

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

To: Veterans and Military  
Affairs; Appropriations

SENATE BILL NO. 2386  
(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, 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 AMEND SECTION 33-3-17, MISSISSIPPI CODE OF 1972, TO  
17 PROVIDE THAT THE GOVERNOR SHALL AWARD POSTHUMOUSLY THE MISSISSIPPI  
18 MEDAL OF VALOR TO MEMBERS OF THE MISSISSIPPI NATIONAL GUARD WHO  
19 GAVE THEIR LIVES WHILE IN ACTIVE SERVICE OF THE UNITED STATES; TO  
20 PROVIDE THAT THE GOVERNOR MAY AWARD RETROACTIVELY THE MISSISSIPPI  
21 MEDAL OF VALOR TO PERSONS AWARDED THE MEDAL OF HONOR OR THE PURPLE  
22 HEART; TO PROVIDE FOR THE DESIGN OF THE MISSISSIPPI MEDAL OF  
23 VALOR; TO CREATE A NEW SECTION TO AUTHORIZE THE STATE VETERANS  
24 AFFAIRS BOARD TO ESTABLISH, OPERATE AND MAINTAIN A MISSISSIPPI  
25 VETERANS CEMETERY, WHICH SHALL BE KNOWN AS THE "MISSISSIPPI  
26 VETERANS MEMORIAL CEMETERY"; AND FOR RELATED PURPOSES.

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

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

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

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

40           55-15-53. (1) From and after the effective date of Laws,  
41 1997, Chapter 466 [approved March 26, 1997] the present membership  
42 of the Mississippi Veterans Monument Commission shall cease  
43 serving on the commission. From and after the effective date of  
44 Laws, 1997, Chapter 466 [approved March 26, 1997] the Mississippi  
45 Veterans Monument Commission shall consist of the following seven  
46 (7) members:

47           (a) The Chairman of the Mississippi War Veterans  
48 Memorial Commission, who shall serve as Secretary of the  
49 Mississippi Veterans Monument Commission;

50           (b) The Executive Secretary of the State Veterans  
51 Affairs Board;

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

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

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

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

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

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

62           (2) The initial meeting of the commission shall be called  
63 and chaired by the Chairman of the Mississippi War Veterans  
64 Memorial Commission, until the monument commission shall choose a  
65 chairman from among its members. Thereafter, the commission shall  
66 elect a chairman each year, and the commission may meet at the  
67 call of the chairman once each month. Minutes of the meetings of  
68 the commission shall be kept in a well-bound book and, along with  
69 all other records and papers, shall remain in the custody of the  
70 secretary of the commission. A majority of the commission shall  
71 constitute a quorum for the transaction of business. All actions  
72 taken or rules and regulations adopted by the commission shall be

73 by resolution duly spread upon its minutes, showing yea and nay  
74 votes of each member present. The signature of the chairman and  
75 secretary, pursuant to a duly adopted resolution, shall be binding  
76 upon the commission.

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

89 (4) When the Mississippi Veterans Monument Commission ceases  
90 to exist, all records of the Mississippi Veterans Monument  
91 Commission shall become the property of the Mississippi War  
92 Veterans Memorial Commission.

93 (5) The Mississippi War Veterans Memorial Commission shall  
94 have continuing oversight responsibility over all activities  
95 pertaining to all Mississippi veterans monuments.

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

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

105           55-15-55. The Mississippi Veterans Monument Commission is  
106 hereby authorized and directed to cause to be constructed and  
107 maintained an appropriate monument to honor Mississippi veterans  
108 when adequate funds for the construction thereof are deposited in  
109 the Veterans Monument Trust Fund herein created.

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

112           55-15-57. The Mississippi Veterans Monument Commission  
113 shall:

114           (a) Plan and provide for the design, construction and  
115 dedication of the Mississippi veterans monument. The actual  
116 design and site of the monument shall be selected with the  
117 approval of the Mississippi Department of Archives and History.

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

120           (c) Report to the Legislature by November 15 of each  
121 year on the progress of such monument. In addition to the report  
122 required in the preceding sentence, the commission shall submit an  
123 annual report on its activities no later than November of each  
124 year to the Military Affairs Committees of both the Mississippi  
125 House of Representatives and the Mississippi Senate.

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

128           55-15-59. The Mississippi Veterans Monument Commission is  
129 hereby authorized to accept gifts, grants and donations from  
130 individuals and organizations, to be deposited in the Veterans  
131 Monument Trust Fund which is hereby created in the State Treasury.  
132 The State Treasurer shall invest all monies in the Veterans  
133 Monument Trust Fund and any interest earned shall be deposited  
134 into the fund. All appropriated funds and funds deposited in the  
135 Veterans Monument Trust Fund shall be used exclusively for the  
136 purpose of designing, erecting, maintaining and dedication of the  
137 veterans monument, except that not more than Seven Thousand Five

138 Hundred Dollars (\$7,500.00) may be expended annually to pay the  
139 administrative costs of the commission. Costs associated with the  
140 designing, erecting, maintaining and dedication of the veterans  
141 monument are not considered commission administrative costs for  
142 purposes of this section. Upon completion of the monument, money  
143 in the trust fund shall be utilized by the Mississippi War  
144 Veterans Memorial Commission for maintenance of the veterans  
145 monument and memorials.

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

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

170           (2) The board of supervisors of any county and the governing  
171 authorities of any municipality are hereby authorized and  
172 empowered, in their discretion, to make contributions out of any  
173 available county or municipal funds, as appropriate, to the Shiloh  
174 Confederate Memorial Trust Fund.

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

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

194           (2) The board of supervisors of any county and the governing  
195 authorities of any municipality are hereby authorized and  
196 empowered, in their discretion, to make contributions out of any  
197 available county or municipal funds, as appropriate, to the  
198 Congressional Medal of Honor Monument Trust Fund.

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

201           55-15-63. Sections 55-15-51 through 55-15-62, Mississippi  
202 Code of 1972, which create and empower the Mississippi Veterans  
203 Monument Commission, are repealed from and after July 1, 2006.

204           **SECTION 9.** Section 33-3-17, Mississippi Code of 1972, is  
205 amended as follows:

206           33-3-17. (1) The Governor is hereby authorized and  
207 empowered to decorate members and former members of the  
208 Mississippi National Guard and members and former members of the  
209 national guard of the several states and members and former  
210 members of the armed forces of the United States, who he may deem  
211 worthy of such decoration, with such awards, medals or decorations  
212 as he may prescribe by rules and regulations promulgated by him,  
213 and the Governor is hereby authorized to promulgate suitable and  
214 reasonable rules and regulations for such purposes.

215           (2) The Governor shall award posthumously the Mississippi  
216 Medal of Valor to those members of the Mississippi National Guard  
217 who gave their lives while in active service of the United States  
218 as defined in Section 33-1-1(1).

219           (3) The Governor may award retroactively the Mississippi  
220 Medal of Valor to a member or former member of the Armed Forces of  
221 the United States if such member has been awarded the Medal of  
222 Honor or the Purple Heart.

223           (4) The design of the Mississippi Medal of Valor is as  
224 follows: A gold medal with the Great Seal of the State of  
225 Mississippi superimposed on a cross combined with crossed sabers  
226 with the words "MEDAL FOR VALOR" inscribed around the seal. The  
227 medal is suspended from a ribbon of navy blue background, with two  
228 (2) wide, vertical white bands. The recipient's name and rank are  
229 engraved in the reverse side of the medal. The ribbon carries the  
230 same colors as described for the medal.

231           **SECTION 10.** (1) The State Veterans Affairs Board is  
232 authorized to establish, operate and maintain a Mississippi

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

235 (2) The State Veterans Affairs Board has the primary  
236 responsibility for verifying eligibility for interment in the  
237 veterans cemetery. Eligibility criteria for interment in the  
238 cemetery is the same as required for interment in a national  
239 cemetery as provided by federal law and rules and regulations  
240 applicable thereto. However, to be eligible for interment a  
241 veteran must have been a legal resident of the State of  
242 Mississippi for two (2) years immediately prior to his death.

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

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

248 (5) The State Veterans Affairs Board is designated as the  
249 agency of this state to receive federal aid under Title 38 USC, as  
250 amended, and is authorized to receive funds from the United States  
251 Department of Veterans Affairs or any other agency of the United  
252 States authorized to grant or expend funds to assist a state in  
253 establishing, operating and maintaining a veterans cemetery. The  
254 board is authorized to receive gifts, contributions, bequests and  
255 individual reimbursements from any source, the receipt of which  
256 shall not exclude any other source of revenue. All funds received  
257 by the board pursuant to this subsection shall be deposited into a  
258 special fund, hereby created and known as the "Mississippi  
259 Veterans Cemetery Fund," and shall be expended to establish,  
260 operate and maintain a veterans cemetery in this state. The State  
261 Veterans Affairs Board is authorized to employ such personnel as  
262 it may deem necessary to carry out its duties and responsibilities  
263 under this section.

264 **SECTION 11.** This act shall take effect and be in force from  
265 and after July 1, 2004.