

By: Senator(s) Minor

To: Finance

SENATE BILL NO. 2983

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; TO AMEND  
4 SECTIONS 39-5-143 AND 39-5-145, MISSISSIPPI CODE OF 1972, IN  
5 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

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

19 **SECTION 2.** (1) The commission, at one time, or from time to  
20 time, may declare by resolution the necessity for issuance of  
21 general obligation bonds of the State of Mississippi to provide  
22 funds for the Mississippi Community Heritage Preservation Grant  
23 Fund created pursuant to Section 39-5-145. Upon the adoption of a  
24 resolution by the Department of Finance and Administration,  
25 declaring the necessity for the issuance of any part or all of the  
26 general obligation bonds authorized by this section, the  
27 Department of Finance and Administration shall deliver a certified  
28 copy of its resolution or resolutions to the commission. Upon



29 receipt of such resolution, the commission, in its discretion, may  
30 act as the issuing agent, prescribe the form of the bonds,  
31 advertise for and accept bids, issue and sell the bonds so  
32 authorized to be sold and do any and all other things necessary  
33 and advisable in connection with the issuance and sale of such  
34 bonds. The total amount of bonds issued under Sections 1 through  
35 16 of this act shall not exceed Five Million Dollars  
36 (\$5,000,000.00). No bonds authorized under Sections 1 through 16  
37 of this act shall be issued after July 1, 2007.

38 (2) The proceeds of bonds issued pursuant to Sections 1  
39 through 16 of this act shall be deposited into the Mississippi  
40 Community Heritage Preservation Grant Fund created pursuant to  
41 Section 39-5-145. Any investment earnings on bonds issued  
42 pursuant to Sections 1 through 16 of this act shall be used to pay  
43 debt service on bonds issued under Sections 1 through 16 of this  
44 act, in accordance with the proceedings authorizing issuance of  
45 such bonds.

46 (3) If any monies in the Mississippi Community Heritage  
47 Preservation Grant Fund are derived from proceeds of bonds issued  
48 under Sections 1 through 16 of this act and are not used within  
49 four (4) years after the date such bond proceeds are deposited  
50 into the special fund, then the Department of Finance and  
51 Administration shall provide an accounting of such unused monies  
52 to the State Bond Commission.

53 **SECTION 3.** The principal of and interest on the bonds  
54 authorized under Sections 1 through 16 of this act shall be  
55 payable in the manner provided in this section. Such bonds shall  
56 bear such date or dates, be in such denomination or denominations,  
57 bear interest at such rate or rates (not to exceed the limits set  
58 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
59 at such place or places within or without the State of  
60 Mississippi, shall mature absolutely at such time or times not to  
61 exceed twenty-five (25) years from date of issue, be redeemable



62 before maturity at such time or times and upon such terms, with or  
63 without premium, shall bear such registration privileges, and  
64 shall be substantially in such form, all as shall be determined by  
65 resolution of the commission.

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

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

91         **SECTION 6.** The commission shall act as the issuing agent for  
92 the bonds authorized under Sections 1 through 16 of this act,  
93 prescribe the form of the bonds, advertise for and accept bids,  
94 issue and sell the bonds so authorized to be sold, pay all fees



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

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

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

121 **SECTION 7.** The bonds issued under the provisions of Sections  
122 1 through 16 of this act are general obligations of the State of  
123 Mississippi, and for the payment thereof the full faith and credit  
124 of the State of Mississippi is irrevocably pledged. If the funds  
125 appropriated by the Legislature are insufficient to pay the  
126 principal of and the interest on such bonds as they become due,  
127 then the deficiency shall be paid by the State Treasurer from any



128 funds in the State Treasury not otherwise appropriated. All such  
129 bonds shall contain recitals on their faces substantially covering  
130 the provisions of this section.

131 **SECTION 8.** Upon the issuance and sale of bonds under the  
132 provisions of Sections 1 through 16 of this act, the commission  
133 shall transfer the proceeds of any such sale or sales to the  
134 Mississippi Community Heritage Preservation Grant Fund created in  
135 Section 39-5-145, and the proceeds of such bonds shall be  
136 disbursed for the purposes provided in Section 39-5-145.

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

147 **SECTION 10.** The bonds authorized under the authority of  
148 Sections 1 through 16 of this act may be validated in the Chancery  
149 Court of the First Judicial District of Hinds County, Mississippi,  
150 in the manner and with the force and effect provided by Chapter  
151 13, Title 31, Mississippi Code of 1972, for the validation of  
152 county, municipal, school district and other bonds. The notice to  
153 taxpayers required by such statutes shall be published in a  
154 newspaper published or having a general circulation in the City of  
155 Jackson, Mississippi.

156 **SECTION 11.** Any holder of bonds issued under the provisions  
157 of Sections 1 through 16 of this act or of any of the interest  
158 coupons pertaining thereto may, either at law or in equity, by  
159 suit, action, mandamus or other proceeding, protect and enforce  
160 any and all rights granted under Sections 1 through 16 of this



161 act, or under such resolution, and may enforce and compel  
162 performance of all duties required by Sections 1 through 16 of  
163 this act to be performed, in order to provide for the payment of  
164 bonds and interest thereon.

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

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

177         **SECTION 14.** The proceeds of the bonds issued under Sections  
178 1 through 16 of this act shall be used solely for the purposes  
179 therein provided, including the costs incident to the issuance and  
180 sale of such bonds.

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

192         **SECTION 16.** Sections 1 through 16 of this act shall be  
193 deemed to be full and complete authority for the exercise of the



194 powers therein granted, but Sections 1 through 16 of this act  
195 shall not be deemed to repeal or to be in derogation of any  
196 existing law of this state.

197       **SECTION 17.** Section 39-5-143, Mississippi Code of 1972, is  
198 amended as follows:

199       39-5-143. As used in Sections 39-5-143 and 39-5-145 \* \* \*,  
200 the following words shall have the meanings ascribed herein unless  
201 the context clearly requires otherwise:

202           (a) "Board" means the Board of Trustees of the  
203 Department of Archives and History.

204           (b) "Certified local government" means a county or  
205 municipality in the State of Mississippi that has established its  
206 own historic preservation commission and program meeting federal  
207 and state standards and has obtained certification of such action  
208 from the Department of Archives and History and the National Park  
209 Service.

210       \* \* \*

211           (c) "Historic property" means a building, site,  
212 structure or monument of historical significance as defined by the  
213 Department of Archives and History.

214           (d) "Interpretation" means an historical exhibit  
215 design, interpretive or commemorative marker or monument,  
216 publication, program, or other instructional techniques that  
217 present and interpret history from broad cultural and ethnic  
218 perspectives.

219       \* \* \*

220       **SECTION 18.** Section 39-5-145, Mississippi Code of 1972, is  
221 amended as follows:

222       39-5-145. (1) A special fund, to be designated the  
223 "Mississippi Community Heritage Preservation Grant Fund," is  
224 created within the State Treasury. The fund shall be maintained  
225 by the State Treasurer as a separate and special fund, separate  
226 and apart from the General Fund of the state. The fund shall



227 consist of any monies designated for deposit therein from any  
228 source, including proceeds of any state general obligation  
229 bonds \* \* \*. Unexpended amounts remaining in the fund at the end  
230 of a fiscal year shall not lapse into the State General Fund and  
231 any interest earned or investment earnings on amounts in the fund  
232 shall be deposited into the fund. The expenditure of monies  
233 deposited into the fund shall be under the direction of the  
234 Department of Finance and Administration, based upon  
235 recommendations of the Board of Trustees of the Department of  
236 Archives and History, and such funds shall be paid by the State  
237 Treasurer upon warrants issued by the Department of Finance and  
238 Administration. Monies deposited into such fund shall be  
239 allocated and disbursed according to the provisions of this  
240 section. If any monies in the special fund are derived from  
241 proceeds of bonds issued under this chapter or Sections 1 through  
242 16 of Laws, 2002, Chapter 543, or both, and are not used within  
243 four (4) years after the date such bond proceeds are deposited  
244 into the special fund, then the Department of Finance and  
245 Administration shall provide an accounting of such unused monies  
246 to the State Bond Commission.

247 (2) (a) Monies deposited into the fund prior to the  
248 effective date of Senate Bill No. 2983, 2003 Regular Session,  
249 shall be allocated and disbursed as follows:

250 (i) Eleven Million Five Hundred Thousand Dollars  
251 (\$11,500,000.00) shall be allocated and disbursed as grants on a  
252 reimbursable basis through the Department of Finance and  
253 Administration, based upon the recommendations of the Board of  
254 Trustees of the Department of Archives and History, to assist  
255 county governments, municipal governments, school districts and  
256 nonprofit organizations that have obtained Section 501(c)(3)  
257 tax-exempt status from the United States Internal Revenue Service  
258 in helping pay the costs incurred in preserving, restoring,  
259 rehabilitating, repairing or interpreting \* \* \* historic county





260 courthouses, \* \* \* historic school buildings, and/or \* \* \* other  
261 historic properties identified by certified local governments.  
262 Where possible, expenditures from the fund shall be used to match  
263 federal grants or other grants that may be accessed by the  
264 Department of Archives and History, other state agencies, county  
265 governments or municipal governments, school districts or  
266 nonprofit organizations that have obtained Section 501(c)(3)  
267 tax-exempt status from the United States Internal Revenue Service.  
268 Any properties, except that described in subparagraph (ii) of this  
269 paragraph, receiving monies pursuant to this paragraph must be  
270 designated as "Mississippi Landmark" properties prior to selection  
271 as projects for funding under the provisions of this section.

272 (ii) Two Hundred Fifty Thousand Dollars  
273 (\$250,000.00) shall be allocated and disbursed as grant funds to  
274 the Amory Regional Museum in Amory, Mississippi, to pay the costs  
275 of capital improvements, repair, renovation, furnishing and/or  
276 equipping of the museum. The disbursement of grant funds shall be  
277 contingent upon such museum providing matching funds from any  
278 source, other than the state, equal to at least Two Hundred Fifty  
279 Thousand Dollars (\$250,000.00).

280 (b) Monies deposited into the fund after the effective  
281 date of Senate Bill No. 2983, 2003 Regular Session, shall be  
282 allocated and disbursed as grants on a reimbursable basis through  
283 the Department of Finance and Administration, based upon the  
284 recommendations of the Board of Trustees of the Department of  
285 Archives and History, to assist county governments, municipal  
286 governments, school districts and nonprofit organizations that  
287 have obtained Section 501(c)(3) tax-exempt status from the United  
288 States Internal Revenue Service in helping pay the costs incurred  
289 in preserving, restoring, rehabilitating, repairing or  
290 interpreting historic county courthouses, historic school  
291 buildings, and/or other historic properties identified by  
292 certified local governments. Where possible, expenditures from



293 the fund shall be used to match federal grants or other grants  
294 that may be accessed by the Department of Archives and History,  
295 other state agencies, county governments or municipal governments,  
296 school districts or nonprofit organizations that have obtained  
297 Section 501(c)(3) tax-exempt status from the United States  
298 Internal Revenue Service. Any properties receiving monies  
299 pursuant to this paragraph must be designated as "Mississippi  
300 Landmark" properties prior to selection as projects for funding  
301 under the provisions of this section.

302 (c) Monies in the Mississippi Community Heritage  
303 Preservation Grant Fund which are derived from proceeds of bonds  
304 issued after April 9, 2002, may be used to reimburse reasonable  
305 actual and necessary costs incurred by the Mississippi Department  
306 of Archives and History in providing assistance directly related  
307 to a project described in paragraphs (a)(i) and (b) of this  
308 subsection for which funding is provided under this section.  
309 Reimbursement may be made only until such time as the project is  
310 completed. An accounting of actual costs incurred for which  
311 reimbursement is sought shall be maintained for each project by  
312 the Mississippi Department of Archives and History. Reimbursement  
313 of reasonable, actual and necessary costs for a project shall not  
314 exceed three percent (3%) of the proceeds of bonds issued for such  
315 project. Monies authorized for a particular project may not be  
316 used to reimburse administrative costs for unrelated projects.

317 (3) The Board of Trustees of the Department of Archives and  
318 History shall receive and consider proposals from county  
319 governments, municipal governments, school districts and nonprofit  
320 organizations that have obtained Section 501(c)(3) tax-exempt  
321 status from the United States Internal Revenue Service for  
322 projects associated with the preservation, restoration,  
323 rehabilitation, repair or interpretation of (a) historic  
324 courthouses, (b) historic school buildings and/or (c) other  
325 historic properties identified by certified local governments.



326 Proposals shall be submitted in accordance with the provisions of  
327 procedures, criteria and standards developed by the board. The  
328 board shall determine those projects to be funded and may require  
329 matching funds from any applicant seeking assistance under this  
330 section. This subsection shall not apply to any project described  
331 in subsection (2) (a) (ii) of this section.

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

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

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

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

