

By: Representatives Smith (39th), Morris,  
McCoy

To: Ways and Means

HOUSE BILL NO. 1837

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR THE  
3 MISSISSIPPI COMMUNITY HERITAGE PRESERVATION GRANT FUND AND THE  
4 ACCOUNT ESTABLISHED FOR THE MISSISSIPPI LANDMARK GRANT PROGRAM  
5 WITHIN THE HISTORIC PROPERTIES TRUST FUND; TO AMEND SECTIONS  
6 39-5-145 AND 39-5-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
7 THERETO; AND FOR RELATED PURPOSES.

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

9 SECTION 1. As used in Sections 1 through 16 of this act, the  
10 following words shall have the meanings ascribed herein unless the  
11 context clearly requires otherwise:

12 (a) "Accreted value" of any bonds means, as of any date  
13 of computation, an amount equal to the sum of (i) the stated  
14 initial value of such bond, plus (ii) the interest accrued thereon  
15 from the issue date to the date of computation at the rate,  
16 compounded semiannually, that is necessary to produce the  
17 approximate yield to maturity shown for bonds of the same  
18 maturity.

19 (b) "State" means the State of Mississippi.

20 (c) "Commission" means the State Bond Commission.

21 SECTION 2. (1) The commission, at one time, or from time to  
22 time, may declare by resolution the necessity for issuance of  
23 general obligation bonds of the State of Mississippi to provide  
24 funds for the Mississippi Community Heritage Preservation Grant  
25 Fund created pursuant to Section 39-5-145 and the account for the  
26 Mississippi Landmark Grant Program within the Historic Properties  
27 Trust Fund created pursuant to Section 39-5-23. Upon the adoption  
28 of a resolution by the Department of Finance and Administration,  
29 declaring the necessity for the issuance of any part or all of the



30 general obligation bonds authorized by this section, the  
31 Department of Finance and Administration shall deliver a certified  
32 copy of its resolution or resolutions to the commission. Upon  
33 receipt of such resolution, the commission, in its discretion, may  
34 act as the issuing agent, prescribe the form of the bonds,  
35 advertise for and accept bids, issue and sell the bonds so  
36 authorized to be sold and do any and all other things necessary  
37 and advisable in connection with the issuance and sale of such  
38 bonds. The total amount of bonds issued under Sections 1 through  
39 16 of this act shall not exceed Seven Million Two Hundred Thousand  
40 Dollars (\$7,200,000.00). No bonds authorized under Sections 1  
41 through 16 of this act shall be issued after July 1, 2006.

42 (2) Six Million Five Hundred Thousand Dollars  
43 (\$6,500,000.00) of the proceeds of bonds issued pursuant to  
44 Sections 1 through 16 of this act shall be deposited into the  
45 Mississippi Community Heritage Preservation Grant Fund created  
46 pursuant to Section 39-5-145, and Seven Hundred Thousand Dollars  
47 (\$700,000.00) of the proceeds of bonds issued pursuant to Sections  
48 1 through 16 of this act shall be deposited into the account for  
49 the Mississippi Landmark Grant Program within the Historic  
50 Properties Trust Fund created pursuant to Section 39-5-23. Any  
51 investment earnings on bonds issued pursuant to Sections 1 through  
52 16 of this act shall be used to pay debt service on bonds issued  
53 under Sections 1 through 16 of this act, in accordance with the  
54 proceedings authorizing issuance of such bonds.

55 **SECTION 3.** The principal of and interest on the bonds  
56 authorized under Sections 1 through 16 of this act shall be  
57 payable in the manner provided in this section. Such bonds shall  
58 bear such date or dates, be in such denomination or denominations,  
59 bear interest at such rate or rates (not to exceed the limits set  
60 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
61 at such place or places within or without the State of  
62 Mississippi, shall mature absolutely at such time or times not to



63 exceed twenty-five (25) years from date of issue, be redeemable  
64 before maturity at such time or times and upon such terms, with or  
65 without premium, shall bear such registration privileges, and  
66 shall be substantially in such form, all as shall be determined by  
67 resolution of the commission.

68       **SECTION 4.** The bonds authorized by Sections 1 through 16 of  
69 this act shall be signed by the chairman of the commission, or by  
70 his facsimile signature, and the official seal of the commission  
71 shall be affixed thereto, attested by the secretary of the  
72 commission. The interest coupons, if any, to be attached to such  
73 bonds may be executed by the facsimile signatures of such  
74 officers. Whenever any such bonds shall have been signed by the  
75 officials designated to sign the bonds who were in office at the  
76 time of such signing but who may have ceased to be such officers  
77 before the sale and delivery of such bonds, or who may not have  
78 been in office on the date such bonds may bear, the signatures of  
79 such officers upon such bonds and coupons shall nevertheless be  
80 valid and sufficient for all purposes and have the same effect as  
81 if the person so officially signing such bonds had remained in  
82 office until their delivery to the purchaser, or had been in  
83 office on the date such bonds may bear. However, notwithstanding  
84 anything herein to the contrary, such bonds may be issued as  
85 provided in the Registered Bond Act of the State of Mississippi.

86       **SECTION 5.** All bonds and interest coupons issued under the  
87 provisions of Sections 1 through 16 of this act have all the  
88 qualities and incidents of negotiable instruments under the  
89 provisions of the Uniform Commercial Code, and in exercising the  
90 powers granted by Sections 1 through 16 of this act, the  
91 commission shall not be required to and need not comply with the  
92 provisions of the Uniform Commercial Code.

93       **SECTION 6.** The commission shall act as the issuing agent for  
94 the bonds authorized under Sections 1 through 16 of this act,  
95 prescribe the form of the bonds, advertise for and accept bids,



96 issue and sell the bonds so authorized to be sold, pay all fees  
97 and costs incurred in such issuance and sale, and do any and all  
98 other things necessary and advisable in connection with the  
99 issuance and sale of such bonds. The commission is authorized and  
100 empowered to pay the costs that are incident to the sale, issuance  
101 and delivery of the bonds authorized under Sections 1 through 16  
102 of this act from the proceeds derived from the sale of such bonds.  
103 The commission shall sell such bonds on sealed bids at public  
104 sale, and for such price as it may determine to be for the best  
105 interest of the State of Mississippi, but no such sale shall be  
106 made at a price less than par plus accrued interest to the date of  
107 delivery of the bonds to the purchaser. All interest accruing on  
108 such bonds so issued shall be payable semiannually or annually;  
109 however, the first interest payment may be for any period of not  
110 more than one (1) year.

111 Notice of the sale of any such bonds shall be published at  
112 least one time, not less than ten (10) days before the date of  
113 sale, and shall be so published in one or more newspapers  
114 published or having a general circulation in the City of Jackson,  
115 Mississippi, and in one or more other newspapers or financial  
116 journals with a national circulation, to be selected by the  
117 commission.

118 The commission, when issuing any bonds under the authority of  
119 Sections 1 through 16 of this act, may provide that bonds, at the  
120 option of the State of Mississippi, may be called in for payment  
121 and redemption at the call price named therein and accrued  
122 interest on such date or dates named therein.

123 **SECTION 7.** The bonds issued under the provisions of Sections  
124 1 through 16 of this act are general obligations of the State of  
125 Mississippi, and for the payment thereof the full faith and credit  
126 of the State of Mississippi is irrevocably pledged. If the funds  
127 appropriated by the Legislature are insufficient to pay the  
128 principal of and the interest on such bonds as they become due,



129 then the deficiency shall be paid by the State Treasurer from any  
130 funds in the State Treasury not otherwise appropriated. All such  
131 bonds shall contain recitals on their faces substantially covering  
132 the provisions of this section.

133       **SECTION 8.** Upon the issuance and sale of bonds under the  
134 provisions of Sections 1 through 16 of this act, the commission  
135 shall transfer the proceeds of any such sale or sales to the  
136 Mississippi Community Heritage Preservation Grant Fund created in  
137 Section 39-5-145 and the account for the Mississippi Landmark  
138 Grant Program within the Historic Properties Trust Fund created in  
139 Section 39-5-23, in the amounts provided for in Section 2(2) of  
140 this act, and the proceeds of such bonds shall be disbursed for  
141 the purposes provided in Section 39-5-145 and Section 39-5-23(3),  
142 respectively.

143       **SECTION 9.** The bonds authorized under Sections 1 through 16  
144 of this act may be issued without any other proceedings or the  
145 happening of any other conditions or things other than those  
146 proceedings, conditions and things which are specified or required  
147 by Sections 1 through 16 of this act. Any resolution providing  
148 for the issuance of bonds under the provisions of Sections 1  
149 through 16 of this act shall become effective immediately upon its  
150 adoption by the commission, and any such resolution may be adopted  
151 at any regular or special meeting of the commission by a majority  
152 of its members.

153       **SECTION 10.** The bonds authorized under the authority of  
154 Sections 1 through 16 of this act may be validated in the Chancery  
155 Court of the First Judicial District of Hinds County, Mississippi,  
156 in the manner and with the force and effect provided by Chapter  
157 13, Title 31, Mississippi Code of 1972, for the validation of  
158 county, municipal, school district and other bonds. The notice to  
159 taxpayers required by such statutes shall be published in a  
160 newspaper published or having a general circulation in the City of  
161 Jackson, Mississippi.



162           **SECTION 11.** Any holder of bonds issued under the provisions  
163 of Sections 1 through 16 of this act or of any of the interest  
164 coupons pertaining thereto may, either at law or in equity, by  
165 suit, action, mandamus or other proceeding, protect and enforce  
166 any and all rights granted under Sections 1 through 16 of this  
167 act, or under such resolution, and may enforce and compel  
168 performance of all duties required by Sections 1 through 16 of  
169 this act to be performed, in order to provide for the payment of  
170 bonds and interest thereon.

171           **SECTION 12.** All bonds issued under the provisions of  
172 Sections 1 through 16 of this act shall be legal investments for  
173 trustees and other fiduciaries, and for savings banks, trust  
174 companies and insurance companies organized under the laws of the  
175 State of Mississippi, and such bonds shall be legal securities  
176 which may be deposited with and shall be received by all public  
177 officers and bodies of this state and all municipalities and  
178 political subdivisions for the purpose of securing the deposit of  
179 public funds.

180           **SECTION 13.** Bonds issued under the provisions of Sections 1  
181 through 16 of this act and income therefrom shall be exempt from  
182 all taxation in the State of Mississippi.

183           **SECTION 14.** The proceeds of the bonds issued under Sections  
184 1 through 16 of this act shall be used solely for the purposes  
185 therein provided, including the costs incident to the issuance and  
186 sale of such bonds.

187           **SECTION 15.** The State Treasurer is authorized, without  
188 further process of law, to certify to the Department of Finance  
189 and Administration the necessity for warrants, and the Department  
190 of Finance and Administration is authorized and directed to issue  
191 such warrants, in such amounts as may be necessary to pay when due  
192 the principal of, premium, if any, and interest on, or the  
193 accreted value of, all bonds issued under Sections 1 through 16 of  
194 this act; and the State Treasurer shall forward the necessary



195 amount to the designated place or places of payment of such bonds  
196 in ample time to discharge such bonds, or the interest thereon, on  
197 the due dates thereof.

198       **SECTION 16.** Sections 1 through 16 of this act shall be  
199 deemed to be full and complete authority for the exercise of the  
200 powers therein granted, but Sections 1 through 16 of this act  
201 shall not be deemed to repeal or to be in derogation of any  
202 existing law of this state.

203       **SECTION 17.** Section 39-5-145, Mississippi Code of 1972, is  
204 amended as follows:

205       39-5-145. (1) A special fund, to be designated the  
206 "Mississippi Community Heritage Preservation Grant Fund," is  
207 created within the State Treasury. The fund shall be maintained  
208 by the State Treasurer as a separate and special fund, separate  
209 and apart from the General Fund of the state. The fund shall  
210 consist of any monies designated for deposit therein from any  
211 source, including proceeds of any state general obligation bonds  
212 issued under Sections 39-5-143 and 39-5-145 and Sections 22  
213 through 36 of Laws, 2001, Chapter 541, and Sections 1 through 16  
214 of House Bill No. 1837, 2002 Regular Session. Unexpended amounts  
215 remaining in the fund at the end of a fiscal year shall not lapse  
216 into the State General Fund and any interest earned or investment  
217 earnings on amounts in the fund shall be deposited into the fund.  
218 The expenditure of monies deposited into the fund shall be under  
219 the direction of the Department of Finance and Administration,  
220 based upon recommendations of the Board of Trustees of the  
221 Department of Archives and History, and such funds shall be paid  
222 by the State Treasurer upon warrants issued by the Department of  
223 Finance and Administration. Monies deposited into such fund shall  
224 be allocated and disbursed according to the provisions of this  
225 section. If any monies in the special fund are derived from  
226 proceeds of bonds issued under this chapter or Sections 1 through  
227 16 of House Bill No. , 2002 Regular Session, or both, and are



228 not used within four (4) years after the date such bond proceeds  
229 are deposited into the special fund, then the Department of  
230 Finance and Administration shall provide an accounting of such  
231 unused monies to the State Bond Commission.

232 (2) Monies deposited into the fund shall be allocated and  
233 disbursed as follows:

234 (a) Twelve Million Five Hundred Thousand Dollars  
235 (\$12,500,000.00) shall be allocated and disbursed as grants on a  
236 reimbursable basis through the Department of Finance and  
237 Administration, based upon the recommendations of the Board of  
238 Trustees of the Department of Archives and History, to assist  
239 county governments, municipal governments, school districts and  
240 nonprofit organizations that have obtained Section 501(c)(3)  
241 tax-exempt status from the United States Internal Revenue Service  
242 in helping pay the costs incurred in preserving, restoring,  
243 rehabilitating, repairing or interpreting (i) historic county  
244 courthouses, (ii) historic school buildings, and/or (iii) other  
245 historic properties identified by certified local governments.  
246 Where possible, expenditures from the fund shall be used to match  
247 federal grants or other grants that may be accessed by the  
248 Department of Archives and History, other state agencies, county  
249 governments or municipal governments, school districts or  
250 nonprofit organizations that have obtained Section 501(c)(3)  
251 tax-exempt status from the United States Internal Revenue Service.  
252 Any properties, except that described in paragraph (b) of this  
253 subsection, receiving monies pursuant to this section must be  
254 designated as "Mississippi Landmark" properties prior to selection  
255 as projects for funding under the provisions of this section.

256 (b) Two Hundred Fifty Thousand Dollars (\$250,000.00)  
257 shall be allocated and disbursed as grant funds to the Amory  
258 Regional Museum in Amory, Mississippi, to pay the costs of capital  
259 improvements, repair, renovation, furnishing and/or equipping of  
260 the museum. The disbursement of grant funds shall be contingent





261 upon such museum providing matching funds from any source, other  
262 than the state, equal to at least Two Hundred Fifty Thousand  
263 Dollars (\$250,000.00).

264 (3) The Board of Trustees of the Department of Archives and  
265 History shall receive and consider proposals from county  
266 governments, municipal governments, school districts and nonprofit  
267 organizations that have obtained Section 501(c)(3) tax-exempt  
268 status from the United States Internal Revenue Service for  
269 projects associated with the preservation, restoration,  
270 rehabilitation, repair or interpretation of (a) historic  
271 courthouses, (b) historic school buildings and/or (c) other  
272 historic properties identified by certified local governments.  
273 Proposals shall be submitted in accordance with the provisions of  
274 procedures, criteria and standards developed by the board. The  
275 board shall determine those projects to be funded and may require  
276 matching funds from any applicant seeking assistance under this  
277 section. This subsection shall not apply to any project described  
278 in subsection (2)(b) of this section.

279 (4) The Department of Archives and History shall publicize  
280 the Community Heritage Preservation Grant program described in  
281 this section on a statewide basis, including the publication of  
282 the criteria and standards used by the department in selecting  
283 projects for funding. The selection of a project for funding  
284 under the provisions of this section shall be made solely upon the  
285 deliberate consideration of each proposed project on its merits.  
286 The board shall make every effort to award the grants in a manner  
287 that will fairly distribute the funds in regard to the geography  
288 and cultural diversity of the state. This subsection shall not  
289 apply to any project described in subsection (2)(b) of this  
290 section.

291 (5) With regard to any project awarded funding under this  
292 section, any consultant, planner, architect, engineer, exhibit  
293 contracting firm, historic preservation specialist or other



294 professional hired by a grant recipient to work on any such  
295 project shall be approved by the board before their employment by  
296 the grant recipient.

297 (6) Plans and specifications for all projects initiated  
298 under the provisions of this section shall be approved by the  
299 board before the awarding of any contracts. The plans and  
300 specifications for any work involving "Mississippi Landmark"  
301 properties shall be developed in accordance with "The Secretary of  
302 the Interior's Standards for the Treatment of Historic  
303 Properties."

304 **SECTION 18.** Section 39-5-23, Mississippi Code of 1972, is  
305 amended as follows:

306 39-5-23. (1) The Mississippi Department of Archives and  
307 History is hereby authorized and empowered to solicit and accept  
308 donations, bequests, devises, gifts and grants of money from  
309 individuals, organizations and federal, state and local  
310 governmental bodies, to be deposited in the Historic Properties  
311 Trust Fund which is hereby created in the State Treasury.  
312 Contributions to the Historic Properties Trust Fund may be  
313 undesignated or earmarked for the purpose of acquiring,  
314 preserving, restoring, supporting, operating and administering  
315 Mississippi Landmark properties or for use on specific historical  
316 projects that have been authorized by the Department of Archives  
317 and History. The Mississippi Department of Archives and History  
318 may deposit federal funds received under Section 2 of Laws, 2000,  
319 Chapter 487, into the Historic Properties Trust Fund and may use  
320 such funds for the purposes provided in subsection (2) of Section  
321 2 of Laws, 2000, Chapter 487. The State Treasurer shall invest  
322 all monies in the Historic Properties Trust Fund as other state  
323 funds are authorized to be invested, and any interest earned shall  
324 be deposited into the fund.

325 (2) The Mississippi Department of Archives and History is  
326 hereby authorized and empowered to solicit and accept donations,



327 bequests, devises, gifts and grants of money and real and personal  
328 property. The Board of Trustees of the Department of Archives and  
329 History may, in its discretion, sell such real and personal  
330 property by public or private sale and shall deposit proceeds  
331 derived from such sale into the Historic Properties Trust Fund.

332 (3) (a) The Board of Trustees of the Mississippi Department  
333 of Archives and History is authorized to establish the Mississippi  
334 Landmark Grant Program within the Historic Properties Trust Fund  
335 to help ensure the preservation of Mississippi Landmark  
336 properties.

337 (b) The Board of Trustees of the Mississippi Department  
338 of Archives and History may deposit funds appropriated by the  
339 Legislature, or funds transferred from the Historic Properties  
340 Financing Fund as specified in Section 89-12-37(2), into the  
341 account established for the Mississippi Landmark Grant Program  
342 within the Historic Properties Trust Fund. The proceeds of bonds  
343 issued under Sections 1 through 16 of House Bill No. 1837, 2002  
344 Regular Session, shall be deposited into the account established  
345 for the Mississippi Landmark Grant Program within the Historic  
346 Properties Trust Fund. All funds deposited in the account for the  
347 Mississippi Landmark Grant Program shall be used exclusively for  
348 the purpose of acquiring, preserving, restoring, supporting,  
349 operating and administering Mississippi Landmark properties or  
350 those properties to be designated as Mississippi Landmarks.

351 (c) The board of supervisors of every county and the  
352 governing authorities of every municipality in the state may make  
353 contributions to the Mississippi Department of Archives and  
354 History, to be deposited into the account for the Mississippi  
355 Landmark Grant Program. Such contributions may be undesignated or  
356 earmarked for use on specific Mississippi Landmark properties.

357 (d) The Board of Trustees of the Mississippi Department  
358 of Archives and History shall have all powers necessary to  
359 implement and administer the Mississippi Landmark Grant Program,



360 and the board of trustees shall promulgate all rules and  
361 regulations necessary for the implementation and administration of  
362 the program.

363         **SECTION 19.** This act shall take effect and be in force from  
364 and after its passage.

