

By: Senator(s) Blackmon

To: Rules

SENATE BILL NO. 2217

1 AN ACT TO DIRECT THE DEPARTMENT OF ARCHIVES AND HISTORY TO
 2 CAUSE THE DEPICTION OF THE CONFEDERATE FLAG TO BE REMOVED FROM THE
 3 STATE CAPITOL ROTUNDA; TO ESTABLISH A COMMISSION TO RECOMMEND A
 4 SUITABLE IMAGE TO REPLACE THE DEPICTION OF THE CONFEDERATE FLAG IN
 5 THE CAPITOL ROTUNDA; TO PRESCRIBE THE MEMBERSHIP OF THE COMMISSION
 6 AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO LIST THE
 7 COMMISSION'S PREROGATIVES AND DUTIES; TO REQUIRE THE COMMISSION TO
 8 SUBMIT ITS WRITTEN RECOMMENDATION TO THE GOVERNOR AND THE
 9 LEGISLATURE NO LATER THAN SEPTEMBER 30, 2024; TO PROVIDE FOR THE
 10 DISSOLUTION OF THE COMMISSION UPON THE SUBMISSION OF ITS WRITTEN
 11 RECOMMENDATION; TO AMEND SECTION 55-15-81, MISSISSIPPI CODE OF
 12 1972, WHICH PROHIBITS THE RELOCATION, REMOVAL, DISTURBING,
 13 ALTERATION, RENAMING OR REDEDICATION OF CERTAIN HISTORICAL ITEMS,
 14 STRUCTURES OR AREAS, TO CONFORM; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) As soon as practicable on or after the
 17 effective date of this act, the Mississippi Department of Archives
 18 and History shall cause the depiction of the Confederate flag to
 19 be removed from the State Capitol rotunda.

20 (2) There is established a commission to recommend a
 21 suitable image to replace the depiction of the Confederate flag in
 22 the Capitol rotunda. The commission shall consist of the
 23 following members:



24 (a) The Director of the Department of Archives and
25 History, who shall serve as chair of the commission;

26 (b) Two (2) appointees of the Governor, to include:
27 (i) A representative from the Mississippi Economic
28 Council; and
29 (ii) A representative from the Mississippi Arts
30 Commission;

31 (c) Two (2) Senators, one (1) from each political
32 party, to be appointed by the Lieutenant Governor; and
33 (d) Two (2) Representatives, one (1) from each
34 political party, to be appointed by the Speaker of the House.

35 (3) All appointments to the commission shall be made no
36 later than June 30, 2024. As soon as practicable after all
37 appointments have been made, or as soon as practicable on or after
38 July 1, 2024, whichever is earlier, the commission shall meet upon
39 the call of the chair to organize and conduct business. A
40 majority of the commission shall constitute a quorum, and a
41 majority vote of the members present and voting shall be required
42 for any action by the commission. The Department of Archives and
43 History shall provide meeting space and clerical support for the
44 operation of the commission.

45 (4) The commission may:
46 (a) Hold regular public meetings when and where it sees
47 fit;



48 (b) Receive written public comments in a manner and
49 under the terms and conditions as it sees fit;

50 (c) Collect, examine and consider all information that
51 it determines may be helpful in making its recommendation;

52 (d) Consult with experts, representatives of
53 organizations and associations, and others, as it sees fit, whose
54 knowledge or expertise may assist the commission in making its
55 recommendation; and

56 (e) Make any inquiries and conduct any business that
57 may assist the commission in making its recommendation.

58 (5) The commission shall:

59 (a) Keep minutes of its meetings, and make those
60 minutes available to the public;

61 (b) When assessing options for an image to replace the
62 Confederate flag in the Capitol rotunda, give serious
63 consideration to a depiction of the slaves who contributed to the
64 construction of the State Capitol Building; and

65 (c) Submit its written recommendation to the Governor
66 and the Legislature no later than September 30, 2024. Upon
67 submission of its written recommendation, the commission shall be
68 dissolved.

69 (6) Members of the commission shall receive no compensation
70 for their service on the commission, but they may receive
71 reimbursement for mileage and actual expenses as provided in



72 Section 25-3-41, to the extent that funds are available for that
73 purpose.

74 **SECTION 2.** Section 55-15-81, Mississippi Code of 1972, is
75 amended as follows:

76 55-15-81. (1) None of the following items, structures or
77 areas may be relocated, removed, disturbed, altered, renamed or
78 rededicated, unless specifically authorized or directed by an act
79 of the Legislature: Any Revolutionary War, War of 1812,
80 Mexican-American War, War Between the States, Spanish-American
81 War, World War I, World War II, Korean War, Vietnam War, Persian
82 Gulf War, War in Iraq or Native American War's statues, monuments,
83 memorials or nameplates (plaques), which have been erected on
84 public property of the state or any of its political subdivisions,
85 such as local, municipal or county owned public areas, and any
86 statues, monuments, memorials, nameplates (plaques), schools,
87 streets, bridges, buildings, parks preserves, reserves or other
88 public items, structure or areas of the state or any of its
89 political subdivisions, such as, local, municipal or county owned
90 public areas, which has been dedicated in memory of, or named for,
91 any historical military figure, historical military event,
92 military organization or military unit.

93 (2) No person may prevent the public body responsible for
94 maintaining any of the items, structures or areas described above
95 from taking proper measures and exercising proper means for the
96 protection, preservation, care, repair or restoration of those



97 items, structures or areas. The governing body may move the
98 memorial to a more suitable location if it is determined that the
99 location is more appropriate to displaying the monument.

100 (3) This section shall not apply to items, structures or
101 areas located on property owned or acquired by the Mississippi
102 Transportation Commission which may interfere with the
103 construction, maintenance or operation of public transportation
104 facilities.

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

