

By: Senator(s) Hopson, Butler, Branning,
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To: Appropriations;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2834
(As Sent to Governor)

1 AN ACT TO CREATE A MISSISSIPPI HISTORIC SITE PRESERVATION
2 FUND TO BE USED TO MATCH FEDERAL OR OTHER PRIVATE FUNDS FOR MAKING
3 GRANTS FOR THE PURPOSE OF FEE SIMPLE PURCHASE OR PROTECTIVE
4 INTEREST PURCHASE OF ENDANGERED PROPERTY DIRECTLY RELATED TO
5 MISSISSIPPI NATIVE AMERICAN ARCHEOLOGY SITES, MISSISSIPPI
6 BATTLEFIELD PROPERTY OR MISSISSIPPI CIVIL RIGHTS MOVEMENT SITES;
7 TO PROVIDE THAT SUCH FUND SHALL BE ADMINISTERED BY THE DEPARTMENT
8 OF ARCHIVES AND HISTORY'S HISTORIC PRESERVATION DIVISION; TO
9 PRESCRIBE CERTAIN CONDITIONS ON THE ALLOCATIONS FROM THE FUND; TO
10 PRESCRIBE ELIGIBLE COSTS FOR WHICH MONIES FROM THE FUND MAY BE
11 ALLOCATED; TO AUTHORIZE COOPERATIVE AGREEMENTS FOR THE
12 IMPLEMENTATION OF SUCH GRANTS; TO AMEND SECTION 39-5-5,
13 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
14 PROVISIONS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) There is created in the State Treasury a
17 special fund to be known as the "Mississippi Historic Site
18 Preservation Fund," hereafter referred to as "the Fund." The Fund
19 shall be included in the budget of the Mississippi Department of
20 Archives and History and implemented by the Historic Preservation
21 Division of the department. The Fund shall consist of general
22 funds appropriated by the Legislature and funds received as
23 grants, endowments or gifts from the federal government, its
24 agencies and instrumentalities and funds from any other available



25 sources, public or private. All such funds shall be paid into the
26 State Treasury and credited to the Fund. Interest earned on
27 monies in the Fund shall remain in the Fund and be credited to it.
28 Any monies remaining in the Fund, including interest thereon, at
29 the end of each fiscal year shall not lapse to the State General
30 Fund but shall remain in the Fund.

31 (2) Monies in the Fund shall be used by the Department of
32 Archives and History, subject to appropriation by the Legislature,
33 solely for the purpose of making grants to nonprofit organizations
34 that have obtained Section 501(c)(3) tax-exempt status from the
35 Internal Revenue Service, hereafter referred to as "organizations"
36 or local governmental entities, to match federal and other
37 matching funds. All such grants shall be made solely for the fee
38 simple purchase of, or purchase of protective interests in (a) any
39 Native American archeology site, (b) any endangered Mississippi
40 battlefield property, and/or (c) any endangered Mississippi Civil
41 Rights Movement historic site. To be eligible for a grant, a site
42 must be individually listed in the National Register of Historic
43 Places, identified as nationally significant in a National Park
44 Service Special Resource Study, or listed in the Report on the
45 Nation's Civil War Battlefields by the Civil War Sites Advisory
46 Commission, National Park Service, as amended, and such sites
47 shall be specified by the Legislature in the annual appropriation
48 to the department. Expenditures and disbursements from the Fund
49 shall be made by the State Treasurer on warrants issued by the



50 State Fiscal Officer upon written request of the Director of the
51 Department of Archives and History.

52 (3) The Director of the Department of Archives and History
53 shall establish, administer, manage, and make expenditures and
54 allocations from the Fund.

55 (4) Organizations seeking grant funding from the Fund shall
56 be required to provide at least One Dollar (\$1.00) in matching
57 funds for each One Dollar (\$1.00) received from the Fund for the
58 proposed project. As used in this subsection, the term "matching
59 funds" shall include both cash and the value of any contribution
60 due to a bargain sale or the donation of land or interest therein
61 made by the landowner as part of the proposed project. No state
62 funds may be included in determining the amount of the match.

63 (5) Eligible costs for which monies from the Fund may be
64 allocated to include acquisition of land and any improvements
65 thereon (collectively referred to in this section as "land") or
66 permanent protective interests, such as perpetual conservation
67 easements, and costs associated with such acquisitions, including
68 the cost of appraisals, environmental reports, any survey, title
69 searches and title insurance, and other closing costs.

70 (6) Grants from the Fund shall not exceed fifty percent
71 (50%) of the appraised value of the land or permanent protective
72 interest therein.



73 (7) Grants from the Fund may be awarded for prospective
74 purchases or for acquisitions on which the applicant has closed.
75 In the latter case the applicant shall demonstrate:

76 (a) The closing occurred no more than twelve (12)
77 months prior to the date of application for the grant; and

78 (b) An identifiable threat to the resource or
79 compelling need for preservation existed at the time of the
80 purchase.

81 (8) Any eligible organization making an acquisition of land
82 or interest therein pursuant to this section shall grant to the
83 Department of Archives and History or other holder a perpetual
84 easement placing restrictions on the use or development of the
85 land. In cases where the easement is granted to a holder other
86 than the Department of Archives and History, all terms and
87 conditions of the easement shall be reviewed by and found by the
88 department to accomplish the perpetual preservation of the
89 property. Such other holder shall demonstrate to the department
90 that it has the capacity and expertise to manage and enforce the
91 terms of the easement.

92 (9) Nothing in this section shall preclude the subsequent
93 transfer or assignment by a state agency or other owner or holder
94 of any property interest acquired pursuant to this section to the
95 United States of America to be incorporated into a national park,
96 national forest, national wildlife refuge, or other national
97 conservation area in accordance with 54 USC Section 100101, 16 USC



98 Section 551, the Fish and Wildlife Act of 1956 (16 USC Section
99 742a et seq.), or 16 USC Section 1131, as amended and applicable.
100 The Department of Archives and History shall facilitate transfers
101 and assignments of any such interests held by the department. The
102 United States of America shall be considered a "public body" for
103 the purposes of any transfer or assignment to the United States of
104 America of any easement granted under this section.

105 (10) The Director of Archives and History shall establish,
106 administer, manage, and make expenditures and allocations from the
107 Fund and shall establish guidelines for applications, evaluation,
108 and award of grants from the Fund in consultation with appropriate
109 preservation interests.

110 (11) Eligible costs for which monies from the Fund may be
111 allocated include:

- 112 (a) Acquisition of land and any improvements thereon;
- 113 (b) Permanent protective interests;
- 114 (c) Conservation easements;
- 115 (d) Costs of appraisals;
- 116 (e) Environmental reports;
- 117 (f) Surveys;
- 118 (g) Title searches and title insurance; and
- 119 (h) Any other closing costs.

120 (12) The Department of Archives and History shall prioritize
121 and award grants of monies from the Fund and consider in relation
122 to the sites identified:



123 (a) The significance of the site;
124 (b) The location of the proposed project;
125 (c) The proximity to other protected lands;
126 (d) The threat to and integrity of the features
127 associated with the historic significance of the site; and
128 (e) The financial and administrative capacity of the
129 applicant to complete the project and to maintain and manage the
130 property consistent with the public investment and public
131 interest, including:

132 (i) Education;
133 (ii) Recreation;
134 (iii) Research;
135 (iv) Heritage tourism promotion; or
136 (v) Orderly community development.

137 (13) To carry out this act, the Department of Archives and
138 History may enter into cooperative agreements with entities in the
139 public and private sectors, including:

140 (a) Colleges and universities;
141 (b) Historical societies;
142 (c) State and local agencies; and
143 (d) Nonprofit organizations.

144 (14) To develop cooperative land-use strategies and conduct
145 activities that facilitate the conservation of the historic,
146 cultural, natural and scenic resources, the Department of Archives
147 and History may provide technical assistance, to the extent that a



148 recipient of technical assistance is engaged in the protection,
149 interpretation or commemoration of historically significant
150 resources in the area in and around the historic site.

151 **SECTION 2.** Section 39-5-5, Mississippi Code of 1972, is
152 amended as follows:

153 39-5-5. The duties and powers of the Board of Trustees of
154 the Department of Archives and History shall include, in addition
155 to other duties and powers granted or prescribed by law, the
156 following:

157 (a) To determine the location of places of historical
158 interest within the state;

159 (b) To make a survey of buildings of all types
160 throughout the state which are in danger of destruction, without
161 proper care, and which in the opinion of the board of trustees
162 should be preserved for historical purposes;

163 (c) To contact the proper authorities of the United
164 States national cemeteries and military parks to determine whether
165 or not the record of Mississippi troops is adequately
166 commemorated;

167 (d) To acquire, preserve, restore or operate any real
168 or personal property deemed significant for historical,
169 architectural, archaeological or cultural reasons, to expend funds
170 for such purposes, to enter into contracts or agreements with any
171 agency of the United States or any person, firm, corporation or



172 association for such purposes and to do any and all things which
173 may be necessary or desirable to carry out such purposes;

174 (e) To participate with any agency of the United
175 States, any other governmental agency or any person, firm,
176 corporation, association or group in mutual or cooperative
177 programs or projects within the duties and powers of the board of
178 trustees;

179 (f) To accept grants or donations of money or property,
180 real or personal, from any agency of the United States, any other
181 governmental agency or any person, firm, corporation, association
182 or group. However, the board of trustees shall not be required,
183 except by specific act of the Legislature, to accept any property
184 without its consent; * * *

185 (g) To provide suitable markers with adequate
186 descriptions of the historical sites to which they refer, for
187 places of historical interest and to provide suitable markers on
188 the highways and roads of this state showing the direction and
189 distance to the historical sites * * *; and

190 (h) To establish, administer, manage and make
191 expenditures and allocations from the Mississippi Historic Site
192 Preservation Fund under the provisions of Section 1 of this act.

193 **SECTION 3.** This act shall take effect and be in force from
194 and after July 1, 2021.

