

By: Representative Currie

To: Military Affairs;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 371

1 AN ACT TO AMEND SECTIONS 35-1-1 AND 35-1-3, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2024, ALL FUNDS,
3 STAFF, ASSETS AND LIABILITIES OF THE VETERANS' HOME PURCHASE BOARD
4 BEFORE JULY 1, 2024, SHALL BE UNDER THE CONTROL OF AND SHALL BE
5 THE RESPONSIBILITY OF THE STATE VETERANS AFFAIRS BOARD; TO PROVIDE
6 THAT THE STATE VETERANS AFFAIRS BOARD SHALL BE VESTED WITH ALL
7 POWER TO PERFORM DUTIES, FUNCTIONS AND ACTIVITIES PERFORMED BY THE
8 VETERANS' HOME PURCHASE BOARD BEFORE JULY 1, 2024; TO BRING
9 FORWARD SECTION 35-1-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
10 GENERAL POWERS AND DUTIES OF THE STATE VETERANS AFFAIRS BOARD, FOR
11 THE PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 35-7-5 AND
12 35-7-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE
13 TERM "BOARD" UNDER THE VETERANS' HOME PURCHASE LAW TO MEAN THE
14 STATE VETERANS AFFAIRS BOARD AND TO ABOLISH THE VETERANS' HOME
15 PURCHASE BOARD; TO BRING FORWARD SECTION 35-7-11, MISSISSIPPI CODE
16 OF 1972, WHICH AUTHORIZES THE ESTABLISHMENT OF OFFICES AND
17 EMPLOYMENT OF STAFF UNDER THE VETERANS' HOME PURCHASE LAW, FOR THE
18 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

22 35-1-1. (1) (a) There is hereby created a State Veterans
23 Affairs Board, which may also be referred to as the "Mississippi
24 Veterans Affairs," to consist of seven (7) members, to be
25 appointed by the Governor, one (1) from each congressional
26 district as they existed on January 1, 1952, of the State of



27 Mississippi. One (1) shall be appointed for one (1) year, another
28 for two (2) years, another for three (3) years, another for four
29 (4) years, another for five (5) years, another for six (6) years,
30 and another for seven (7) years, thus staggered. At the end of
31 such term for each of said seven (7) members, a successor shall be
32 appointed for a term of seven (7) years, thus providing for seven
33 (7) members, one (1) of whom shall be appointed each year. In the
34 event of death, resignation or removal of a member of the board,
35 such person appointed to fill the vacancy shall be a legal
36 resident of the congressional district in which the vacancy shall
37 occur, and shall serve for the remainder of the term to which such
38 member was appointed. Members of the board shall be veterans of
39 any war or police action in which the Armed Forces of the United
40 States have been, are, or shall be committed for action, who have
41 been honorably discharged or honorably released.

42 (b) From and after May 14, 1992, terms of all members
43 then serving on the State Veterans Affairs Board shall terminate,
44 and the board shall be reconstituted as follows: The board shall
45 consist of seven (7) members. All members shall be appointed by
46 the Governor, with the advice and consent of the Senate. One (1)
47 member shall be appointed from each congressional district as such
48 districts existed on March 1, 1992, and two (2) members shall be
49 appointed from the state at large. Of the initial congressional
50 district appointees to the board, one (1) shall serve for a term
51 of one (1) year, one (1) for a term of two (2) years, one (1) for



52 a term of three (3) years, one (1) for a term of four (4) years
53 and one (1) for a term of five (5) years. Of the initial at-large
54 appointees, one (1) (who shall be that person appointed in January
55 1992 from the First Congressional District under the provisions of
56 paragraph (a) of this subsection) shall serve for a term of three
57 (3) years and one (1) (who shall be that person appointed in
58 January 1992 from the Seventh Congressional District under the
59 provisions of paragraph (a) of this subsection) shall serve for a
60 term of five (5) years. All appointees after the initial
61 appointees shall serve for terms of five (5) years each. In the
62 event of death, resignation or removal of a member of the board,
63 the vacancy shall be filled by appointment of the Governor, with
64 the advice and consent of the Senate, from the congressional
65 district in which the vacancy occurs, for the length of the
66 unexpired term only. Members of the board shall be honorably
67 discharged or released veterans of any war or police action in
68 which the Armed Forces of the United States have been, are, or
69 shall be committed for action. No state/department commander of
70 any federally recognized veterans organization, no national
71 officer of any federally recognized veterans organization and no
72 member of the Mississippi Council of Veterans Organizations shall
73 be eligible for appointment to the board until the expiration of a
74 period of three (3) years after the termination of their service
75 in such disqualifying positions.



76 (c) From and after July 1, 2024, the State Veterans
77 Affairs Board shall consist of seven (7) members, to be appointed
78 by the Governor, with the advice and consent of the Senate. There
79 shall be one (1) member appointed from each congressional district
80 as such districts existed on January 1, 2024, and three (3)
81 members shall be appointed from the state at large. Members
82 -serving before July 1, 2024, will continue to serve in accordance
83 with their term until their successors are appointed and
84 qualified. Initial members appointed from and after July 1, 2024,
85 shall be appointed for terms as follows: one (1) member for one
86 (1) year, one (1) member for two (2) years, one (1) member for
87 three (3) years, one (1) member for four (4) years, one (1) member
88 for five (5) years, one (1) member for six (6) years, and one (1)
89 member for seven (7) years. At the end of such term for each of
90 such seven (7) members, a successor shall be appointed for a term
91 of seven (7) years. In the event of death, resignation or removal
92 of a member of the board, the vacancy shall be filled by
93 appointment of the Governor, with the advice and consent of the
94 Senate, from the congressional district in which the vacancy
95 occurs or from the state at large, as the case may be, and the
96 person appointed to fill the vacancy shall serve for the remainder
97 of the term to which such person was appointed. Members of the
98 board shall be honorably discharged or released veterans of any
99 war or police action in which the Armed Forces of the United
100 States have been, are, or shall be committed for action. No



101 state/department commander of any federally recognized veterans
102 organization, no national officer of any federally recognized
103 veterans organization and no member of the Mississippi Council of
104 Veterans Organizations shall be eligible for appointment to the
105 board until the expiration of a period of three (3) years after
106 the termination of their service in such disqualifying positions.

107 (2) Members of the board shall annually elect as chairman
108 one of their * * * members and another member as vice chairman.
109 Members of the board shall hold regular monthly meetings and such
110 other meetings as may be called by the chairman or the vice
111 chairman in his absence.

112 (3) Beginning July 1, 2019, any reference in this code to
113 the State Veterans Affairs Board shall also mean the Mississippi
114 Veterans Affairs.

115 (4) From and after July 1, 2024, all funds, staff, assets
116 and/or liabilities of the Veterans' Home Purchase Board before
117 July 1, 2024, under Section 35-7-1, et seq., shall be under the
118 control of and shall be the responsibility of the State Veterans
119 Affairs Board.

120 (5) From and after July 1, 2024, the State Veterans Board
121 Affairs shall be vested with all power to perform duties,
122 functions and activities performed by the Veterans Home Purchase
123 Board before July 1, 2024, under Section 35-7-1, et seq.

124 **SECTION 2.** Section 35-1-3, Mississippi Code of 1972, is
125 amended as follows:



126 35-1-3. The State Veterans Affairs Board shall appoint, to
127 serve at the will and pleasure of the board, an executive
128 director, (who shall also serve as Executive Secretary of the
129 State Veterans Affairs Board), a deputy director, individuals to
130 manage each of the agency's major functional areas, including all
131 matters that were the responsibility of the Veterans' Home
132 Purchase Board before July 1, 2024, and individuals to manage each
133 of the state veterans homes. The executive director and deputy
134 director shall be a currently serving member or honorably
135 discharged or honorably released veteran of any active or reserve
136 component branch of the Armed Forces of the United States. The
137 board may establish additional minimum qualifications for agency
138 positions.

139 **SECTION 3.** Section 35-1-7, Mississippi Code of 1972, is
140 brought forward as follows:

141 35-1-7. (1) The duties of the State Veterans Affairs Board
142 shall be to assist former and present members of the Armed Forces
143 of the United States, and their dependents, in securing any
144 benefits or privileges under any federal or state law or
145 regulation to which they are entitled and to advise the Governor
146 and Legislature on veterans affairs. Moreover, veterans or their
147 dependents shall be given their choice of organizations to
148 represent them in instances where a case is appealed, and the
149 board shall lend its full cooperation in connection therewith.



150 (2) The board and its employees shall cooperate fully with
151 all congressionally chartered veterans organizations within the
152 state, including servicing the power of attorney of the
153 congressionally chartered veterans organizations upon the request
154 of the organizations to the State Veterans Affairs Board in the
155 prosecution of all claims on behalf of veterans. However, all
156 powers of attorney to the State Veterans Affairs Board shall be
157 processed first, and thereafter, powers of attorney shall be
158 processed for veterans organizations in the ratio that the
159 membership of the organization bears to the total number of
160 veterans residing in Mississippi.

161 (3) The State Veterans Affairs Board is designated as the
162 "state approving agency" for the State of Mississippi. It shall
163 be the duty of the State Veterans Affairs Board to inspect,
164 approve and supervise schools, institutions and establishments for
165 war orphan and veteran training as provided in Section 1771,
166 Chapter 35, Title 38, United States Code, and in any subsequent
167 acts passed by the Congress of the United States for the purpose
168 of education and training of war orphans or former and present
169 members of the Armed Forces of the United States. The State
170 Veterans Affairs Board is authorized to employ the needed
171 personnel to perform the duties as outlined in Section 1771,
172 Chapter 35, Title 38, United States Code, and in any subsequent
173 acts as enacted by the Congress of the United States, and to enter



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

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

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

182 (a) To expend, upon appropriation by the Legislature,
183 any revenue generated by the State Veterans Homes in support of
184 the State Veterans Homes;

185 (b) To enter into loan or scholarship agreements with
186 employees or students to provide educational assistance where such
187 student or employee agrees to work for a stipulated period of time
188 for the board. Under this agreement the employee will agree to
189 commit to up to three (3) years but no less than one (1) year, to
190 be determined by the employment position and the amount of student
191 debt; provided, however, no State General Fund monies shall be
192 used for such purposes and the majority of funds for such purposes
193 shall be provided through programs established by the Mississippi
194 Department of Health, the United States Department of Health and
195 Human Services, and the United States Department of Veterans
196 Affairs; and

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



199 the State Veterans Homes where such disposition is consistent with
200 the homes' purposes or where such property is deemed by the board
201 or its designee to be surplus or otherwise unneeded. The State
202 Veterans Affairs Board shall develop and submit an annual report
203 to the Legislature on any such sale or disposition and shall
204 ensure that the proceeds shall be used to defray the operation of
205 the State Veterans Homes.

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

211 **SECTION 4.** Section 35-7-5, Mississippi Code of 1972, is
212 amended as follows:

213 35-7-5. When used in this chapter, the word or term:

214 (a) "Veterans" includes:

215 (i) Any person who, upon presentation of his
216 United States armed services record is eligible for a certificate
217 of eligibility for a home loan guaranty from the United States
218 Veterans' Administration.

219 (ii) Unremarried surviving spouses of the
220 above-described eligible persons who died as the result of service
221 or service-connected injuries. The unremarried spouse of any
222 eligible veteran who has not purchased a home since the veteran's
223 death shall be eligible for the benefits of this chapter, except



224 that the benefits of a Veterans' Administration guaranteed loan
225 will not be available.

226 (iii) The spouse of any member of the Armed Forces
227 serving on active duty who is listed as missing in action, or is a
228 prisoner of war, and has been so listed for a total of more than
229 ninety (90) days.

230 Any such person shall have been discharged under conditions
231 other than dishonorable from the branch of service in which he or
232 she served, shall have been a bona fide resident of the United
233 States of America at the time of his or her enlistment, induction,
234 commission or drafting, and shall have lived in this state for two
235 (2) years immediately preceding entry to extended active duty or
236 the filing of the purchase application, or have married a person
237 who has been a legal resident of this state for at least two (2)
238 consecutive years immediately preceding the marriage and
239 application.

240 The veteran must obtain a certificate of eligibility for home
241 loan guaranty from the Veterans' Administration and present both
242 an original certificate and a record of service or original
243 discharge (DD 214) to the board.

244 (b) "Applicant" is a person meeting the criteria of
245 "veteran" who has made written application to the board in the
246 format prescribed by the board.

247 (c) "Mortgagor" is the person described as "applicant"
248 who has subsequently executed a deed of trust on real property to



249 the board, and may otherwise be described as "owner" or title
250 holder.

251 (d) "Board" means the Veterans' Home Purchase Board of
252 the State of Mississippi. From and after July 1, 2024, the term
253 "board" means the State Veterans Affairs Board created in Section
254 35-1-1.

255 (e) "Home" means a parcel of real estate upon which
256 there is a single family dwelling house and such other buildings
257 as will, in the opinion of the board, suit the needs of the
258 purchaser and his dependents as a place of abode.

259 **SECTION 5.** Section 35-7-7, Mississippi Code of 1972, is
260 amended as follows:

261 35-7-7. The administration of the provisions hereof is
262 vested in * * * the State Veterans Affairs Board. * * * The
263 Veterans' Home Purchase Board is abolished and the terms of the
264 members of the Veterans' Home Purchase Board serving before July
265 1, 2024, are terminated effective July 1, 2024.

266 * * *

267 From and after July 1, 2024, all funds, staff, assets and/or
268 liabilities of the Veterans' Home Purchase Board under this
269 chapter before July 1, 2024, shall be under the control of and
270 shall be the responsibility of the State Veterans Affairs Board.

271 **SECTION 6.** Section 35-7-11, Mississippi Code of 1972, is
272 brought forward as follows:



273 35-7-11. The board is hereby authorized to establish offices
274 and employ an adequate staff to serve the citizens of Mississippi
275 as it deems necessary; and the expenses of such offices shall be
276 included within the administrative cost limitation prescribed in
277 Section 35-7-9. The board may utilize the services of county
278 veterans service officers and other such persons in contact with
279 the veteran community to advise and assist the board; however,
280 such persons assisting shall not be employees nor officially
281 represent the board, and shall perform their services without cost
282 to the board.

283 **SECTION 7.** This act shall take effect and be in force from
284 and after July 1, 2024.

