

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1837: Bonds; issue bonds to provide additional funds for the Mississippi Community Heritage Preservation Grant Fund.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.

2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

319 Properties."

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

322 39-5-23. (1) The Mississippi Department of Archives and
323 History is hereby authorized and empowered to solicit and accept
324 donations, bequests, devises, gifts and grants of money from
325 individuals, organizations and federal, state and local
326 governmental bodies, to be deposited in the Historic Properties
327 Trust Fund which is hereby created in the State Treasury.
328 Contributions to the Historic Properties Trust Fund may be
329 undesignated or earmarked for the purpose of acquiring,
330 preserving, restoring, supporting, operating and administering
331 Mississippi Landmark properties or for use on specific historical
332 projects that have been authorized by the Department of Archives
333 and History. The Mississippi Department of Archives and History
334 may deposit federal funds received under Section 2 of Laws, 2000,
335 Chapter 487, into the Historic Properties Trust Fund and may use
336 such funds for the purposes provided in subsection (2) of Section
337 2 of Laws, 2000, Chapter 487. The State Treasurer shall invest
338 all monies in the Historic Properties Trust Fund as other state
339 funds are authorized to be invested, and any interest earned shall
340 be deposited into the fund.

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

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

353 (b) The Board of Trustees of the Mississippi Department
354 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.

CONFEREES FOR THE HOUSE

X _____

William J. McCoy

X _____

Jeffrey C. Smith

X _____

Leonard Morris

CONFEREES FOR THE SENATE

X _____

William R. Minor

X _____

Tom King

X _____

T. O. Moffatt