

By: Senator(s) Tate

To: Veterans and Military  
Affairs; Judiciary, Division  
A

SENATE BILL NO. 2515

1 AN ACT TO AMEND SECTION 35-1-7, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT THE STATE VETERANS AFFAIRS BOARD SHALL HAVE 30 DAYS'  
 3 WRITTEN NOTICE TO PROCESS A VETERAN'S CLAIM THROUGH POWER OF  
 4 ATTORNEY; TO PROHIBIT UNETHICAL CONDUCT AND IMPROPER COLLECTION OF  
 5 FEES RELATING TO ASSISTANCE OR REFERRALS IN VETERANS BENEFITS  
 6 MATTERS; TO PROVIDE THAT ANY PERSON WHO RECEIVES COMPENSATION FOR  
 7 ASSISTING AN INDIVIDUAL REGARDING ANY VETERANS BENEFITS IS HELD TO  
 8 THE SAME ETHICAL STANDARD AS AN ATTORNEY; TO PROVIDE THAT A  
 9 VIOLATION OF THIS ACT SHALL BE DEEMED A DECEPTIVE TRADE PRACTICE  
 10 ACTIONABLE BY THE ATTORNEY GENERAL'S OFFICE OF CONSUMER  
 11 PROTECTION; TO AMEND SECTIONS 75-24-5, 75-24-15 AND 35-3-21,  
 12 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

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

16 35-1-7. (1) The duties of the State Veterans Affairs Board  
 17 shall be to assist former and present members of the Armed Forces  
 18 of the United States, and their dependents, in securing any  
 19 benefits or privileges under any federal or state law or  
 20 regulation to which they are entitled and to advise the Governor  
 21 and Legislature on veterans affairs. Moreover, veterans or their  
 22 dependents shall be given their choice of organizations to



23 represent them in instances where a case is appealed, and the  
24 board shall lend its full cooperation in connection therewith.

25 (2) The board and its employees shall cooperate fully with  
26 all congressionally chartered veterans organizations within the  
27 state, including servicing the power of attorney of the  
28 congressionally chartered veterans organizations upon the request  
29 of the organizations to the State Veterans Affairs Board in the  
30 prosecution of all claims on behalf of veterans. However, all  
31 powers of attorney to the State Veterans Affairs Board shall be  
32 processed first, and thereafter, powers of attorney shall be  
33 processed for veterans organizations in the ratio that the  
34 membership of the organization bears to the total number of  
35 veterans residing in Mississippi. The State Veterans Affairs  
36 Board shall have thirty (30) days' written notice in order to  
37 process a claim through a Power of Attorney. If the appeal time  
38 is less than thirty (30) days, the State Veterans Affairs Board  
39 may only advise the veteran with the claim.

40 (3) The State Veterans Affairs Board is designated as the  
41 "state approving agency" for the State of Mississippi. It shall  
42 be the duty of the State Veterans Affairs Board to inspect,  
43 approve and supervise schools, institutions and establishments for  
44 war orphan and veteran training as provided in Section 1771,  
45 Chapter 35, Title 38, United States Code, and in any subsequent  
46 acts passed by the Congress of the United States for the purpose  
47 of education and training of war orphans or former and present



48 members of the Armed Forces of the United States. The State  
49 Veterans Affairs Board is authorized to employ the needed  
50 personnel to perform the duties as outlined in Section 1771,  
51 Chapter 35, Title 38, United States Code, and in any subsequent  
52 acts as enacted by the Congress of the United States, and to enter  
53 into contract with the Department of Veterans Affairs for salary  
54 and travel reimbursement for personnel employed for this purpose.

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

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

61 (a) To expend, upon appropriation by the Legislature,  
62 any revenue generated by the State Veterans Homes in support of  
63 the State Veterans Homes;

64 (b) To enter into loan or scholarship agreements with  
65 employees or students to provide educational assistance where such  
66 student or employee agrees to work for a stipulated period of time  
67 for the board. Under this agreement the employee will agree to  
68 commit to up to three (3) years but no less than one (1) year, to  
69 be determined by the employment position and the amount of student  
70 debt; provided, however, no State General Fund monies shall be  
71 used for such purposes and the majority of funds for such purposes  
72 shall be provided through programs established by the Mississippi



73 Department of Health, the United States Department of Health and  
74 Human Services, and the United States Department of Veterans  
75 Affairs; and

76 (c) To sell or otherwise dispose of any chattel  
77 property of the State Veterans Affairs Board used in operation of  
78 the State Veterans Homes where such disposition is consistent with  
79 the homes' purposes or where such property is deemed by the board  
80 or its designee to be surplus or otherwise unneeded. The State  
81 Veterans Affairs Board shall develop and submit an annual report  
82 to the Legislature on any such sale or disposition and shall  
83 ensure that the proceeds shall be used to defray the operation of  
84 the State Veterans Homes.

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

90 **SECTION 2.** (1) For purposes of Section 2 of this act:

91 (a) "Compensation" means payment of any money, thing of  
92 value or financial benefit.

93 (b) "Veterans benefits matter" means the preparation,  
94 presentation or prosecution of any claim affecting any person who  
95 has filed or expressed an intent to file a claim for any benefit,  
96 program, service, commodity, function or status, to which  
97 entitlement is determined under the laws and regulations



98 administered by the United States Department of Veterans Affairs,  
99 the United States Department of Defense, or the Mississippi  
100 Department of Veterans' Affairs pertaining to veterans, their  
101 dependents or survivors, or any other individual eligible for such  
102 benefit, program, service, commodity, function or status.

103 (2) Except as permitted under federal law, no person shall  
104 receive compensation for preparing, presenting, prosecuting,  
105 advising, consulting or assisting any individual with regard to  
106 any veterans benefits matter before the United States Department  
107 of Veterans Affairs, the United States Department of Defense, or  
108 the Mississippi Department of Veterans' Affairs.

109 (3) No person shall receive compensation for referring any  
110 individual to another person to prepare, present, prosecute,  
111 advise, consult or assist regarding any veterans benefits matter  
112 before the United States Department of Veterans Affairs, the  
113 United States Department of Defense, or the Mississippi Department  
114 of Veterans' Affairs.

115 (4) Nothing in this section shall be construed to prohibit a  
116 division of fees between licensed attorneys that is otherwise  
117 proper under the Rules of Professional Conduct of The Mississippi  
118 Bar.

119 (5) A violation of this section shall be a deceptive trade  
120 practice under Section 75-24-5, Mississippi Code of 1972,  
121 actionable by the Mississippi Attorney General.



122 (6) Any person who receives compensation for preparing,  
123 presenting, prosecuting, advising, consulting or assisting an  
124 individual with regard to any veterans benefits matter before the  
125 United States Department of Veterans Affairs, the United States  
126 Department of Defense, or the Mississippi Department of Veterans'  
127 Affairs shall be held to the same ethical standards as an attorney  
128 is held to in the Rules of Professional Conduct of The Mississippi  
129 Bar regarding the following areas:

- 130 (a) Advertising;
- 131 (b) Solicitation of new clients;
- 132 (c) Confidentiality;
- 133 (d) Duty of care;
- 134 (e) Duty of honesty; and
- 135 (f) Duty to zealously pursue what is in the best  
136 interest of the client.

137 (7) Any person preparing or assisting any individual with  
138 regard to any veteran's benefits shall comply with the provisions  
139 of Section 75-24-15(5) relating to claims filed on behalf of  
140 veterans.

141 **SECTION 3.** Section 75-24-5, Mississippi Code of 1972, is  
142 amended as follows:

143 75-24-5. (1) Unfair methods of competition affecting  
144 commerce and unfair or deceptive trade practices in or affecting  
145 commerce are prohibited. Action may be brought under Section  
146 75-24-5(1) only under the provisions of Section 75-24-9.



147           (2) Without limiting the scope of subsection (1) of this  
148 section, the following unfair methods of competition and unfair or  
149 deceptive trade practices or acts in the conduct of any trade or  
150 commerce are hereby prohibited:

151           (a) Passing off goods or services as those of another;

152           (b) Misrepresentation of the source, sponsorship,  
153 approval, or certification of goods or services;

154           (c) Misrepresentation of affiliation, connection, or  
155 association with, or certification by another;

156           (d) Misrepresentation of designations of geographic  
157 origin in connection with goods or services;

158           (e) Representing that goods or services have  
159 sponsorship, approval, characteristics, ingredients, uses,  
160 benefits, or quantities that they do not have or that a person has  
161 a sponsorship, approval, status, affiliation, or connection that  
162 he does not have;

163           (f) Representing that goods are original or new if they  
164 are reconditioned, reclaimed, used, or secondhand;

165           (g) Representing that goods or services are of a  
166 particular standard, quality, or grade, or that goods are of a  
167 particular style or model, if they are of another;

168           (h) Disparaging the goods, services, or business of  
169 another by false or misleading representation of fact;

170           (i) Advertising goods or services with intent not to  
171 sell them as advertised;



172           (j) Advertising goods or services with intent not to  
173 supply reasonably expectable public demand, unless the  
174 advertisement discloses a limitation of quantity;

175           (k) Misrepresentations of fact concerning the reasons  
176 for, existence of, or amounts of price reductions;

177           (l) Advertising by or on behalf of any licensed or  
178 regulated health care professional which does not specifically  
179 describe the license or qualifications of the licensed or  
180 regulated health care professional;

181           (m) Charging an increased premium for reinstating a  
182 motor vehicle insurance policy that was cancelled or suspended by  
183 the insured solely for the reason that he was transferred out of  
184 this state while serving in the United States Armed Forces or on  
185 active duty in the National Guard or United States Armed Forces  
186 Reserve. It is also an unfair practice for an insurer to charge  
187 an increased premium for a new motor vehicle insurance policy if  
188 the applicant for coverage or his covered dependents were  
189 previously insured with a different insurer and canceled that  
190 policy solely for the reason that he was transferred out of this  
191 state while serving in the United States Armed Forces or on active  
192 duty in the National Guard or United States Armed Forces Reserve.  
193 For purposes of determining premiums, an insurer shall consider  
194 such persons as having maintained continuous coverage. The  
195 provisions of this paragraph (m) shall apply only to such





196 instances when the insured does not drive the vehicle during the  
197 period of cancellation or suspension of his policy;

198 (n) Violating the provisions of Section 75-24-8; \* \* \*

199 (o) Violating the provisions of Section 73-3-38 \* \* \*;

200 and

201 (p) Violating the provisions of Section 2 of this act  
202 relating to improper collection of fees in veterans assistance  
203 matters.

204 **SECTION 4.** Section 75-24-15, Mississippi Code of 1972, is  
205 amended as follows:

206 75-24-15. (1) In addition to all other statutory and common  
207 law rights, remedies and defenses, any person who purchases or  
208 leases goods or services primarily for personal, family or  
209 household purposes and thereby suffers any ascertainable loss of  
210 money or property, real or personal, as a result of the use or  
211 employment by the seller, lessor, manufacturer or producer of a  
212 method, act or practice prohibited by Section 75-24-5 may bring an  
213 action at law in the court having jurisdiction in the county in  
214 which the seller, lessor, manufacturer or producer resides, or has  
215 his principal place of business or, where the act or practice  
216 prohibited by Section 75-24-5 allegedly occurred, to recover such  
217 loss of money or damages for the loss of such property, or may  
218 assert, by way of setoff or counterclaim, the fact of such loss in  
219 a proceeding against him for the recovery of the purchase price or  
220 rental, or any portion thereof, of the goods or services.



221 (2) In any private action brought under this chapter, the  
222 plaintiff must have first made a reasonable attempt to resolve any  
223 claim through an informal dispute settlement program approved by  
224 the Attorney General.

225 (3) In any action or counterclaim under this section of this  
226 chapter, a prevailing defendant may recover in addition to any  
227 other relief that may be provided in this section costs and a  
228 reasonable attorney's fee, if in the opinion of the court, said  
229 action or counterclaim was frivolous or filed for the purpose of  
230 harassment or delay.

231 (4) Nothing in this chapter shall be construed to permit any  
232 class action or suit, but every private action must be maintained  
233 in the name of and for the sole use and benefit of the individual  
234 person.

235 (5) In any claim under this section filed on behalf of a  
236 veteran that charges the veteran a fee for the service shall  
237 include a form signed by the veteran acknowledging that **"THE STATE**  
238 **OF MISSISSIPPI THROUGH THE MISSISSIPPI STATE VETERANS AFFAIRS**  
239 **BOARD OFFERS THE SAME OR SIMILAR SERVICE FREE OF CHARGE."** The  
240 veteran must sign this form stating that he/she has read and  
241 understands it. The statement signed by the veteran shall be of a  
242 **BOLD font** at least one hundred twenty percent (120%) larger than  
243 the font of the claim document filed on behalf of the veteran.  
244 Any such claim shall also comply with the provisions of Section 2  
245 of this act relating to claims filed on behalf of veterans.



246           **SECTION 5.** Section 35-3-21, Mississippi Code of 1972, is  
247 amended as follows:

248           35-3-21. In order to maintain offices and pay personnel for  
249 the purpose of assisting all residents of the State of Mississippi  
250 who served in the military or naval forces of the United States  
251 during any war, their relatives, beneficiaries or dependents, to  
252 receive from the United States any and all compensation,  
253 hospitalization, insurance or other aid or benefits to which they  
254 may be entitled under existing or hereafter enacted laws of the  
255 United States, the boards of supervisors in the various counties  
256 in the state are hereby authorized and empowered, in their  
257 discretion, to expend out of the general county fund, or special  
258 veterans' fund herein authorized to be set up, or from both of  
259 such funds, such monies necessary to defray the office operating  
260 expenses and salary of the county veteran service officers.

261           Two (2) or more counties may, upon resolution duly adopted by  
262 the board of supervisors of each of such counties, agree to  
263 establish one (1) veteran service office for all of such counties.  
264 When two (2) or more counties enter into such an agreement, each  
265 county shall pay such amount mutually agreed upon and duly adopted  
266 by resolution of the respective boards of supervisors.

267           County veteran service officers shall be (a) honorably  
268 discharged or honorably released veterans; (b) the surviving  
269 spouse or child of any such veteran, living or deceased; or (c)  
270 any person employed as a county veteran service officer in any



271 county of this state on March 30, 1990. From and after July 1,  
272 1990, county veteran service officers shall be certified by the  
273 Mississippi State Veterans Affairs Board which, among any other  
274 criteria it may establish, shall require such officers to (a)  
275 attend one (1) of the annual training programs provided for such  
276 officers by the Mississippi State Veterans Affairs Board, (b)  
277 successfully complete a written examination each year on the  
278 duties and responsibilities of and assistance available to such  
279 officers and veterans, (c) have certification and be accredited  
280 according to 38 CFR Section 14.629 administered by the Mississippi  
281 State Veterans Affairs Board, and (d) follow the rules and  
282 regulations promulgated by the Mississippi State Veterans Affairs  
283 Board. County veteran service officers who annually receive and  
284 complete such instruction in a manner satisfactory to the Veterans  
285 Affairs Board and in accordance with this section shall be  
286 certified by the board. No county veteran service officer shall  
287 be entitled to receive any compensation for his services, to which  
288 he is otherwise entitled by law, unless he is annually certified  
289 by the board. Persons who cannot meet the accreditation standards  
290 of hours worked for county veteran service officers may be  
291 certified by the Mississippi State Veterans Affairs Board as  
292 Veterans Resource Advisors and be entitled to receive any  
293 compensation for his services as authorized by law.



294 County veteran service officers may be employed, in the  
295 discretion of the boards of supervisors, either full time or part  
296 time.

297 County veteran service officers shall be authorized and  
298 empowered to act for a veteran under a written power of attorney  
299 authorized by the veteran for the purpose of assisting with  
300 claims, benefits, and appeals in an administrative hearing before  
301 the United States Department of Veterans Affairs and any of its  
302 boards or departments, and shall be immune from legal action only  
303 for such actions except in cases of abuse, fraud or breach of  
304 fiduciary duty. County veteran service officers are exempt from  
305 the provisions of Section 2 of this act relating to improper  
306 collection of fees in veterans benefits matters.

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

310 The boards of supervisors of the various counties are further  
311 authorized and empowered to pay all necessary and actual expenses  
312 of county veteran service officers who attend a school of  
313 instruction within the State of Mississippi for such county  
314 veteran service officers.

315 It shall also be the duty of the boards of supervisors to aid  
316 the United States to defeat all unjust claims for aid or benefit  
317 therefrom.



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

321           In the event that the general revenues of the county levied  
322 under and within the limits of existing taxing statutes are not  
323 sufficient to pay the expenses authorized herein, the board of  
324 supervisors may, in its discretion, levy an additional tax not to  
325 exceed one (1) mill on all taxable property in the county to  
326 defray such expenses or any part thereof. Any tax levy made under  
327 authority of this chapter shall not be considered in refunding  
328 homestead exemption losses under Title 27, Chapter 33, Mississippi  
329 Code of 1972.

330           **SECTION 6.** This act shall take effect and be in force from  
331 and after July 1, 2024.

