

By: Senator(s) Little, Robertson

To: Finance

SENATE BILL NO. 3035

1 AN ACT TO CREATE THE MISSISSIPPI MILITARY FAMILY RELIEF FUND;
 2 TO PROVIDE THAT MONEY IN THE FUND SHALL BE UTILIZED TO MAKE GRANTS
 3 TO FAMILIES THAT EXPERIENCE A FINANCIAL HARDSHIP AS A RESULT OF A
 4 FAMILY MEMBER WHO IS A MISSISSIPPI RESIDENT AND WHO IS A MEMBER OF
 5 THE MISSISSIPPI NATIONAL GUARD OR THE RESERVES OF THE ARMED FORCES
 6 OF THE UNITED STATES BEING CALLED TO ACTIVE DUTY AS A RESULT OF
 7 THE SEPTEMBER 11, 2001, TERRORIST ATTACKS; TO PROVIDE THAT THE
 8 ADJUTANT GENERAL SHALL ESTABLISH ELIGIBILITY REQUIREMENTS FOR
 9 RECEIPT OF THE GRANTS AND THE AMOUNT OF THE GRANTS BY RULE; TO
 10 AUTHORIZE RESIDENT INDIVIDUAL INCOME TAXPAYERS TO DESIGNATE ANY
 11 PORTION OF THEIR TAX REFUND FOR DEPOSIT INTO THE MISSISSIPPI
 12 MILITARY FAMILY RELIEF FUND; TO AMEND SECTION 33-3-11, MISSISSIPPI
 13 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** A special fund to be designated the "Mississippi
 16 Military Family Relief Fund," is created in the State Treasury.
 17 The fund shall be maintained by the State Treasurer as a separate
 18 and special fund, separate and apart from the General Fund of the
 19 state. The fund shall consist of any money designated for deposit
 20 therein from any source, including, but not limited to, private
 21 contributions and money designated for deposit therein by Section
 22 2, Senate Bill No. 3035, 2005 Regular Session. Unexpended amounts
 23 remaining in the fund at the end of a fiscal year shall not lapse
 24 into the State General Fund and any interest earned or investment
 25 earnings on amounts in the fund shall be deposited into the fund.
 26 Money in the fund shall be under the direction of the Department
 27 of Finance and Administration, based upon recommendations made by
 28 the Adjutant General, and such funds shall be paid by the State
 29 Treasurer upon warrants issued by the Department of Finance and
 30 Administration. Money in the fund shall be utilized to make
 31 grants to families that experience a financial hardship as a
 32 result of a family member who is a Mississippi resident and a

33 member of the Mississippi National Guard or the Reserves of the
34 Armed Forces of the United States being called to active duty as a
35 result of the September 11, 2001, terrorist attacks. The Adjutant
36 General shall establish eligibility requirements for receipt of
37 the grants and the amount of the grants by rule.

38 **SECTION 2.** (1) Each resident individual taxpayer who files
39 a Mississippi income tax return and who will receive a tax refund
40 from the State Tax Commission may designate that a contribution be
41 made to the Mississippi Military Family Relief Fund created in
42 Section 1, Senate Bill No. 3035, 2005 Regular Session, to
43 authorize resident individual income taxpayers to designate any
44 portion of their tax refund for deposit into the Mississippi
45 Military Family Relief Fund by marking the appropriate box printed
46 on the return pursuant to this subsection. In the case of a joint
47 return, each spouse may designate that a portion of the refund
48 shall be paid to such fund.

49 The State Tax Commission shall print on the Mississippi
50 income tax form for residents a space for designating the
51 contribution in substantially the following form:

52 "Mississippi Military Family Relief Fund
53 I wish to contribute () \$1 () \$5 () \$10 () Other \$____
54 of my tax refund to the Mississippi Military Family Relief Fund."

55 (2) The State Tax Commission shall explain in the
56 instructions accompanying the individual income tax form the
57 purposes for which the contributions authorized herein shall be
58 used.

59 (3) This section shall apply to taxable years beginning on
60 or after January 1, 2005.

61 (4) The Chairman of the State Tax Commission shall determine
62 annually the total amount designated by individuals to be paid to
63 the fund, along with all interest earned thereon, and shall report
64 such amount to the State Treasurer who shall pay such amount into
65 the Mississippi Military Family Relief Fund.

66 **SECTION 3.** Section 33-3-11, Mississippi Code of 1972, is
67 amended as follows:

68 33-3-11. (1) The Adjutant General shall:

69 (a) Appoint all of the employees of his department and
70 he may remove any of them at his discretion;

71 (b) Keep rosters of all active, reserve and retired
72 members of the militia of this state, and keep in his office all
73 records and papers required to be kept and filed therein;

74 (c) Submit to the Governor in each year preceding a
75 regular session of the Legislature a printed detailed report of
76 the transactions of his office, the expenses thereof, and such
77 operations and conditions of the National Guard of this state as
78 may be required by the Governor;

79 (d) Cause the military law, the regulations of the
80 National Guard of this state and such other military publications
81 as may be necessary for the military service to be distributed at
82 the expense of the state to commands so that all personnel of the
83 National Guard of this state will have access to same;

84 (e) Keep records on and preserve all military property
85 belonging to the state;

86 (f) Keep just and true accounts of all monies received
87 and disbursed by him;

88 (g) Attest all commissions and warrants issued to
89 military officers of this state;

90 (h) Have a seal;

91 (i) Make such regulations pertaining to the
92 preparations of reports and returns and to the care and
93 preservation of property in possession of the state for military
94 purposes, whether belonging to the state or the United States, as
95 in his opinion the conditions demand;

96 (j) Attend the care, preservation, safekeeping,
97 transportation and repairing of the arms, ordnance, accouterments,
98 equipment and all other military property belonging to the state

99 or issued to the state by the government of the United States for
100 military purposes, and keep accurate accounts thereof;

101 (k) Issue such military property as the necessity of
102 the services require and make purchases for that purpose. No
103 military property shall be issued or loaned, except upon an
104 emergency, to persons or organizations other than those belonging
105 to the National Guard of Mississippi except to such portions of
106 the unorganized militia as may be called out by the Governor;

107 (l) Keep the reports and returns of troops and all
108 other writings and documents required to be preserved by the state
109 military headquarters;

110 (m) Make rules establishing the eligibility criteria
111 for grants from the Mississippi Military Family Relief Fund and
112 the amount of such grants;

113 (n) Keep necessary records attesting to the service of
114 individuals of Mississippi forces for the Spanish American War and
115 all subsequent wars and insurrections. The Adjutant General is
116 authorized to make a determination as to when old records have
117 only historical value, and therefore, transfer them to the state
118 Department of Archives and History for reference and preservation.

119 (2) Those records and relics not required for efficient
120 operation of the military department may be turned over to the
121 Department of Archives and History for preservation.

122 (3) The Adjutant General with the approval of the Governor
123 shall provide for and be responsible for the organization,
124 training, tactical employment and discipline of the Mississippi
125 National Guard, Mississippi State Guard and the unorganized
126 militia when called to active state duty.

127 **SECTION 4.** This act shall take effect and be in force from
128 and after its passage.