

By: Representative Bondurant

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 835

1 AN ACT TO AMEND SECTION 39-5-91, MISSISSIPPI CODE OF 1972, TO
 2 CHANGE THE NAME OF THE MISSISSIPPI CIVIL WAR BATTLEFIELD
 3 COMMISSION TO THE MISSISSIPPI CIVIL WAR SITES COMMISSION; TO
 4 PROVIDE THAT MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR
 5 THEIR ACTUAL AND NECESSARY TRAVELING EXPENSES INCURRED IN
 6 ATTENDING THE QUARTERLY MEETINGS OF THE COMMISSION; TO PROVIDE
 7 THAT THE DEPARTMENT OF ARCHIVES AND HISTORY SHALL BE THE FISCAL
 8 AGENT FOR THE COMMISSION REGARDING REQUISITIONS TO THE DEPARTMENT
 9 OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT THE COMMISSION
 10 SHALL DESIGN AND ERECT CIVIL WAR SITES HISTORICAL MARKERS AT
 11 VARIOUS CIVIL WAR SITES THROUGHOUT THE STATE; TO PRESCRIBE THE
 12 POWERS AND DUTIES OF THE COMMISSION REGARDING CIVIL WAR SITES
 13 HISTORICAL MARKERS; TO PROVIDE THAT THE COMMISSION MAY SOLICIT AND
 14 RECEIVE FROM ANY SOURCE MONEY, MATERIALS AND PROPERTY OF ANY KIND;
 15 TO PROVIDE THAT ALL FUNDS RECEIVED BY THE COMMISSION SHALL BE
 16 DEPOSITED INTO A SPECIAL FUND THAT IS CREATED IN THE STATE
 17 TREASURY; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 39-5-91, Mississippi Code of 1972, is
 20 amended as follows:

21 39-5-91. (1) There is * * * created a Mississippi Civil War
 22 Sites Commission consisting of the following fifteen (15) members:

23 (a) Nine (9) members appointed by the Governor with
 24 three (3) serving for an initial term concluding on March 1, 1998,
 25 three (3) serving for an initial term concluding on March 1, 2000,
 26 and three (3) serving for an initial term concluding on March 1,
 27 2002;

28 (b) One (1) member appointed by the Lieutenant Governor
 29 for an initial term concluding on March 1, 2002;

30 (c) One (1) member appointed by the Speaker of the
 31 Mississippi House of Representatives for an initial term
 32 concluding on March 1, 2002;

33 (d) One (1) member appointed by the Jackson Civil War
 34 Roundtable for an initial term concluding on March 1, 2002; and

35 (e) Three (3) members appointed by the Board of
36 Trustees of the Department of Archives and History for an initial
37 term concluding on March 1, 2002.

38 After the initial terms, all terms shall be for six (6)
39 years. An appointment to fill a vacancy which arises for reasons
40 other than by expiration of a term of office shall be made by the
41 respective appointing authority for the unexpired term only.

42 (2) The commission shall elect from its membership a
43 chairman who shall preside over meetings and a vice chairman who
44 shall preside in the absence of the chairman or when the chairman
45 is excused.

46 (3) The commission shall adopt rules and regulations
47 governing times and places for meetings. A majority of members of
48 the commission shall constitute a quorum for the transaction of
49 any business. The commission shall meet at least quarterly. The
50 commission may form subcommittees to address specific issues
51 concerning preservation and enhancement of Civil War sites and
52 structures. The commission may adopt other procedures necessary
53 to ensure the orderly transaction of business.

54 (4) The members of the commission shall receive no
55 compensation for their services. However, the members of the
56 commission shall be reimbursed for their actual and necessary
57 traveling expenses incurred in attending the quarterly meetings of
58 the commission, in accordance with the provisions of Section
59 25-3-41.

60 (5) Principal staff support for the commission shall be
61 provided by the Department of Archives and History. Other
62 agencies shall assist when requested by the commission. The
63 Department of Archives and History shall be the fiscal agent for
64 the commission in processing and submitting requisitions on behalf
65 of the commission for the issuance of warrants by the Department
66 of Finance and Administration, and shall use information provided
67 by the commission to prepare the requisitions.

68 (6) The commission shall have the following duties:
69 (a) Identify and prioritize for protecting
70 Mississippi's Civil War sites and structures;
71 (b) Identify, analyze and enhance preservation
72 opportunities for Mississippi's Civil War sites and structures;
73 (c) Review existing local, state and federal plans,
74 programs and policies related to Mississippi's Civil War sites and
75 structures;
76 (d) Develop relationships with federal and local
77 officials and private conservation organizations that facilitate
78 protection and enhancement of Civil War sites and structures;
79 (e) Coordinate Mississippi's participation with the
80 federal government and private foundations to secure support and
81 financial resources for the protection and enhancement of Civil
82 War sites and structures;
83 (f) Advise state agencies on matters relating to Civil
84 War sites and structures; and
85 (g) Perform any other such duties or actions in an
86 effort to advance Civil War history in Mississippi.

87 (7) In addition to the duties specified under subsection (6)
88 of this section, the commission shall design and erect Civil War
89 sites historical markers at various Civil War sites throughout the
90 state. The commission may require matching funds from local
91 communities in order to locate Civil War sites historical markers
92 in the communities. The duties of the commission regarding Civil
93 War sites historical markers shall be as follows:

94 (a) Designing the Civil War sites historical markers,
95 which shall be in a style to be determined by the commission and
96 distinctive from the state historical markers used by the
97 Department of Archives and History;

98 (b) Identifying sites in the state that are eligible
99 for Civil War sites historical markers;

100 (c) Consulting with state and local officials on the
101 sites selected for Civil War sites historical markers;

102 (d) Reviewing existing state historical markers related
103 to the Civil War and making recommendations to the Department of
104 Archives and History on those needing replacement and/or repair;

105 (e) Preparing appropriate content and drafting
106 appropriate text for Civil War sites historical markers, and
107 working with staff of the Department of Archives and History to
108 edit, order and erect the markers, in cooperation with the
109 Mississippi Department of Transportation district offices; and

110 (f) Planning and participating in, in cooperation with
111 state and local officials and other interested organizations,
112 appropriate dedication ceremonies for Civil War sites historical
113 markers and other events related to Civil War history, including
114 the Civil War Sesquicentennial.

115 (8) The commission may solicit and receive from any source,
116 whether federal, state, public or private, grants, donations,
117 contributions, gifts, devises and bequests of money, materials and
118 property of any kind.

119 (9) All funds received by the commission shall be deposited
120 into a special fund that is created in the State Treasury, to be
121 known as the Mississippi Civil War Sites Commission Fund. Monies
122 in the special fund shall be expended only for the purposes
123 authorized for the commission, upon appropriation by the
124 Legislature. Unexpended amounts remaining in the special fund at
125 the end of a fiscal year shall not lapse into the State General
126 Fund, and any interest earned on amounts in the special fund shall
127 be deposited to the credit of the special fund.

128 (10) The commission shall submit to the Governor an annual
129 report by December 1 of each year which shall include
130 recommendations for any legislative, administrative or other
131 changes the commission deems necessary to further Civil War
132 history in Mississippi.

133 (11) State agencies shall consider the impact of their
134 actions on Civil War sites and structures as identified by the
135 commission whenever permitting, planning, funding or undertaking
136 any construction projects.

137 **SECTION 2.** This act shall take effect and be in force from
138 and after July 1, 2006.