

By: Representative Carpenter

To: Military Affairs;  
Appropriations

HOUSE BILL NO. 761  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 35-1-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE POWERS AND DUTIES OF THE STATE VETERANS BOARD IN  
3 RELATION TO OPERATING THE STATE VETERANS HOMES; TO AUTHORIZE THE  
4 BOARD TO ESTABLISH PROGRAMS RELATING TO EMPLOYEE HIRING AND  
5 INCENTIVES AND PROPERTY DISPOSAL; TO AMEND SECTION 29-9-9,  
6 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 35-1-7, Mississippi Code of 1972, is  
10 amended as follows:

11 35-1-7. (1) The duties of the State Veterans Affairs Board  
12 shall be to assist former and present members of the Armed Forces  
13 of the United States, and their dependents, in securing any  
14 benefits or privileges under any federal or state law or  
15 regulation to which they are entitled and to advise the Governor  
16 and Legislature on veterans affairs. Moreover, veterans or their  
17 dependents shall be given their choice of organizations to  
18 represent them in instances where a case is appealed, and the  
19 board shall lend its full cooperation in connection therewith.



20           (2) The board and its employees shall cooperate fully with  
21 all congressionally chartered veterans organizations within the  
22 state, including servicing the power of attorney of the  
23 congressionally chartered veterans organizations upon the request  
24 of the organizations to the State Veterans Affairs Board in the  
25 prosecution of all claims on behalf of veterans. However, all  
26 powers of attorney to the State Veterans Affairs Board shall be  
27 processed first, and thereafter, powers of attorney shall be  
28 processed for veterans organizations in the ratio that the  
29 membership of the organization bears to the total number of  
30 veterans residing in Mississippi.

31           (3) The State Veterans Affairs Board is designated as the  
32 "state approving agency" for the State of Mississippi. It shall  
33 be the duty of the State Veterans Affairs Board to inspect,  
34 approve and supervise schools, institutions and establishments for  
35 war orphan and veteran training as provided in Section 1771,  
36 Chapter 35, Title 38, United States Code, and in any subsequent  
37 acts passed by the Congress of the United States for the purpose  
38 of education and training of war orphans or former and present  
39 members of the Armed Forces of the United States. The State  
40 Veterans Affairs Board is authorized to employ the needed  
41 personnel to perform the duties as outlined in Section 1771,  
42 Chapter 35, Title 38, United States Code, and in any subsequent  
43 acts as enacted by the Congress of the United States, and to enter



44 into contract with the Department of Veterans Affairs for salary  
45 and travel reimbursement for personnel employed for this purpose.

46 (4) The State Veterans Affairs Board shall operate all  
47 Mississippi state veterans homes when established as authorized by  
48 Sections 35-1-19 through 35-1-29.

49 (5) The powers of the State Veterans Affairs Board in  
50 relation to operating the State Veterans Homes shall specifically  
51 include, but not be limited to, the following authority:

52 (a) To expend, upon appropriation by the Legislature,  
53 any revenue generated by the State Veterans Homes in support of  
54 the State Veterans Homes;

55 (b) To enter into loan or scholarship agreements with  
56 employees or students to provide educational assistance where such  
57 student or employee agrees to work for a stipulated period of time  
58 for the board. Under this agreement the employee will agree to  
59 commit to up to three (3) years but no less than one (1) year, to  
60 be determined by the employment position and the amount of student  
61 debt; provided, however, no State General Fund monies shall be  
62 used for such purposes and the majority of funds for such purposes  
63 shall be provided through programs established by the Mississippi  
64 Department of Health, the United States Department of Health and  
65 Human Services, and the United States Department of Veterans  
66 Affairs; and

67 (c) To sell or otherwise dispose of any chattel  
68 property of the State Veterans Affairs Board used in operation of



69 the State Veterans Homes where such disposition is consistent with  
70 the homes' purposes or where such property is deemed by the board  
71 or its designee to be surplus or otherwise unneeded. The State  
72 Veterans Affairs Board shall develop and submit an annual report  
73 to the Legislature on any such sale or disposition and shall  
74 ensure that the proceeds shall be used to defray the operation of  
75 the State Veterans Homes.

76       (6) The State Veterans Affairs Board is authorized to adopt  
77 such policies and to prescribe such rules and regulations as it  
78 may deem necessary for the proper administration of this chapter.  
79 However, such policies and regulations shall not be in conflict  
80 with any of the provisions of this chapter.

81       **SECTION 2.** Section 29-9-9, Mississippi Code of 1972, is  
82 amended as follows:

83       29-9-9. (1) Whenever any vehicle, equipment, office  
84 furniture, office fixture or any other personal property which has  
85 been acquired or is owned by any institution, department or agency  
86 of the State of Mississippi becomes obsolete or is no longer  
87 needed or required for the use of such institution, department or  
88 agency, the same may be: (a) sold for cash, transferred, traded  
89 or exchanged for other property, furniture, equipment, fixture or  
90 vehicle needed by said institution, department or agency after  
91 having first obtained the written approval of the Governor's  
92 Office of General Services and the State Auditor or approval by  
93 the Legislative Budget Office if utilized under the jurisdiction



94 of the Legislature; or (b) donated to any institution, department  
95 or agency of the State of Mississippi, or any political  
96 subdivision or local governing authority of the state. The  
97 singular shall include the plural. Transfers, trades, exchanges  
98 or donations made pursuant to this subsection may be made to any  
99 political subdivision or local governing authority of the State of  
100 Mississippi.

101 (2) The proceeds of all cash sales made, as authorized in  
102 this section, shall be paid over into the support and maintenance  
103 or contingent fund of the institution, department or agency as it  
104 deems best.

105 (3) The head of each state institution, department or agency  
106 shall be responsible and liable personally and on his official  
107 bond, in the amount of the value shown on the state inventory, for  
108 the disposal of any property contrary to the provisions of this  
109 section.

110 (4) The Office of General Services, on the approval of the  
111 Public Procurement Review Board, is hereby authorized and  
112 empowered to make reasonable rules and regulations and to require  
113 such information as may be necessary to carry out the purpose and  
114 provisions of this section.

115 (5) Any violation of the provisions hereof by any elected  
116 head of any institution, department, commission or agency of the  
117 State of Mississippi, or any appointee or employee of any  
118 institution, department, agency or commission coming under the



119 provisions of this section, shall constitute a misdemeanor and,  
120 upon conviction therefor, shall be punished by a fine of not  
121 exceeding One Thousand Dollars (\$1,000.00) in addition to personal  
122 and official liability, as hereinabove provided.

123 (6) The disposal of any unneeded personal property at the  
124 project described in Section 57-75-5(f)(vi), may be made in  
125 accordance with the provisions of the Mississippi Major Economic  
126 Impact Act by the Mississippi Major Economic Impact Authority,  
127 under such rules and regulations as may be adopted by such  
128 authority.

129 (7) The disposal of any alternative housing units purchased  
130 through the Mississippi Alternative Housing Pilot Program may be  
131 made by the Mississippi Emergency Management Agency as required by  
132 federal law to be in compliance with regulations of the federal  
133 articles of agreement and its awarded conditions, and upon  
134 approval of the Public Procurement Review Board.

135 (8) This section shall not be applicable to the State  
136 Veterans Homes in the event the State Veterans Affairs Board has  
137 contracted for property management services at the State Veterans  
138 Homes.

139 **SECTION 3.** This act shall take effect and be in force from  
140 and after its passage.

