

By: Senator(s) Seymour

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2197

1 AN ACT TO AMEND SECTION 35-3-21, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE COUNTY VETERAN SERVICE OFFICERS TO ACT FOR A VETERAN FOR
3 CERTAIN SERVICES UNDER A WRITTEN POWER OF ATTORNEY AUTHORIZED BY
4 THE VETERAN FOR THE PURPOSE OF ASSISTING WITH CLAIMS, BENEFITS,
5 AND APPEALS IN AN ADMINISTRATIVE HEARING BEFORE THE UNITED STATES
6 DEPARTMENT OF VETERANS AFFAIRS; TO PROVIDE COUNTY VETERAN SERVICE
7 OFFICERS WITH LEGAL IMMUNITY ONLY FOR SUCH ACTIONS IN CASES OF
8 ABUSE, FRAUD OR BREACH OF FIDUCIARY DUTY; AND FOR RELATED
9 PURPOSES.

10 **SECTION 1.** Section 35-3-21, Mississippi Code of 1972, is
11 amended as follows:

12 35-3-21. In order to maintain offices and pay personnel for
13 the purpose of assisting all residents of the State of Mississippi
14 who served in the military or naval forces of the United States
15 during any war, their relatives, beneficiaries or dependents, to
16 receive from the United States any and all compensation,
17 hospitalization, insurance or other aid or benefits to which they
18 may be entitled under existing or hereafter enacted laws of the
19 United States, the boards of supervisors in the various counties
20 in the state are hereby authorized and empowered, in their
21 discretion, to expend out of the general county fund, or special



22 veterans' fund herein authorized to be set up, or from both of
23 such funds, such monies necessary to defray the office operating
24 expenses and salary of the county veteran service officers.

25 Two (2) or more counties may, upon resolution duly adopted by
26 the board of supervisors of each of such counties, agree to
27 establish one (1) veteran service office for all of such counties.
28 When two (2) or more counties enter into such an agreement, each
29 county shall pay such amount mutually agreed upon and duly adopted
30 by resolution of the respective boards of supervisors.

31 County veteran service officers shall be (a) honorably
32 discharged or honorably released veterans; (b) the surviving
33 spouse or child of any such deceased veteran; or (c) any person
34 employed as a county veteran service officer in any county of this
35 state on March 30, 1990. From and after July 1, 1990, county
36 veteran service officers shall be certified by the Mississippi
37 State Veterans Affairs Board which, among any other criteria it
38 may establish, shall require such officers to (a) attend one (1)
39 of the annual training programs provided for such officers by the
40 Mississippi State Veterans Affairs Board, (b) successfully
41 complete a written examination each year on the duties and
42 responsibilities of and assistance available to such officers and
43 veterans, (c) have certification and be accredited according to 38
44 CFR Section 14.629 administered by the Mississippi State Veterans
45 Affairs Board, and (d) follow the rules and regulations
46 promulgated by the Mississippi State Veterans Affairs Board.



47 County veteran service officers who annually receive and complete
48 such instruction in a manner satisfactory to the Veterans Affairs
49 Board and in accordance with this section shall be certified by
50 the board. No county veteran service officer shall be entitled to
51 receive any compensation for his services, to which he is
52 otherwise entitled by law, unless he is annually certified by the
53 board. Persons who cannot meet the accreditation standards of
54 hours worked for county veteran service officers may be certified
55 by the Mississippi State Veterans Affairs Board as Veterans
56 Resource Advisors and be entitled to receive any compensation for
57 his services as authorized by law.

58 County veteran service officers may be employed, in the
59 discretion of the boards of supervisors, either full time or part
60 time.

61 County veteran service officers shall be authorized and
62 empowered to act for a veteran under a written power of attorney
63 authorized by the veteran for the purpose of assisting with
64 claims, benefits, and appeals in an administrative hearing before
65 the United States Department of Veterans Affairs and any of its
66 boards or departments, and shall be immune from legal action only
67 for such actions except in cases of abuse, fraud or breach of
68 fiduciary duty.

69 The boards of supervisors of the various counties are
70 authorized and directed to provide necessary office space and
71 communications connectivity for county veteran service officers.



72 The boards of supervisors of the various counties are further
73 authorized and empowered to pay all necessary and actual expenses
74 of county veteran service officers who attend a school of
75 instruction within the State of Mississippi for such county
76 veteran service officers.

77 It shall also be the duty of the boards of supervisors to aid
78 the United States to defeat all unjust claims for aid or benefit
79 therefrom.

80 Such expenditures may be made by the several counties acting
81 alone, or in cooperation with other counties, and in cooperation
82 with any federal or state agency carrying out such purposes.

83 In the event that the general revenues of the county levied
84 under and within the limits of existing taxing statutes are not
85 sufficient to pay the expenses authorized herein, the board of
86 supervisors may, in its discretion, levy an additional tax not to
87 exceed one (1) mill on all taxable property in the county to
88 defray such expenses or any part thereof. Any tax levy made under
89 authority of this chapter shall not be considered in refunding
90 homestead exemption losses under Title 27, Chapter 33, Mississippi
91 Code of 1972.

92 **SECTION 2.** This act shall take effect and be in force from
93 and after July 1, 2023.

