

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

9 39-11-13. (1) (a) A special fund, to be designated as the  
10 "Building Fund for the Arts," is created within the State  
11 Treasury. The fund shall be maintained by the State Treasurer as  
12 a separate and special fund, separate and apart from the General  
13 Fund of the state. The fund shall consist of any money designated  
14 for deposit therein from any source, including, but not limited  
15 to, any state general obligation bonds issued for the purposes  
16 described in this section. Unexpended amounts remaining in the  
17 fund at the end of a fiscal year shall not lapse into the State  
18 General Fund, and investment earnings on amounts in the fund shall  
19 be deposited into such fund.



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

25 (i) Repair, upgrading, expansion, renovation or  
26 enhancement of existing buildings and facilities for the  
27 presentation, teaching or exhibition of the arts in any and all of  
28 its forms and furniture, equipment and/or technology for such  
29 buildings or facilities;

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

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

37 Two Hundred Thousand Dollars (\$200,000.00) of any monies  
38 deposited into the fund during Fiscal Year 2023 shall be used to  
39 provide grant funds for the establishment of a band and music  
40 program for a nonprofit organization in this state that is  
41 qualified as exempt from federal income taxation under Section  
42 501(c)(3) of the Internal Revenue Code.

43 (c) The entity to which such grants are made shall  
44 provide matching funds from local, federal or private sources



45 equal to forty percent (40%) of the proposed project cost in order  
46 to be eligible for a grant under this section.

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

57 (2) (a) Amounts deposited into such special fund shall be  
58 disbursed to pay the costs of projects described in subsection (1)  
59 of this section. If any monies in the special fund are derived  
60 from proceeds of bonds issued under Sections 3 through 18 of  
61 Chapter 541, Laws of 2001, as amended by Chapter 540, Laws of  
62 2002, as amended by Chapter 519, Laws of 2003, as amended by  
63 Chapter 1, Laws of 2004 Third Extraordinary Session, as amended by  
64 Chapter 538, Laws of 2006, as amended by Section 1 of Chapter 607,  
65 Laws of 2007, and are not used within four (4) years after the  
66 date such bond proceeds are deposited into the special fund, then  
67 the Mississippi Arts Commission shall provide an accounting of  
68 such unused monies to the State Bond Commission.

69 (b) [Repealed]



70 (3) The Mississippi Arts Commission is expressly authorized  
71 and empowered to receive and expend any local or other source  
72 funds in connection with the expenditure of funds provided for in  
73 this section. The expenditure of money deposited into the special  
74 fund shall be under the direction of the Mississippi Arts  
75 Commission, and such funds shall be paid by the State Treasurer  
76 upon warrants issued by the Department of Finance and  
77 Administration upon request of the Mississippi Arts Commission,  
78 which warrants shall be issued upon requisitions signed by the  
79 Executive Director of the Mississippi Arts Commission, or his or  
80 her designee. The Mississippi Arts Commission may retain an  
81 amount not to exceed one percent (1%) of the monies in the fund to  
82 defray administrative costs associated with administering the  
83 grant program under this section.

84 (4) The Mississippi Arts Commission shall adopt necessary  
85 rules and regulations to govern the administration of the program  
86 described in subsection (1) of this section, including, but not  
87 limited to, rules and regulations governing applications for  
88 grants and rules and regulations providing for the distribution of  
89 grant funds. The Mississippi Arts Commission shall comply with  
90 the provisions of the Mississippi Administrative Procedures Law.

91 **SECTION 2.** This act shall take effect and be in force from  
92 and after July 1, 2024.

