

By: Representative Eubanks

To: State Affairs

HOUSE BILL NO. 932

1 AN ACT TO AMEND SECTION 55-15-81, MISSISSIPPI CODE OF 1972,
 2 TO PROHIBIT THE REMOVAL OR CONSTRUCTION OF A MONUMENT, DISPLAY,
 3 STATUE, MEMORIAL, OR NAMEPLATE FROM OR ON THE STATE CAPITOL
 4 GROUNDS UNLESS AUTHORIZED BY AN ACT OF THE LEGISLATURE; TO AMEND
 5 SECTION 39-5-5, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE
 6 POWERS AND DUTIES OF THE BOARD OF TRUSTEES OF THE DEPARTMENT OF
 7 ARCHIVES AND HISTORY, TO CONFORM TO THE PRECEDING PROVISION; AND
 8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 55-15-81, Mississippi Code of 1972, is
 11 amended as follows:

12 55-15-81. (1) None of the following items, structures or
 13 areas may be relocated, removed, disturbed, altered, renamed or
 14 rededicated: any Revolutionary War, War of 1812, Mexican-American
 15 War, War Between the States, Spanish-American War, World War I,
 16 World War II, Korean War, Vietnam War, Persian Gulf War, War in
 17 Iraq or Native American War's statues, monuments, memorials or
 18 nameplates (plaques), which have been erected on public property
 19 of the state or any of its political subdivisions, such as local,
 20 municipal or county owned public areas, and any statues,
 21 monuments, memorials, nameplates (plaques), schools, streets,



22 bridges, buildings, parks preserves, reserves or other public
23 items, structure or areas of the state or any of its political
24 subdivisions, such as, local, municipal or county owned public
25 areas, which has been dedicated in memory of, or named for, any
26 historical military figure, historical military event, military
27 organization or military unit.

28 (2) No person may prevent the public body responsible for
29 maintaining any of the items, structures or areas described above
30 from taking proper measures and exercising proper means for the
31 protection, preservation, care, repair or restoration of those
32 items, structures or areas. The governing body may move the
33 memorial to a more suitable location if it is determined that the
34 location is more appropriate to displaying the monument.

35 (3) This section shall not apply to items, structures or
36 areas located on property owned or acquired by the Mississippi
37 Transportation Commission which may interfere with the
38 construction, maintenance or operation of public transportation
39 facilities.

40 (4) Except as otherwise provided in this section, a
41 monument, display, statue, memorial, or nameplate (plaque) shall
42 not be constructed on or removed from the State Capitol grounds
43 unless authorized by an act of the Legislature.

44 (5) The governing body shall not consider the construction
45 of a monument, display, statue, memorial, or nameplate (plaque) on
46 the State Capitol grounds or the removal of a monument, display,



47 statue, memorial, or nameplate (plaque) from the State Capitol
48 grounds without legislative authorization as provided under this
49 section.

50 (6) It is determined by the Legislature of the State of
51 Mississippi that legislative oversight should be provided for the
52 construction of a monument, display, statue, memorial, or
53 nameplate (plaque) on State Capitol grounds, or the removal of a
54 monument, display, statue, memorial, or nameplate (plaque) from
55 the State Capitol grounds, and that this act is immediately
56 necessary because it ensures that the Legislature has proper
57 oversight of monuments on State Capitol grounds.

58 **SECTION 2.** Section 39-5-5, Mississippi Code of 1972, is
59 amended as follows:

60 39-5-5. Except as otherwise provided in Section 55-15-81,
61 the duties and powers of the Board of Trustees of the Department
62 of Archives and History shall include, in addition to other duties
63 and powers granted or prescribed by law, the following:

64 (a) To determine the location of places of historical
65 interest within the state;

66 (b) To make a survey of buildings of all types
67 throughout the state which are in danger of destruction, without
68 proper care, and which in the opinion of the board of trustees
69 should be preserved for historical purposes;

70 (c) To contact the proper authorities of the United
71 States national cemeteries and military parks to determine whether



72 or not the record of Mississippi troops is adequately
73 commemorated;

74 (d) To acquire, preserve, restore or operate any real
75 or personal property deemed significant for historical,
76 architectural, archaeological or cultural reasons, to expend funds
77 for such purposes, to enter into contracts or agreements with any
78 agency of the United States or any person, firm, corporation or
79 association for such purposes and to do any and all things which
80 may be necessary or desirable to carry out such purposes;

81 (e) To participate with any agency of the United
82 States, any other governmental agency or any person, firm,
83 corporation, association or group in mutual or cooperative
84 programs or projects within the duties and powers of the board of
85 trustees;

86 (f) To accept grants or donations of money or property,
87 real or personal, from any agency of the United States, any other
88 governmental agency or any person, firm, corporation, association
89 or group. However, the board of trustees shall not be required,
90 except by specific act of the Legislature, to accept any property
91 without its consent;

92 (g) To provide suitable markers with adequate
93 descriptions of the historical sites to which they refer, for
94 places of historical interest and to provide suitable markers on
95 the highways and roads of this state showing the direction and
96 distance to the historical sites; and



97 (h) To establish, administer, manage and make
98 expenditures and allocations from the Mississippi Historic Site
99 Preservation Fund under the provisions of Section 39-5-22.

100 **SECTION 3.** This act shall take effect and be in force from
101 and after July 1, 2024.

