

By: Senator(s) Seymour

To: Public Property

SENATE BILL NO. 2532

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 PUBLIC SCHOOL DISTRICT OF THE NONCOMPLIANCE, AND THE  
12 STATE FISCAL OFFICER SHALL WITHHOLD ALL STATE FUNDING FOR SUCH  
13 PUBLIC 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 public school district has thirty (30) days to



50 show to the satisfaction of the Governor that it is in compliance  
51 with the requirements of subsection (1) of this section.

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

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



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

76           37-13-5. (1) The flag of the State of Mississippi and the  
77 flag of the United States shall be displayed in close proximity to  
78 the school building at all times during the hours of daylight when  
79 the school is in session when the weather will permit without  
80 damage to the flag. It shall be the duty of the board of trustees  
81 of the school district to provide for the flags and their display  
82 in compliance with the provisions of Section 3-3-15.

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

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



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

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

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

117           **SECTION 4.** This act shall take effect and be in force from  
118 and after July 1, 2022.

