

By: Representative Shirley

To: Rules

HOUSE BILL NO. 165

1 AN ACT TO AMEND SECTION 3-3-15, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE STATE AGENCIES, COUNTIES, MUNICIPALITIES, PUBLIC COLLEGES
 3 AND PUBLIC UNIVERSITIES TO DISPLAY THE OFFICIAL STATE FLAG ON
 4 MONDAY THROUGH FRIDAY OF EACH WEEK ON OR AT EACH BUILDING IN WHICH
 5 AN OFFICE OF THE STATE, COUNTY OR MUNICIPAL GOVERNMENT IS LOCATED
 6 AND ON EACH CAMPUS OF EACH PUBLIC COLLEGE OR UNIVERSITY; TO
 7 PROVIDE THAT ANY STATE AGENCY, COUNTY, MUNICIPALITY, PUBLIC
 8 COLLEGE OR PUBLIC UNIVERSITY THAT DOES NOT DISPLAY THE OFFICIAL
 9 STATE FLAG AS REQUIRED BY THIS SECTION SHALL BE SUBJECT TO A CIVIL
 10 PENALTY FOR EACH DAY OF INTENTIONAL OR WILLFUL NONCOMPLIANCE WITH
 11 THIS SECTION; TO REQUIRE THAT IF A COUNTY OR MUNICIPALITY IS NOT
 12 DISPLAYING THE OFFICIAL STATE FLAG AS REQUIRED BY THIS SECTION,
 13 THE ATTORNEY GENERAL SHALL NOTIFY THE COUNTY OR MUNICIPALITY OF
 14 THE NONCOMPLIANCE, AND THE STATE FISCAL OFFICER SHALL WITHHOLD THE
 15 PAYMENT OF ALL STATE FUNDS TO THE COUNTY OR MUNICIPALITY UNTIL
 16 SUCH TIME AS IT IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
 17 SECTION; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 3-3-15, Mississippi Code of 1972, is
 20 amended as follows:

21 3-3-15. (1) The official state flag * * * shall be
 22 displayed * * * on Monday through Friday of each week from sunrise
 23 to sunset * * * on or at each building in which an office of the
 24 state, county or municipal government is located and on each
 25 campus of each public college or university. However, the state



26 flag may be displayed from all public buildings twenty-four (24)
27 hours a day if properly illuminated. The state flag should not be
28 displayed when the weather is inclement, except when an
29 all-weather flag is displayed. The state flag shall receive all
30 of the respect and ceremonious etiquette given the American flag.

31 * * * However, nothing in this section shall be construed so as
32 to affect the precedence given to the flag of the United States of
33 America.

34 (2) Any state agency, county, municipality, public college
35 or public university that does not display the official state flag
36 as required by subsection (1) of this section shall be subject to
37 a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00)
38 for each day of intentional or willful noncompliance with
39 subsection (1). The civil penalty shall be assessed and levied by
40 the Attorney General after a hearing, and all such penalties
41 collected shall be deposited into the State General Fund.

42 (3) (a) If the Attorney General receives notification or
43 otherwise has knowledge that a county or municipality ("local
44 government") is not displaying the official state flag as required
45 by subsection (1) of this section, the Attorney General shall
46 notify the local government in writing that:

47 (i) He or she has information indicating that the
48 local government is not in compliance with the requirements of
49 subsection (1) of this section;



50 (ii) The local government has thirty (30) days to
51 show to the satisfaction of the Attorney General that it is in
52 compliance with the requirements of subsection (1) of this
53 section; and

54 (iii) If the local government does not meet the
55 requirements of subparagraph (ii) of this paragraph, the Attorney
56 General will notify the State Fiscal Officer of the local
57 government's noncompliance with the requirements of subsection (1)
58 of this section, and the State Fiscal Officer will withhold the
59 payment of all state funds from the State Treasury to the local
60 government until such time as it is in compliance with the
61 requirements of subsection (1) of this section.

62 (b) The State Fiscal Officer, upon receipt of
63 notification from the Attorney General under subsection (1) of
64 this section that a local government is not in compliance with the
65 requirements of subsection (1) of this section, shall withhold the
66 payment of all state funds from the State Treasury to the local
67 government until such time as it is in compliance with the
68 requirements of subsection (1) of this section, as determined by
69 the Attorney General.

70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2019.

