

By: Representative Ford

To: Military Affairs

HOUSE BILL NO. 440
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 55-15-51 THROUGH 55-15-62,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI VETERANS
3 MONUMENT COMMISSION, PRESCRIBE ITS POWERS AND DUTIES AND ESTABLISH
4 THE VETERANS MONUMENT TRUST FUND; TO AMEND SECTION 55-15-59,
5 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT APPROPRIATED FUNDS AND
6 FUNDS DEPOSITED IN THE VETERANS MONUMENT TRUST FUND MAY BE USED
7 FOR THE DEDICATION OF THE VETERANS MONUMENT; TO AMEND SECTION
8 55-15-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON
9 THE REENACTED CODE SECTIONS; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 55-15-51, Mississippi Code of 1972, is
12 reenacted as follows:

13 55-15-51. It is hereby found and determined by the
14 Legislature that many thousands of Mississippians have served in
15 the Armed Forces of the United States; that the Mississippi
16 veterans have not received the recognition and honor they deserve
17 for service to their country; and that an appropriate monument
18 should be established and maintained as a symbol of the
19 recognition and appreciation of the State of Mississippi to
20 Mississippi veterans.

21 SECTION 2. Section 55-15-53, Mississippi Code of 1972, is
22 reenacted as follows:

23 55-15-53. (1) From and after the effective date of Laws,
24 1977, Chapter 466 [approved March 26, 1997] the present membership
25 of the Mississippi Veterans Monument Commission shall cease
26 serving on the commission. From and after the effective date of
27 Laws, 1997, Chapter 466 [approved March 26, 1997] the Mississippi
28 Veterans Monument Commission shall consist of the following seven
29 (7) members:

30 (a) The Chairman of the Mississippi War Veterans
31 Memorial Commission, who shall serve as Secretary of the
32 Mississippi Veterans Monument Commission;

33 (b) The Executive Secretary of the State Veterans
34 Affairs Board;

35 (c) The Director of the Division of General Services in
36 the Department of Finance and Administration;

37 (d) Three (3) members appointed by the Governor, one
38 (1) from each of the three (3) state Supreme Court districts as
39 follows:

40 (i) One (1) veteran of World War II;

41 (ii) One (1) veteran of the Korean Conflict; and

42 (iii) One (1) veteran of the Vietnam Conflict;

43 (e) One (1) veteran of the Persian Gulf Conflict,
44 appointed from the state at large by the Lieutenant Governor.

45 (2) The initial meeting of the commission shall be called
46 and chaired by the Chairman of the Mississippi War Veterans
47 Memorial Commission, until the monument commission shall choose a
48 chairman from among its members. Thereafter, the commission shall
49 elect a chairman each year, and the commission may meet at the
50 call of the chairman once each month. Minutes of the meetings of
51 the commission shall be kept in a well-bound book and, along with
52 all other records and papers, shall remain in the custody of the
53 secretary of the commission. A majority of the commission shall
54 constitute a quorum for the transaction of business. All actions
55 taken or rules and regulations adopted by the commission shall be
56 by resolution duly spread upon its minutes, showing yea and nay
57 votes of each member present. The signature of the chairman and
58 secretary, pursuant to a duly adopted resolution, shall be binding
59 upon the commission.

60 (3) The appointed members of the Mississippi Veterans
61 Monument Commission shall receive per diem compensation in the
62 amount authorized under Section 25-3-69 for each day or portion

63 thereof spent in the performance of the duties of the commission
64 and shall be entitled to reimbursement for travel expenses while
65 on commission business as authorized under Section 25-3-41. Other
66 members of the commission shall not be entitled to compensation
67 but shall be entitled to reimbursement for travel expenses as
68 authorized under Section 25-3-41 while on commission business.
69 Commission members shall be limited to reimbursement of travel
70 expenses and per diem compensation authorized herein for no more
71 than twelve (12) meetings per year.

72 (4) When the Mississippi Veterans Monument Commission ceases
73 to exist, all records of the Mississippi Veterans Monument
74 Commission shall become the property of the Mississippi War
75 Veterans Memorial Commission.

76 (5) The Mississippi War Veterans Memorial Commission shall
77 have continuing oversight responsibility over all activities
78 pertaining to all Mississippi veterans monuments.

79 (6) The Mississippi Veterans Monument Commission shall
80 continue in existence under the provisions of this chapter after
81 the design, construction and dedication of the Mississippi
82 veterans monument for a period of one (1) year after the date on
83 which the Mississippi veterans monument is officially dedicated so
84 that such commission can provide for the design, construction and
85 dedication of future monuments to be located at sites designated
86 by the Mississippi Veterans Monument Commission.

87 SECTION 3. Section 55-15-55, Mississippi Code of 1972, is
88 reenacted as follows:

89 55-15-55. The Mississippi Veterans Monument Commission is
90 hereby authorized and directed to cause to be constructed and
91 maintained an appropriate monument to honor Mississippi veterans
92 when adequate funds for the construction thereof are deposited in
93 the Veterans Monument Trust Fund herein created.

94 SECTION 4. Section 55-15-57, Mississippi Code of 1972, is
95 reenacted as follows:

96 55-15-57. The Mississippi Veterans Monument Commission
97 shall:

98 (a) Plan and provide for the design, construction and
99 dedication of the Mississippi veterans monument. The actual
100 design and site of the monument shall be selected with the
101 approval of the Mississippi Department of Archives and History.

102 (b) Solicit private monetary donations for deposit into
103 the Veterans Monument Trust Fund.

104 (c) Report to the Legislature by November 15 of each
105 year on the progress of such monument. In addition to the report
106 required in the preceding sentence, the commission shall submit an
107 annual report on its activities no later than November of each
108 year to the Military Affairs Committees of both the Mississippi
109 House of Representatives and the Mississippi Senate.

110 SECTION 5. Section 55-15-59, Mississippi Code of 1972, is
111 reenacted and amended as follows:

112 55-15-59. The Mississippi Veterans Monument Commission is
113 hereby authorized to accept gifts, grants and donations from
114 individuals and organizations, to be deposited in the Veterans
115 Monument Trust Fund which is hereby created in the State Treasury.
116 The State Treasurer shall invest all monies in the Veterans
117 Monument Trust Fund and any interest earned shall be deposited
118 into the fund. All appropriated funds and funds deposited in the
119 Veterans Monument Trust Fund shall be used exclusively for the
120 purpose of designing, erecting, maintaining and dedication of the
121 veterans monument, except that not more than Seven Thousand Five
122 Hundred Dollars (\$7,500.00) may be expended annually to pay the
123 administrative costs of the commission. Costs associated with the
124 designing, erecting, maintaining and dedication of the veterans
125 monument are not considered commission administrative costs for
126 purposes of this section. Any monies remaining unexpended or
127 unencumbered in the fund upon completion of the monument shall

128 revert to the Mississippi War Veterans Memorial Commission for
129 maintenance of the veterans monument and memorials.

130 SECTION 6. Section 55-15-61, Mississippi Code of 1972, is
131 reenacted as follows:

132 55-15-61. (1) In addition to the duties assigned to the
133 Mississippi Veterans Monument Commission in Sections 55-15-55,
134 55-15-57 and 55-15-59, Mississippi Code of 1972, the commission
135 shall plan and provide for the design, construction and dedication
136 of a Mississippi Confederate memorial at the Shiloh National
137 Military Park. In planning the design, construction and
138 dedication of the memorial, the commission shall consult with and
139 be advised by an advisory committee composed of three (3)
140 representatives from the Mississippi Department of the Sons of
141 Confederate Veterans. The Mississippi Department of the Sons of
142 Confederate Veterans shall designate such representatives and
143 certify them to the commission. The commission shall solicit
144 private monetary donations for deposit into a Shiloh Confederate
145 Memorial Trust Fund which is hereby created in the State Treasury.
146 Private donations to the trust fund may be matched by the state
147 using any appropriations made for that purpose by the Legislature;
148 however, any state match shall not exceed One Hundred Fifty
149 Thousand Dollars (\$150,000.00) in the aggregate. The commission
150 is also authorized to accept for deposit into the trust fund
151 grants or donations made to it from any other source. All funds
152 deposited in the trust fund shall be used exclusively for the
153 purpose of designing, constructing and maintaining the monument.

154 (2) The board of supervisors of any county and the governing
155 authorities of any municipality are hereby authorized and
156 empowered, in their discretion, to make contributions out of any
157 available county or municipal funds, as appropriate, to the Shiloh
158 Confederate Memorial Trust Fund.

159 SECTION 7. Section 55-15-62, Mississippi Code of 1972, is
160 reenacted as follows:

161 55-15-62. (1) In addition to the duties assigned to the
162 Mississippi Veterans Monument Commission in Sections 55-15-55,
163 55-15-57 and 55-15-59, Mississippi Code of 1972, the commission is
164 hereby authorized, subject to any available funds, to plan and
165 provide for the design, construction and dedication of a monument
166 recognizing Mississippi recipients of the Congressional Medal of
167 Honor. In planning the design, construction and dedication of the
168 monument, the commission shall consult with and be advised by the
169 State Veterans Affairs Board. The commission may solicit private
170 monetary donations for deposit into a Congressional Medal of Honor
171 Monument Trust Fund which is hereby created in the State Treasury.
172 Private donations to the trust fund may be accepted. The
173 commission is also authorized to accept for deposit into the trust
174 fund grants or donations made to it from any other source. All
175 funds deposited in the trust fund shall be used exclusively for
176 the purpose of designing, constructing and maintaining the
177 monument.

178 (2) The board of supervisors of any county and the governing
179 authorities of any municipality are hereby authorized and
180 empowered, in their discretion, to make contributions out of any
181 available county or municipal funds, as appropriate, to the
182 Congressional Medal of Honor Monument Trust Fund.

183 SECTION 8. Section 55-15-63, Mississippi Code of 1972, is
184 amended as follows:

185 55-15-63. Sections 55-15-51 through 55-15-62, Mississippi
186 Code of 1972, which create and empower the Mississippi Veterans
187 Monument Commission, are repealed from and after July 1, 2002.

188 SECTION 9. This act shall take effect and be in force from
189 and after July 1, 2001.