

By: Senator(s) Dearing, Hewes, Burton, Walls To: Veterans and Military  
Affairs; Appropriations

## SENATE BILL NO. 2158

1 AN ACT TO AMEND SECTION 35-1-1, MISSISSIPPI CODE OF 1972, TO  
2 ADD NEW MEMBERS TO THE VETERANS' AFFAIRS BOARD WITH EXPERIENCE IN  
3 FINANCIAL MANAGEMENT, NURSING HOME ADMINISTRATION AND NURSING; TO  
4 PROVIDE FOR THE APPOINTMENT, TERMS, AND CERTIFICATION OF  
5 APPOINTEES' QUALIFICATIONS; TO AMEND SECTION 43-11-17, MISSISSIPPI  
6 CODE OF 1972, TO REQUIRE THAT THE STATE DEPARTMENT OF HEALTH  
7 INSPECT ALL SKILLED NURSING FACILITIES LICENSED IN THE STATE AT  
8 LEAST ONCE EACH CALENDAR YEAR; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 35-1-1, Mississippi Code of 1972, is  
11 amended as follows:

12 35-1-1. (1) (a) There is hereby created a State Veterans  
13 Affairs Board, to consist of seven (7) members, to be appointed by  
14 the Governor, one (1) from each congressional district as they  
15 existed on January 1, 1952, of the State of Mississippi. One (1)  
16 shall be appointed for one (1) year, another for two (2) years,  
17 another for three (3) years, another for four (4) years, another  
18 for five (5) years, another for six (6) years, and another for  
19 seven (7) years, thus staggered. At the end of such term for each  
20 of said seven (7) members, a successor shall be appointed for a  
21 term of seven (7) years, thus providing for seven (7) members, one  
22 (1) of whom shall be appointed each year. In the event of death,  
23 resignation or removal of a member of the board, such person  
24 appointed to fill the vacancy shall be a legal resident of the  
25 congressional district in which the vacancy shall occur, and shall  
26 serve for the remainder of the term to which such member was  
27 appointed. Members of the board shall be veterans of any war or  
28 police action in which the Armed Forces of the United States have  
29 been, are, or shall be committed for action, who have been  
30 honorably discharged or honorably released.

31 (b) From and after May 14, 1992, terms of all members  
32 then serving on the State Veterans Affairs Board shall terminate,  
33 and the board shall be reconstituted as follows: The board shall  
34 consist of seven (7) members. All members shall be appointed by  
35 the Governor, with the advice and consent of the Senate. One (1)  
36 member shall be appointed from each congressional district as such  
37 districts existed on March 1, 1992, and two (2) members shall be  
38 appointed from the state at large. Of the initial congressional  
39 district appointees to the board, one (1) shall serve for a term  
40 of one (1) year, one (1) for a term of two (2) years, one (1) for  
41 a term of three (3) years, one (1) for a term of four (4) years  
42 and one (1) for a term of five (5) years. Of the initial at-large  
43 appointees, one (1) (who shall be that person appointed in January  
44 1992 from the First Congressional District under the provisions of  
45 paragraph (a) of this subsection) shall serve for a term of three  
46 (3) years and one (1) (who shall be that person appointed in  
47 January 1992 from the Seventh Congressional District under the  
48 provisions of paragraph (a) of this subsection) shall serve for a  
49 term of five (5) years. All appointees after the initial  
50 appointees shall serve for terms of five (5) years each. In the  
51 event of death, resignation or removal of a member of the board,  
52 the vacancy shall be filled by appointment of the Governor, with  
53 the advice and consent of the Senate, from the congressional  
54 district in which the vacancy occurs, for the length of the  
55 unexpired term only. Members of the board shall be honorably  
56 discharged or released veterans of any war or police action in  
57 which the Armed Forces of the United States have been, are, or  
58 shall be committed for action. No state/department commander of  
59 any federally recognized veterans organization, no national  
60 officer of any federally recognized veterans organization and no  
61 member of the Mississippi Council of Veterans Organizations shall  
62 be eligible for appointment to the board until the expiration of a

63 period of three (3) years after the termination of their service  
64 in such disqualifying positions.

65 (c) From and after July 1, 2004, in addition to the  
66 members provided for in paragraph (b) of this subsection, there  
67 shall be three (3) additional members of the board. Each member  
68 provided for in this paragraph shall have the following  
69 qualifications:

70 (i) One (1) member shall be a financial manager  
71 with a license or certification as a certified public accountant,  
72 a certified managerial accountant, or a certified financial  
73 analyst with five (5) years of experience directly related to  
74 finance and/or management;

75 (ii) One (1) member shall be a licensed nursing  
76 home administrator with seven (7) years of experience in  
77 management of nursing homes; and

78 (iii) One (1) member shall be a registered nurse  
79 with ten (10) years of experience in nursing.

80 All members provided for in this paragraph shall be appointed  
81 by the Governor from the state at large with the advice and  
82 consent of the Senate. The initial term of office for the  
83 registered nurse shall be for one (1) year, the initial term of  
84 office for the licensed nursing home administrator shall be for  
85 two (2) years, and the initial term of office of the financial  
86 manager shall be for three (3) years. Thereafter, all terms of  
87 office for positions created by this paragraph shall be for  
88 five (5) years. Such members may hold over until their successors  
89 are duly qualified. No members provided for in this paragraph  
90 shall be required to be a veteran of any war or police action but  
91 shall have their qualifications certified by the State Personnel  
92 Board prior to confirmation by the Senate. No state/department  
93 commander of any federally recognized veterans' organization, no  
94 national officer of any federally recognized veterans'  
95 organization, and no member of the Mississippi Council of Veterans

96 Organizations shall be eligible for appointment to the board  
97 positions established by this paragraph until the expiration of a  
98 period of three (3) years after the termination of their service  
99 in such disqualifying positions.

100 (2) Members of the board shall annually elect as chairman  
101 one of their number and another member as vice chairman. Members  
102 of the board shall hold regular monthly meetings and such other  
103 meetings as may be called by the chairman or the vice chairman in  
104 his absence.

105 **SECTION 2.** Section 43-11-17, Mississippi Code of 1972, is  
106 amended as follows:

107 43-11-17. The licensing agency shall make or cause to be  
108 made such inspections and investigations as it deems necessary.  
109 However, all licensed skilled nursing facilities shall be  
110 inspected at least once each calendar year.

111 **SECTION 3.** This act shall take effect and be in force from  
112 and after July 1, 2004.