

By: Senator(s) Hopson, Horhn

To: Appropriations

SENATE BILL NO. 2663

1 AN ACT TO AMEND SECTION 39-5-22, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE ELIGIBILITY REQUIREMENTS TO RECEIVE A GRANT FROM THE
3 MISSISSIPPI HISTORIC SITE PRESERVATION FUND; TO REQUIRE THE
4 DEPARTMENT OF ARCHIVES AND HISTORY TO SUBMIT AN ANNUAL REPORT TO
5 MEMBERS OF THE LEGISLATURE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 39-5-22, Mississippi Code of 1972, is
8 amended as follows:

9 39-5-22. (1) There is created in the State Treasury a
10 special fund to be known as the "Mississippi Historic Site
11 Preservation Fund, "hereafter referred to as "the Fund." The Fund
12 shall be included in the budget of the Mississippi Department of
13 Archives and History and implemented by the Historic Preservation
14 Division of the department. The Fund shall consist of general
15 funds appropriated by the Legislature and funds received as
16 grants, endowments or gifts from the federal government, its
17 agencies and instrumentalities and funds from any other available
18 sources, public or private. All such funds shall be paid into the
19 State Treasury and credited to the Fund. Interest earned on



20 monies in the Fund shall remain in the Fund and be credited to it.
21 Any monies remaining in the Fund, including interest thereon, at
22 the end of each fiscal year shall not lapse to the State General
23 Fund but shall remain in the Fund.

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



45 Officer upon written request of the Director of the Department of
46 Archives and History.

47 (3) The Director of the Department of Archives and History
48 shall establish, administer, manage, and make expenditures and
49 allocations from the Fund.

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

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

65 (6) Grants from the Fund shall not exceed fifty percent
66 (50%) of the appraised value of the land or permanent protective
67 interest therein.



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

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

73 (b) An identifiable threat to the resource or
74 compelling need for preservation existed at the time of the
75 purchase.

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

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



93 Section 551, the Fish and Wildlife Act of 1956 (16 USC Section
94 742a et seq.), or 16 USC Section 1131, as amended and applicable.
95 The Department of Archives and History shall facilitate transfers
96 and assignments of any such interests held by the department. The
97 United States of America shall be considered a "public body" for
98 the purposes of any transfer or assignment to the United States of
99 America of any easement granted under this section.

100 (10) The Director of Archives and History shall establish,
101 administer, manage, and make expenditures and allocations from the
102 Fund and shall establish guidelines for applications, evaluation,
103 and award of grants from the Fund in consultation with appropriate
104 preservation interests.

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

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

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



- 118 (a) The significance of the site;
- 119 (b) The location of the proposed project;
- 120 (c) The proximity to other protected lands;
- 121 (d) The threat to and integrity of the features
- 122 associated with the historic significance of the site; and
- 123 (e) The financial and administrative capacity of the
- 124 applicant to complete the project and to maintain and manage the
- 125 property consistent with the public investment and public
- 126 interest, including:
- 127 (i) Education;
- 128 (ii) Recreation;
- 129 (iii) Research;
- 130 (iv) Heritage tourism promotion; or
- 131 (v) Orderly community development.

132 (13) To carry out this section, the Department of Archives

133 and History may enter into cooperative agreements with entities in

134 the public and private sectors, including:

- 135 (a) Colleges and universities;
- 136 (b) Historical societies;
- 137 (c) State and local agencies; and
- 138 (d) Nonprofit organizations.

139 (14) To develop cooperative land-use strategies and conduct

140 activities that facilitate the conservation of the historic,

141 cultural, natural and scenic resources, the Department of Archives

142 and History may provide technical assistance, to the extent that a



143 recipient of technical assistance is engaged in the protection,
144 interpretation or commemoration of historically significant
145 resources in the area in and around the historic site.

146 (15) (a) The Department of Archives and History shall
147 submit an annual report to the Lieutenant Governor, Speaker of the
148 House, the Chairs of the House and Senate Appropriations
149 Committees, and the Legislative Budget Office. The department
150 shall submit the first report on December 1, 2024.

151 (b) At a minimum, the report shall contain a listing of
152 the grant applications received, the name of the historic sites,
153 the amount of grant funds requested and awarded from the received
154 grant applications.

155 **SECTION 2.** This act shall take effect and be in force from
156 and after its passage.

