HOUSE BILL NO. 1837
(As Sent to Governor)

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

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

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

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

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

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

SECTION 2. (1) The commission, at one time, or from time to
time, may declare by resolution the necessity for issuance of
general obligation bonds of the State of Mississippi to provide
funds for the Mississippi Community Heritage Preservation Grant
Fund created pursuant to Section 39-5-145 and the account for the
Mississippi Landmark Grant Program within the Historic Properties
Trust Fund created pursuant to Section 39-5-23. Upon the adoption
of a resolution by the Department of Finance and Administration,
declaring the necessity for the issuance of any part or all of the
general obligation bonds authorized by this section, the
Department of Finance and Administration shall deliver a certified
copy of its resolution or resolutions to the commission. Upon
receipt of such resolution, the commission, in its discretion, may
act as the issuing agent, prescribe the form of the bonds,
advertise for and accept bids, issue and sell the bonds so
authorized to be sold and do any and all other things necessary
and advisable in connection with the issuance and sale of such
bonds. The total amount of bonds issued under Sections 1 through
16 of this act shall not exceed Six Million Two Hundred Thousand
Dollars ($6,200,000.00). No bonds authorized under Sections 1
through 16 of this act shall be issued after July 1, 2006.

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

SECTION 3. The principal of and interest on the bonds
authorized under Sections 1 through 16 of this act shall be
payable in the manner provided in this section. Such bonds shall
bear such date or dates, be in such denomination or denominations,
bear interest at such rate or rates (not to exceed the limits set
forth in Section 75-17-101, Mississippi Code of 1972), be payable
at such place or places within or without the State of
Mississippi, shall mature absolutely at such time or times not to
exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

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

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

SECTION 6. The commission shall act as the issuing agent for the bonds authorized under Sections 1 through 16 of this act, prescribe the form of the bonds, advertise for and accept bids,
issue and sell the bonds so authorized to be sold, pay all fees
and costs incurred in such issuance and sale, and do any and all
other things necessary and advisable in connection with the
issuance and sale of such bonds. The commission is authorized and
empowered to pay the costs that are incident to the sale, issuance
and delivery of the bonds authorized under Sections 1 through 16
of this act from the proceeds derived from the sale of such bonds.
The commission shall sell such bonds on sealed bids at public
sale, and for such price as it may determine to be for the best
interest of the State of Mississippi, but no such sale shall be
made at a price less than par plus accrued interest to the date of
delivery of the bonds to the purchaser. All interest accruing on
such bonds so issued shall be payable semiannually or annually;
however, the first interest payment may be for any period of not
more than one (1) year.

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

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

SECTION 7. The bonds issued under the provisions of Sections
1 through 16 of this act are general obligations of the State of
Mississippi, and for the payment thereof the full faith and credit
of the State of Mississippi is irrevocably pledged. If the funds
appropriated by the Legislature are insufficient to pay the
principal of and the interest on such bonds as they become due,
then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

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

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

**SECTION 10.** The bonds authorized under the authority of Sections 1 through 16 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.
SECTION 11. Any holder of bonds issued under the provisions of Sections 1 through 16 of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under Sections 1 through 16 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 1 through 16 of this act to be performed, in order to provide for the payment of bonds and interest thereon.

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

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

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

SECTION 15. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 1 through 16 of this act; and the State Treasurer shall forward the necessary
amount to the designated place or places of payment of such bonds
in ample time to discharge such bonds, or the interest thereon, on
the due dates thereof.

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

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

39-5-145. (1) A special fund, to be designated the
"Mississippi Community Heritage Preservation Grant Fund," is
created within the State Treasury. The fund shall be maintained
by the State Treasurer as a separate and special fund, separate
and apart from the General Fund of the state. The fund shall
consist of any monies designated for deposit therein from any
source, including proceeds of any state general obligation bonds
issued under Sections 39-5-143 and 39-5-145 and Sections 22
through 36 of Laws, 2001, Chapter 541, and Sections 1 through 16
of House Bill No. 1837, 2002 Regular Session. Unexpended amounts
remaining in the fund at the end of a fiscal year shall not lapse
into the State General Fund and any interest earned or investment
earnings on amounts in the fund shall be deposited into the fund.
The expenditure of monies deposited into the fund shall be under
the direction of the Department of Finance and Administration,
based upon recommendations of the Board of Trustees of the
Department of Archives and History, and such funds shall be paid
by the State Treasurer upon warrants issued by the Department of
Finance and Administration. Monies deposited into such fund shall
be allocated and disbursed according to the provisions of this
section. If any monies in the special fund are derived from
proceeds of bonds issued under this chapter or Sections 1 through 16
of House Bill No. 1837, 2002 Regular Session, or both, and are
not used within four (4) years after the date such bond proceeds are deposited into the special fund, then the Department of Finance and Administration shall provide an accounting of such unused monies to the State Bond Commission.

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

(a) Eleven Million Five Hundred Thousand Dollars ($11,500,000.00) shall be allocated and disbursed as grants on a reimbursable basis through the Department of Finance and Administration, based upon the recommendations of the Board of Trustees of the Department of Archives and History, to assist county governments, municipal governments, school districts and nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service in helping pay the costs incurred in preserving, restoring, rehabilitating, repairing or interpreting (i) historic county courthouses, (ii) historic school buildings, and/or (iii) other historic properties identified by certified local governments. Where possible, expenditures from the fund shall be used to match federal grants or other grants that may be accessed by the Department of Archives and History, other state agencies, county governments or municipal governments, school districts or nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service. Any properties, except that described in paragraph (b) of this subsection, receiving monies pursuant to this section must be designated as "Mississippi Landmark" properties prior to selection as projects for funding under the provisions of this section.

(b) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be allocated and disbursed as grant funds to the Amory Regional Museum in Amory, Mississippi, to pay the costs of capital improvements, repair, renovation, furnishing and/or equipping of the museum. The disbursement of grant funds shall be contingent
upon such museum providing matching funds from any source, other
than the state, equal to at least Two Hundred Fifty Thousand
Dollars ($250,000.00).

(c) Monies in the Mississippi Community Heritage
Preservation Grant Fund which are derived from proceeds of bonds
issued under Sections 1 through 16 of House Bill No. 1837, 2002
Regular Session, may be used to reimburse reasonable actual and
necessary costs incurred by the Mississippi Department of Archives
and History in providing assistance directly related to a project
described in paragraph (a) of this subsection for which funding is
provided under this section. Reimbursement may be made only until
such time as the project is completed. An accounting of actual
costs incurred for which reimbursement is sought shall be
maintained for each project by the Mississippi Department of
Archives and History. Reimbursement of reasonable actual and
necessary costs for a project shall not exceed three percent (3%) of the proceeds of bonds issued for such project. Monies
authorized for a particular project may not be used to reimburse
administrative costs for unrelated projects.

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

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

(5) With regard to any project awarded funding under this section, any consultant, planner, architect, engineer, exhibit contracting firm, historic preservation specialist or other professional hired by a grant recipient to work on any such project shall be approved by the board before their employment by the grant recipient.

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

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

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

(2) The Mississippi Department of Archives and History is hereby authorized and empowered to solicit and accept donations, bequests, devises, gifts and grants of money and real and personal property. The Board of Trustees of the Department of Archives and History may, in its discretion, sell such real and personal property by public or private sale and shall deposit proceeds derived from such sale into the Historic Properties Trust Fund.

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

(b) The Board of Trustees of the Mississippi Department of Archives and History may deposit funds appropriated by the Legislature, or funds transferred from the Historic Properties Financing Fund as specified in Section 89-12-37(2), into the account established for the Mississippi Landmark Grant Program within the Historic Properties Trust Fund. That portion of the
proceeds of bonds issued under Sections 1 through 16 of House Bill No. 1837, 2002

Regular Session, shall be deposited, in the manner provided in Sections 1 through 16 of House Bill No. 1837, 2002 Regular Session, into the account established for the Mississippi Landmark Grant Program within the Historic Properties Trust Fund.

All funds deposited in the account for the Mississippi Landmark Grant Program shall be used exclusively for the purpose of acquiring, preserving, restoring, supporting, operating and administering Mississippi Landmark properties or those properties to be designated as Mississippi Landmarks.

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

(d) The Board of Trustees of the Mississippi Department of Archives and History shall have all powers necessary to implement and administer the Mississippi Landmark Grant Program, and the board of trustees shall promulgate all rules and regulations necessary for the implementation and administration of the program.

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