

By: Representative Flaggs

To: Military Affairs; Ways
and Means

HOUSE BILL NO. 4

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.** (1) A special fund to be designated the
16 "Mississippi Military Family Relief Fund," is created in the State
17 Treasury. The fund shall be maintained by the State Treasurer as
18 a separate and special fund, separate and apart from the General
19 Fund of the state. The fund shall consist of any money designated
20 for deposit therein from any source, including, but not limited
21 to, money designated for deposit therein by Section 2, House Bill
22 No. 4, 2005 Second Extraordinary Session, and private
23 contributions. Unexpended amounts remaining in the fund at the
24 end of a fiscal year shall not lapse into the State General Fund
25 and any interest earned or investment earnings on amounts in the
26 fund shall be deposited into the fund. Money in the fund shall be
27 under the direction of the Military Department. Such funds shall
28 be paid by the State Treasurer upon warrants issued by the
29 Department of Finance and Administration, based upon
30 recommendations made by the Adjutant General. Money in the fund
31 shall be utilized to make grants to families that experience a
32 financial hardship as a result of a family member who is a

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

39 (2) This section shall stand repealed from and after January
40 1, 2008.

41 **SECTION 2.** (1) Each resident individual taxpayer who files
42 a Mississippi income tax return and who will receive a tax refund
43 from the State Tax Commission may designate that a contribution be
44 made to the Mississippi Military Family Relief Fund created in
45 Section 1, House Bill No. 4, 2005 Second Extraordinary Session, to
46 authorize resident individual income taxpayers to designate any
47 portion of their tax refund for deposit into the Mississippi
48 Military Family Relief Fund by marking the appropriate box printed
49 on the return pursuant to this subsection. In the case of a joint
50 return, each spouse may designate that a portion of the refund
51 shall be paid to such fund.

52 The State Tax Commission shall print on the Mississippi
53 income tax form for residents a space for designating the
54 contribution in substantially the following form:

55 "Mississippi Military Family Relief Fund

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

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

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

64 (4) The Chairman of the State Tax Commission shall determine
65 annually the total amount designated by individuals to be paid to

66 the fund, along with all interest earned thereon, and shall report
67 such amount to the State Treasurer who shall pay such amount into
68 the Mississippi Military Family Relief Fund.

69 (5) This section shall stand repealed from and after January
70 1, 2008.

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

73 **[Through December 31, 2007, this section shall read as**
74 **follows:]**

75 33-3-11. (1) The Adjutant General shall:

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

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

81 (c) Submit to the Governor in each year preceding a
82 regular session of the Legislature a printed detailed report of
83 the transactions of his office, the expenses thereof, and such
84 operations and conditions of the National Guard of this state as
85 may be required by the Governor;

86 (d) Cause the military law, the regulations of the
87 National Guard of this state and such other military publications
88 as may be necessary for the military service to be distributed at
89 the expense of the state to commands so that all personnel of the
90 National Guard of this state will have access to same;

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

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

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

97 (h) Have a seal;

98 (i) Make such regulations pertaining to the
99 preparations of reports and returns and to the care and
100 preservation of property in possession of the state for military
101 purposes, whether belonging to the state or the United States, as
102 in his opinion the conditions demand;

103 (j) Attend the care, preservation, safekeeping,
104 transportation and repairing of the arms, ordnance, accouterments,
105 equipment and all other military property belonging to the state
106 or issued to the state by the government of the United States for
107 military purposes, and keep accurate accounts thereof;

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

114 (l) Keep the reports and returns of troops and all
115 other writings and documents required to be preserved by the state
116 military headquarters;

117 (m) Make rules establishing the eligibility criteria
118 for grants from the Mississippi Military Family Relief Fund and
119 the amount of such grants;

120 (n) Keep necessary records attesting to the service of
121 individuals of Mississippi forces for the Spanish American War and
122 all subsequent wars and insurrections. The Adjutant General is
123 authorized to make a determination as to when old records have
124 only historical value, and therefore, transfer them to the State
125 Department of Archives and History for reference and preservation.

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

129 (3) The Adjutant General with the approval of the Governor
130 shall provide for and be responsible for the organization,

131 training, tactical employment and discipline of the Mississippi
132 National Guard, Mississippi State Guard and the unorganized
133 militia when called to active state duty.

134 **[From and after January 1, 2008, this section shall read as**
135 **follows:]**

136 33-3-11. (1) The Adjutant General shall:

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

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

142 (c) Submit to the Governor in each year preceding a
143 regular session of the Legislature a printed detailed report of
144 the transactions of his office, the expenses thereof, and such
145 operations and conditions of the National Guard of this state as
146 may be required by the Governor;

147 (d) Cause the military law, the regulations of the
148 National Guard of this state and such other military publications
149 as may be necessary for the military service to be distributed at
150 the expense of the state to commands so that all personnel of the
151 National Guard of this state will have access to same;

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

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

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

158 (h) Have a seal;

159 (i) Make such regulations pertaining to the
160 preparations of reports and returns and to the care and
161 preservation of property in possession of the state for military
162 purposes, whether belonging to the state or the United States, as
163 in his opinion the conditions demand;

164 (j) Attend the care, preservation, safekeeping,
165 transportation and repairing of the arms, ordnance, accouterments,
166 equipment and all other military property belonging to the state
167 or issued to the state by the government of the United States for
168 military purposes, and keep accurate accounts thereof;

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

175 (l) Keep the reports and returns of troops and all
176 other writings and documents required to be preserved by the state
177 military headquarters;

178 (m) Keep necessary records attesting to the service of
179 individuals of Mississippi forces for the Spanish American War and
180 all subsequent wars and insurrections. The Adjutant General is
181 authorized to make a determination as to when old records have
182 only historical value, and therefore, transfer them to the State
183 Department of Archives and History for reference and preservation;

184 (2) Those records and relics not required for efficient
185 operation of the military department may be turned over to the
186 Department of Archives and History for preservation;

187 (3) The Adjutant General with the approval of the Governor
188 shall provide for and be responsible for the organization,
189 training, tactical employment, and discipline of the Mississippi
190 National Guard, Mississippi State Guard, and the unorganized
191 militia when called to active state duty.

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