

By: Senator(s) Seymour

To: Accountability,
Efficiency, Transparency;
Public Property

SENATE BILL NO. 2045

1 AN ACT TO AMEND SECTIONS 3-3-15 AND 37-13-5, MISSISSIPPI CODE
2 OF 1972, TO REQUIRE GOVERNMENTAL ENTITIES THAT RECEIVE STATE FUNDS
3 AND PUBLIC COLLEGES AND UNIVERSITIES TO DISPLAY THE OFFICIAL STATE
4 FLAG ON MONDAY THROUGH FRIDAY OF EACH WEEK ON OR AT EACH BUILDING
5 IN WHICH AN OFFICE OF THE GOVERNMENTAL ENTITY IS LOCATED AND ON
6 EACH CAMPUS OF EACH PUBLIC COLLEGE OR UNIVERSITY OR SCHOOL
7 DISTRICT; TO REQUIRE THAT IF A GOVERNMENTAL ENTITY OR A PUBLIC
8 COLLEGE OR UNIVERSITY OR SCHOOL DISTRICT IS NOT DISPLAYING THE
9 OFFICIAL STATE FLAG AS REQUIRED BY THIS SECTION, THE GOVERNOR
10 SHALL NOTIFY THE GOVERNMENTAL ENTITY OR THE PUBLIC COLLEGE OR
11 UNIVERSITY OR SCHOOL DISTRICT OF THE NONCOMPLIANCE, AND THE STATE
12 FISCAL OFFICER SHALL WITHHOLD ALL STATE FUNDING FOR SUCH PUBLIC
13 ENTITY UNTIL SUCH TIME AS IT IS IN COMPLIANCE WITH THE
14 REQUIREMENTS OF THIS SECTION; TO PROVIDE THAT LOCAL GOVERNMENTAL
15 ENTITIES OR HOMEOWNERS ASSOCIATIONS SHALL NOT PROHIBIT THE DISPLAY
16 OF THE STATE FLAG ON PRIVATE PROPERTY OR PUBLIC PROPERTY WHICH IS
17 LEASED TO A PRIVATE ENTITY; 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 to
23 sunset on or at each building in which an office of a governmental
24 entity that receives state funds is located and on each campus of
25 each public college or university or public school district;



26 however, the state flag may be displayed from all public buildings
27 and on public college or university or public school district
28 campuses twenty-four (24) hours a day if properly illuminated.
29 The state flag should not be displayed when the weather is
30 inclement, except when an all-weather flag is displayed. The
31 state flag shall receive all of the respect and ceremonious
32 etiquette given the American flag. * * * However, nothing in this
33 section shall be construed so as to affect the precedence given to
34 the flag of the United States of America, and the state flag shall
35 never be displayed on a flagpole above the flag of the United
36 States of America.

37 (2) (a) If the Governor receives notification or otherwise
38 has knowledge that a governmental entity that receives state funds
39 or a public college or university or public school district is not
40 displaying the official state flag as required by subsection (1)
41 of this section, the Governor shall notify the governmental entity
42 or the public college or university or the public school district
43 in writing that:

44 (i) He has information indicating that the
45 governmental entity or the public college or university or public
46 school district is not in compliance with the requirements of
47 subsection (1) of this section; and

48 (ii) The governmental entity or the public college
49 or university or the public school district has thirty (30) days
50 to show to the satisfaction of the Governor that it is in



51 compliance with the requirements of subsection (1) of this
52 section.

53 (b) If the governmental entity or the public college or
54 university or public school district does not meet the
55 requirements of subsection (1) of this section, the Governor shall
56 direct (i) the Board of Trustees of State Institutions of Higher
57 Learning to withhold all state funds for the support of such
58 university or college, or (ii) the board of trustees of the
59 community or junior college district to withhold all state funds
60 for the support of such community college, or (iii) the local
61 school board to withhold all state funds for the support of such
62 school district, or (iv) the State Fiscal Officer to withhold all
63 state funds for the support of such governmental entity, as the
64 case may be, until such time as the university, college, public
65 school district or governmental entity complies with the
66 requirements of this section.

67 (c) The State Fiscal Officer, upon receipt of
68 notification from the Governor under paragraph (b) of this
69 subsection that a governmental entity or a public college or
70 university or public school district is not in compliance with the
71 requirements of subsection (1) of this section, shall withhold the
72 payment specified in paragraph (b) of this subsection until such
73 time as it is in compliance with the requirements of subsection
74 (1) of this section, as determined by the Governor.



75 **SECTION 2.** Section 37-13-5, Mississippi Code of 1972, is
76 amended as follows:

77 37-13-5. (1) The flag of the State of Mississippi and the
78 flag of the United States shall be displayed in close proximity to
79 the school building at all times during the hours of daylight when
80 the school is in session when the weather will permit without
81 damage to the flag. It shall be the duty of the board of trustees
82 of the school district to provide for the flags and their display
83 in compliance with the provisions of Section 3-3-15.

84 (2) Whenever the flag of the United States is to be flown at
85 half-staff by order or instructions of the President or pursuant
86 to federal law, all public schools shall lower the United States
87 flag in accordance with the executive order or instructions or
88 federal law. The school shall announce the reason that the flag
89 is being flown at half-staff to all students in assembly or by
90 teachers in the various classrooms or by prominently displaying
91 written notice throughout the school stating the reason that the
92 flag has been lowered.

93 (3) In all public schools there shall be given a course of
94 study concerning the flag of the United States and the flag of the
95 State of Mississippi. The course of study shall include the
96 history of each flag and what they represent and the proper
97 respect therefor. There also shall be taught in the public
98 schools the duties and obligations of citizenship, patriotism,
99 Americanism and respect for and obedience to law.



100 **SECTION 3.** (1) A local unit of government shall not adopt
101 or enforce an ordinance, resolution, rule, or regulation that
102 prohibits the display of a flag of the United States or the state
103 flag of Mississippi on private property, including any public
104 property leased by a private entity, such as 16th section school
105 land As used in this section, "local unit of government" means a
106 county or municipality.

107 (2) A homeowners association or neighborhood association
108 shall not adopt a resolution, rule, or regulation that prohibits
109 the display of a flag of the United States or a state flag of
110 Mississippi on private property.

111 (3) Nothing in this section shall be considered to permit
112 any display or use that is inconsistent with any provision of
113 Chapter 1, Title 4, United States Code, or any rule or custom
114 pertaining to the proper display or use of the flag of the United
115 States (as established pursuant to such chapter or any otherwise
116 applicable provision of law).

117 **SECTION 4.** This act shall take effect and be in force from
118 and after July 1, 2020.

