

By: Representatives Watson, Jennings, Rogers (61st), Robinson (84th), Staples, Mayhall, Hamilton (6th) To: Military Affairs

HOUSE BILL NO. 287  
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 55-15-51 THROUGH 55-15-62,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI VETERANS  
3 MONUMENT COMMISSION, PRESCRIBE ITS POWERS AND DUTIES AND ESTABLISH  
4 THE VETERANS MONUMENT TRUST FUND, THE SHILOH CONFEDERATE MEMORIAL  
5 TRUST FUND AND THE CONGRESSIONAL MEDAL OF HONOR MONUMENT TRUST  
6 FUND; TO AMEND REENACTED SECTION 55-15-53, MISSISSIPPI CODE OF  
7 1972, TO PROVIDE THAT THE MISSISSIPPI VETERANS MONUMENT COMMISSION  
8 WILL CONTINUE IN EXISTENCE UNTIL JULY 1, 2006, IN ORDER TO PROVIDE  
9 FOR THE DESIGN, CONSTRUCTION AND DEDICATION OF FUTURE MONUMENTS TO  
10 BE LOCATED AT SITES DESIGNATED BY THE COMMISSION; TO AMEND SECTION  
11 55-15-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE  
12 REPEALER ON THE SECTION OF LAW THAT CREATES THE MISSISSIPPI  
13 VETERANS MONUMENT COMMISSION, PRESCRIBE ITS POWERS AND DUTIES AND  
14 ESTABLISH THE VETERANS MONUMENT TRUST FUND, THE SHILOH CONFEDERATE  
15 MEMORIAL TRUST FUND AND THE CONGRESSIONAL MEDAL OF HONOR MONUMENT  
16 TRUST FUND; TO AMEND SECTION 33-3-17, MISSISSIPPI CODE OF 1972, TO  
17 PROVIDE THAT THE GOVERNOR SHALL AWARD POSTHUMOUSLY THE MISSISSIPPI  
18 MEDAL OF VALOR TO MEMBERS OF THE MISSISSIPPI NATIONAL GUARD WHO  
19 GAVE THEIR LIVES WHILE IN ACTIVE SERVICE OF THE UNITED STATES; TO  
20 PROVIDE THAT THE GOVERNOR MAY AWARD RETROACTIVELY THE MISSISSIPPI  
21 MEDAL OF VALOR TO PERSONS AWARDED THE MEDAL OF HONOR OR THE PURPLE  
22 HEART; TO PROVIDE FOR THE DESIGN OF THE MISSISSIPPI MEDAL OF  
23 VALOR; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** Section 55-15-51, Mississippi Code of 1972, is  
26 reenacted as follows:

27 55-15-51. It is hereby found and determined by the  
28 Legislature that many thousands of Mississippians have served in  
29 the Armed Forces of the United States; that the Mississippi  
30 veterans have not received the recognition and honor they deserve  
31 for service to their country; and that an appropriate monument  
32 should be established and maintained as a symbol of the  
33 recognition and appreciation of the State of Mississippi to  
34 Mississippi veterans.

35 **SECTION 2.** Section 55-15-53, Mississippi Code of 1972, is  
36 reenacted and amended as follows:

37           55-15-53. (1) From and after the effective date of Laws,  
38 1997, Chapter 466 [approved March 26, 1997] the present membership  
39 of the Mississippi Veterans Monument Commission shall cease  
40 serving on the commission. From and after the effective date of  
41 Laws, 1997, Chapter 466 [approved March 26, 1997] the Mississippi  
42 Veterans Monument Commission shall consist of the following seven  
43 (7) members:

44           (a) The Chairman of the Mississippi War Veterans  
45 Memorial Commission, who shall serve as Secretary of the  
46 Mississippi Veterans Monument Commission;

47           (b) The Executive Secretary of the State Veterans  
48 Affairs Board;

49           (c) The Director of the Division of General Services in  
50 the Department of Finance and Administration;

51           (d) Three (3) members appointed by the Governor, one  
52 (1) from each of the three (3) state Supreme Court districts as  
53 follows:

54                   (i) One (1) veteran of World War II;

55                   (ii) One (1) veteran of the Korean Conflict; and

56                   (iii) One (1) veteran of the Vietnam Conflict;

57           (e) One (1) veteran of the Persian Gulf Conflict,  
58 appointed from the state at large by the Lieutenant Governor.

59           (2) The initial meeting of the commission shall be called  
60 and chaired by the Chairman of the Mississippi War Veterans  
61 Memorial Commission, until the monument commission shall choose a  
62 chairman from among its members. Thereafter, the commission shall  
63 elect a chairman each year, and the commission may meet at the  
64 call of the chairman once each month. Minutes of the meetings of  
65 the commission shall be kept in a well-bound book and, along with  
66 all other records and papers, shall remain in the custody of the  
67 secretary of the commission. A majority of the commission shall  
68 constitute a quorum for the transaction of business. All actions  
69 taken or rules and regulations adopted by the commission shall be

70 by resolution duly spread upon its minutes, showing yea and nay  
71 votes of each member present. The signature of the chairman and  
72 secretary, pursuant to a duly adopted resolution, shall be binding  
73 upon the commission.

74 (3) The appointed members of the Mississippi Veterans  
75 Monument Commission shall receive per diem compensation in the  
76 amount authorized under Section 25-3-69 for each day or portion  
77 thereof spent in the performance of the duties of the commission  
78 and shall be entitled to reimbursement for travel expenses while  
79 on commission business as authorized under Section 25-3-41. Other  
80 members of the commission shall not be entitled to compensation  
81 but shall be entitled to reimbursement for travel expenses as  
82 authorized under Section 25-3-41 while on commission business.  
83 Commission members shall be limited to reimbursement of travel  
84 expenses and per diem compensation authorized herein for no more  
85 than twelve (12) meetings per year.

86 (4) When the Mississippi Veterans Monument Commission ceases  
87 to exist, all records of the Mississippi Veterans Monument  
88 Commission shall become the property of the Mississippi War  
89 Veterans Memorial Commission.

90 (5) The Mississippi War Veterans Memorial Commission shall  
91 have continuing oversight responsibility over all activities  
92 pertaining to all Mississippi veterans monuments.

93 (6) The Mississippi Veterans Monument Commission shall  
94 continue in existence under the provisions of this chapter after  
95 the design, construction and dedication of the Mississippi  
96 veterans monument until July 1, 2006, so that such commission can  
97 provide for the design, construction and dedication of future  
98 monuments to be located at sites designated by the Mississippi  
99 Veterans Monument Commission.

100 **SECTION 3.** Section 55-15-55, Mississippi Code of 1972, is  
101 reenacted as follows:

102           55-15-55. The Mississippi Veterans Monument Commission is  
103 hereby authorized and directed to cause to be constructed and  
104 maintained an appropriate monument to honor Mississippi veterans  
105 when adequate funds for the construction thereof are deposited in  
106 the Veterans Monument Trust Fund herein created.

107           **SECTION 4.** Section 55-15-57, Mississippi Code of 1972, is  
108 reenacted as follows:

109           55-15-57. The Mississippi Veterans Monument Commission  
110 shall:

111           (a) Plan and provide for the design, construction and  
112 dedication of the Mississippi veterans monument. The actual  
113 design and site of the monument shall be selected with the  
114 approval of the Mississippi Department of Archives and History.

115           (b) Solicit private monetary donations for deposit into  
116 the Veterans Monument Trust Fund.

117           (c) Report to the Legislature by November 15 of each  
118 year on the progress of such monument. In addition to the report  
119 required in the preceding sentence, the commission shall submit an  
120 annual report on its activities no later than November of each  
121 year to the Military Affairs Committees of both the Mississippi  
122 House of Representatives and the Mississippi Senate.

123           **SECTION 5.** Section 55-15-59, Mississippi Code of 1972, is  
124 reenacted as follows:

125           55-15-59. The Mississippi Veterans Monument Commission is  
126 hereby authorized to accept gifts, grants and donations from  
127 individuals and organizations, to be deposited in the Veterans  
128 Monument Trust Fund which is hereby created in the State Treasury.  
129 The State Treasurer shall invest all monies in the Veterans  
130 Monument Trust Fund and any interest earned shall be deposited  
131 into the fund. All appropriated funds and funds deposited in the  
132 Veterans Monument Trust Fund shall be used exclusively for the  
133 purpose of designing, erecting, maintaining and dedication of the  
134 veterans monument, except that not more than Seven Thousand Five

135 Hundred Dollars (\$7,500.00) may be expended annually to pay the  
136 administrative costs of the commission. Costs associated with the  
137 designing, erecting, maintaining and dedication of the veterans  
138 monument are not considered commission administrative costs for  
139 purposes of this section. Upon completion of the monument, money  
140 in the trust fund shall be utilized by the Mississippi War  
141 Veterans Memorial Commission for maintenance of the veterans  
142 monument and memorials.

143 **SECTION 6.** Section 55-15-61, Mississippi Code of 1972, is  
144 reenacted as follows:

145 55-15-61. (1) In addition to the duties assigned to the  
146 Mississippi Veterans Monument Commission in Sections 55-15-55,  
147 55-15-57 and 55-15-59, Mississippi Code of 1972, the commission  
148 shall plan and provide for the design, construction and dedication  
149 of a Mississippi Confederate memorial at the Shiloh National  
150 Military Park. In planning the design, construction and  
151 dedication of the memorial, the commission shall consult with and  
152 be advised by an advisory committee composed of three (3)  
153 representatives from the Mississippi Department of the Sons of  
154 Confederate Veterans. The Mississippi Department of the Sons of  
155 Confederate Veterans shall designate such representatives and  
156 certify them to the commission. The commission shall solicit  
157 private monetary donations for deposit into a Shiloh Confederate  
158 Memorial Trust Fund which is hereby created in the State Treasury.  
159 Private donations to the trust fund may be matched by the state  
160 using any appropriations made for that purpose by the Legislature;  
161 however, any state match shall not exceed One Hundred Fifty  
162 Thousand Dollars (\$150,000.00) in the aggregate. The commission  
163 is also authorized to accept for deposit into the trust fund  
164 grants or donations made to it from any other source. All funds  
165 deposited in the trust fund shall be used exclusively for the  
166 purpose of designing, constructing and maintaining the monument.

167           (2) The board of supervisors of any county and the governing  
168 authorities of any municipality are hereby authorized and  
169 empowered, in their discretion, to make contributions out of any  
170 available county or municipal funds, as appropriate, to the Shiloh  
171 Confederate Memorial Trust Fund.

172           **SECTION 7.** Section 55-15-62, Mississippi Code of 1972, is  
173 reenacted as follows:

174           55-15-62. (1) In addition to the duties assigned to the  
175 Mississippi Veterans Monument Commission in Sections 55-15-55,  
176 55-15-57 and 55-15-59, Mississippi Code of 1972, the commission is  
177 hereby authorized, subject to any available funds, to plan and  
178 provide for the design, construction and dedication of a monument  
179 recognizing Mississippi recipients of the Congressional Medal of  
180 Honor. In planning the design, construction and dedication of the  
181 monument, the commission shall consult with and be advised by the  
182 State Veterans Affairs Board. The commission may solicit private  
183 monetary donations for deposit into a Congressional Medal of Honor  
184 Monument Trust Fund which is hereby created in the State Treasury.  
185 Private donations to the trust fund may be accepted. The  
186 commission is also authorized to accept for deposit into the trust  
187 fund grants or donations made to it from any other source. All  
188 funds deposited in the trust fund shall be used exclusively for  
189 the purpose of designing, constructing and maintaining the  
190 monument.

191           (2) The board of supervisors of any county and the governing  
192 authorities of any municipality are hereby authorized and  
193 empowered, in their discretion, to make contributions out of any  
194 available county or municipal funds, as appropriate, to the  
195 Congressional Medal of Honor Monument Trust Fund.

196           **SECTION 8.** Section 55-15-63, Mississippi Code of 1972, is  
197 amended as follows:

198           55-15-63. Sections 55-15-51 through 55-15-62, Mississippi  
199 Code of 1972, which create and empower the Mississippi Veterans  
200 Monument Commission, are repealed from and after July 1, 2006.

201           **SECTION 9.** Section 33-3-17, Mississippi Code of 1972, is  
202 amended as follows:

203           33-3-17. (1) The Governor is hereby authorized and  
204 empowered to decorate members and former members of the  
205 Mississippi National Guard and members and former members of the  
206 national guard of the several states and members and former  
207 members of the armed forces of the United States, who he may deem  
208 worthy of such decoration, with such awards, medals or decorations  
209 as he may prescribe by rules and regulations promulgated by him,  
210 and the Governor is hereby authorized to promulgate suitable and  
211 reasonable rules and regulations for such purposes.

212           (2) The Governor shall award posthumously the Mississippi  
213 Medal of Valor to those members of the Mississippi National Guard  
214 who gave their lives while in active service of the United States  
215 as defined in Section 33-1-1(1).

216           (3) The Governor may award retroactively the Mississippi  
217 Medal of Valor to a member or former member of the Armed Forces of  
218 the United States if such member has been awarded the Medal of  
219 Honor or the Purple Heart.

220           (4) The design of the Mississippi Medal of Valor is as  
221 follows: A gold medal with the Great Seal of the State of  
222 Mississippi superimposed on a cross combined with crossed sabers  
223 with the words "MEDAL FOR VALOR" inscribed around the seal. The  
224 medal is suspended from a ribbon of navy blue background, with two  
225 (2) wide, vertical white bands. The recipient's name and rank are  
226 engraved in the reverse side of the medal. The ribbon carries the  
227 same colors as described for the medal.

228           **SECTION 10.** This act shall take effect and be in force from  
229 and after July 1, 2004.