

By: Senator(s) Carmichael, Michel, King,
Hyde-Smith, Little

To: Veterans and Military
Affairs; Appropriations

SENATE BILL NO. 2386
(As Passed the Senate)

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, THE SHILOH CONFEDERATE MEMORIAL
5 TRUST FUND AND THE CONGRESSIONAL MEDAL OF HONOR MONUMENT TRUST
6 FUND; TO AMEND REENACTED SECTION 55-15-53, MISSISSIPPI CODE OF
7 1972, TO PROVIDE THAT THE MISSISSIPPI VETERANS MONUMENT COMMISSION
8 WILL CONTINUE IN EXISTENCE UNTIL JULY 1, 2006, IN ORDER TO PROVIDE
9 FOR THE DESIGN, CONSTRUCTION AND DEDICATION OF FUTURE MONUMENTS TO
10 BE LOCATED AT SITES DESIGNATED BY THE COMMISSION; TO AMEND SECTION
11 55-15-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
12 REPEALER ON THE SECTION OF LAW THAT CREATES THE MISSISSIPPI
13 VETERANS MONUMENT COMMISSION, PRESCRIBE ITS POWERS AND DUTIES AND
14 ESTABLISH THE VETERANS MONUMENT TRUST FUND, THE SHILOH CONFEDERATE
15 MEMORIAL TRUST FUND AND THE CONGRESSIONAL MEDAL OF HONOR MONUMENT
16 TRUST FUND; TO CREATE A NEW SECTION TO AUTHORIZE THE STATE
17 VETERANS AFFAIRS BOARD TO ESTABLISH, OPERATE AND MAINTAIN A
18 MISSISSIPPI VETERANS CEMETERY, WHICH SHALL BE KNOWN AS THE
19 "MISSISSIPPI VETERANS MEMORIAL CEMETERY"; AND FOR RELATED
20 PURPOSES.

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

22 **SECTION 1.** Section 55-15-51, Mississippi Code of 1972, is
23 reenacted as follows:

24 55-15-51. It is hereby found and determined by the
25 Legislature that many thousands of Mississippians have served in
26 the Armed Forces of the United States; that the Mississippi
27 veterans have not received the recognition and honor they deserve
28 for service to their country; and that an appropriate monument
29 should be established and maintained as a symbol of the
30 recognition and appreciation of the State of Mississippi to
31 Mississippi veterans.

32 **SECTION 2.** Section 55-15-53, Mississippi Code of 1972, is
33 reenacted and amended as follows:

34 55-15-53. (1) From and after the effective date of Laws,
35 1997, Chapter 466 [approved March 26, 1997] the present membership
36 of the Mississippi Veterans Monument Commission shall cease

37 serving on the commission. From and after the effective date of
38 Laws, 1997, Chapter 466 [approved March 26, 1997] the Mississippi
39 Veterans Monument Commission shall consist of the following seven
40 (7) members:

41 (a) The Chairman of the Mississippi War Veterans
42 Memorial Commission, who shall serve as Secretary of the
43 Mississippi Veterans Monument Commission;

44 (b) The Executive Secretary of the State Veterans
45 Affairs Board;

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

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

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

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

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

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

56 (2) The initial meeting of the commission shall be called
57 and chaired by the Chairman of the Mississippi War Veterans
58 Memorial Commission, until the monument commission shall choose a
59 chairman from among its members. Thereafter, the commission shall
60 elect a chairman each year, and the commission may meet at the
61 call of the chairman once each month. Minutes of the meetings of
62 the commission shall be kept in a well-bound book and, along with
63 all other records and papers, shall remain in the custody of the
64 secretary of the commission. A majority of the commission shall
65 constitute a quorum for the transaction of business. All actions
66 taken or rules and regulations adopted by the commission shall be
67 by resolution duly spread upon its minutes, showing yea and nay
68 votes of each member present. The signature of the chairman and

69 secretary, pursuant to a duly adopted resolution, shall be binding
70 upon the commission.

71 (3) The appointed members of the Mississippi Veterans
72 Monument Commission shall receive per diem compensation in the
73 amount authorized under Section 25-3-69 for each day or portion
74 thereof spent in the performance of the duties of the commission
75 and shall be entitled to reimbursement for travel expenses while
76 on commission business as authorized under Section 25-3-41. Other
77 members of the commission shall not be entitled to compensation
78 but shall be entitled to reimbursement for travel expenses as
79 authorized under Section 25-3-41 while on commission business.
80 Commission members shall be limited to reimbursement of travel
81 expenses and per diem compensation authorized herein for no more
82 than twelve (12) meetings per year.

83 (4) When the Mississippi Veterans Monument Commission ceases
84 to exist, all records of the Mississippi Veterans Monument
85 Commission shall become the property of the Mississippi War
86 Veterans Memorial Commission.

87 (5) The Mississippi War Veterans Memorial Commission shall
88 have continuing oversight responsibility over all activities
89 pertaining to all Mississippi veterans monuments.

90 (6) The Mississippi Veterans Monument Commission shall
91 continue in existence under the provisions of this chapter after
92 the design, construction and dedication of the Mississippi
93 veterans monument until July 1, 2006, so that such commission can
94 provide for the design, construction and dedication of future
95 monuments to be located at sites designated by the Mississippi
96 Veterans Monument Commission.

97 **SECTION 3.** Section 55-15-55, Mississippi Code of 1972, is
98 reenacted as follows:

99 55-15-55. The Mississippi Veterans Monument Commission is
100 hereby authorized and directed to cause to be constructed and
101 maintained an appropriate monument to honor Mississippi veterans

102 when adequate funds for the construction thereof are deposited in
103 the Veterans Monument Trust Fund herein created.

104 **SECTION 4.** Section 55-15-57, Mississippi Code of 1972, is
105 reenacted as follows:

106 55-15-57. The Mississippi Veterans Monument Commission
107 shall:

108 (a) Plan and provide for the design, construction and
109 dedication of the Mississippi veterans monument. The actual
110 design and site of the monument shall be selected with the
111 approval of the Mississippi Department of Archives and History.

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

114 (c) Report to the Legislature by November 15 of each
115 year on the progress of such monument. In addition to the report
116 required in the preceding sentence, the commission shall submit an
117 annual report on its activities no later than November of each
118 year to the Military Affairs Committees of both the Mississippi
119 House of Representatives and the Mississippi Senate.

120 **SECTION 5.** Section 55-15-59, Mississippi Code of 1972, is
121 reenacted as follows:

122 55-15-59. The Mississippi Veterans Monument Commission is
123 hereby authorized to accept gifts, grants and donations from
124 individuals and organizations, to be deposited in the Veterans
125 Monument Trust Fund which is hereby created in the State Treasury.
126 The State Treasurer shall invest all monies in the Veterans
127 Monument Trust Fund and any interest earned shall be deposited
128 into the fund. All appropriated funds and funds deposited in the
129 Veterans Monument Trust Fund shall be used exclusively for the
130 purpose of designing, erecting, maintaining and dedication of the
131 veterans monument, except that not more than Seven Thousand Five
132 Hundred Dollars (\$7,500.00) may be expended annually to pay the
133 administrative costs of the commission. Costs associated with the
134 designing, erecting, maintaining and dedication of the veterans

135 monument are not considered commission administrative costs for
136 purposes of this section. Upon completion of the monument, money
137 in the trust fund shall be utilized by the Mississippi War
138 Veterans Memorial Commission for maintenance of the veterans
139 monument and memorials.

140 **SECTION 6.** Section 55-15-61, Mississippi Code of 1972, is
141 reenacted as follows:

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

164 (2) The board of supervisors of any county and the governing
165 authorities of any municipality are hereby authorized and
166 empowered, in their discretion, to make contributions out of any

167 available county or municipal funds, as appropriate, to the Shiloh
168 Confederate Memorial Trust Fund.

169 **SECTION 7.** Section 55-15-62, Mississippi Code of 1972, is
170 reenacted as follows:

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

188 (2) The board of supervisors of any county and the governing
189 authorities of any municipality are hereby authorized and
190 empowered, in their discretion, to make contributions out of any
191 available county or municipal funds, as appropriate, to the
192 Congressional Medal of Honor Monument Trust Fund.

193 **SECTION 8.** Section 55-15-63, Mississippi Code of 1972, is
194 amended as follows:

195 55-15-63. Sections 55-15-51 through 55-15-62, Mississippi
196 Code of 1972, which create and empower the Mississippi Veterans
197 Monument Commission, are repealed from and after July 1, 2006.

198 **SECTION 9.** (1) The State Veterans Affairs Board is
199 authorized to establish, operate and maintain a Mississippi

200 veterans cemetery in this state, which shall be known as the
201 "Mississippi Veterans Memorial Cemetery."

202 (2) The State Veterans Affairs Board has the primary
203 responsibility for verifying eligibility for interment in the
204 veterans cemetery. Eligibility criteria for interment in the
205 cemetery is the same as required for interment in a national
206 cemetery as provided by federal law and rules and regulations
207 applicable thereto. However, to be eligible for interment a
208 veteran must have been a legal resident of the State of
209 Mississippi for two (2) years immediately prior to his death.

210 (3) The cemetery shall be under the control and
211 administration of the State Veterans Affairs Board.

212 (4) Applications for interment in the cemetery shall be
213 processed in accordance with rules and regulations promulgated by
214 the State Veterans Affairs Board.

215 (5) The State Veterans Affairs Board is designated as the
216 agency of this state to receive federal aid under Title 38 USC, as
217 amended, and is authorized to receive funds from the United States
218 Department of Veterans Affairs or any other agency of the United
219 States authorized to grant or expend funds to assist a state in
220 establishing, operating and maintaining a veterans cemetery. The
221 board is authorized to receive gifts, contributions, bequests and
222 individual reimbursements from any source, the receipt of which
223 shall not exclude any other source of revenue. All funds received
224 by the board pursuant to this subsection shall be deposited into a
225 special fund, hereby created and known as the "Mississippi
226 Veterans Cemetery Fund," and shall be expended to establish,
227 operate and maintain a veterans cemetery in this state. The State
228 Veterans Affairs Board is authorized to employ such personnel as
229 it may deem necessary to carry out its duties and responsibilities
230 under this section.

231 **SECTION 10.** This act shall take effect and be in force from
232 and after July 1, 2004.