

By: Senator(s) Simmons (13th), Williams

To: Education; Public
Property

SENATE BILL NO. 2678

1 AN ACT TO AMEND SECTION 39-5-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD OF TRUSTEES OF THE DEPARTMENT OF ARCHIVES
3 AND HISTORY MAY GRANT A WAIVER OF ANY REQUIREMENTS THAT THE BOARD
4 HAS ADOPTED REGARDING THE PRESERVATION OF HISTORIC SCHOOL
5 BUILDINGS UPON OFFICIAL REQUEST BY A SCHOOL DISTRICT; TO PROVIDE
6 THAT A SCHOOL DISTRICT MAY FILE A WAIVER REQUEST OF ANY SUCH
7 REGULATION IF A WAIVER IS NEEDED TO MAKE ESSENTIAL UPGRADES AT THE
8 SCHOOL; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 39-5-5, Mississippi Code of 1972, is
11 amended as follows:

12 39-5-5. (1) The duties and powers of the Board of Trustees
13 of the Department of Archives and History shall include, in
14 addition to other duties and powers granted or prescribed by law,
15 the following:

16 (a) To determine the location of places of historical
17 interest within the state;

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



22 (c) To contact the proper authorities of the United
23 States national cemeteries and military parks to determine whether
24 or not the record of Mississippi troops is adequately
25 commemorated;

26 (d) To acquire, preserve, restore or operate any real
27 or personal property deemed significant for historical,
28 architectural, archaeological or cultural reasons, to expend funds
29 for such purposes, to enter into contracts or agreements with any
30 agency of the United States or any person, firm, corporation or
31 association for such purposes and to do any and all things which
32 may be necessary or desirable to carry out such purposes;

33 (e) To participate with any agency of the United
34 States, any other governmental agency or any person, firm,
35 corporation, association or group in mutual or cooperative
36 programs or projects within the duties and powers of the board of
37 trustees;

38 (f) To accept grants or donations of money or property,
39 real or personal, from any agency of the United States, any other
40 governmental agency or any person, firm, corporation, association
41 or group. However, the board of trustees shall not be required,
42 except by specific act of the Legislature, to accept any property
43 without its consent;

44 (g) To provide suitable markers with adequate
45 descriptions of the historical sites to which they refer, for
46 places of historical interest and to provide suitable markers on



the highways and roads of this state showing the direction and distance to the historical sites; and

(h) To establish, administer, manage and make expenditures and allocations from the Mississippi Historic Site Preservation Fund under the provisions of Section 39-5-22.

(2) The Board of Trustees of the Department of Archives and History may grant a waiver of any requirements that the board has adopted regarding the preservation of historic buildings upon official request by a school district. A school district may file a waiver request of any such regulation if a waiver is needed to make essential upgrades at the school.

SECTION 2. This act shall take effect and be in force from and after July 1, 2024.

