

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.

