

1 ENROLLED

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 4268**

5
6 (By Delegates Iaquinta, Boggs, Fleischauer, Longstreth, Perry,
7 Morgan, Wells, Poore, D. Evans and Lane)

8 [Passed March 8, 2014; in effect ninety days from passage.]
9

10 AN ACT to repeal §9A-1-13, §9A-1-14 and §9A-1-15 of the Code of
11 West Virginia, 1931, as amended; and to amend and reenact §9A-
12 1-2, §9A-1-4, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10,
13 §9A-1-11 and §9A-1-12 of said code, all relating to the
14 Department of Veterans' Assistance; removing outdated
15 language; providing additional powers to the Secretary of
16 Department of Veteran's Assistance; modifying the duties of
17 the Veterans' Council; authorizing the Secretary to award
18 grants to provide transportation for veterans; and authorizing
19 the Secretary of the Department of Veterans' Assistance to
20 enter into agreement with the Commissioner of the Department
21 of Agriculture to transfer certain property for construction
22 of a veterans skilled nursing facility.

23 *Be it enacted by the Legislature of West Virginia:*

24 That §9A-1-13, §9A-1-14 and §9A-1-15 of the Code of West
25 Virginia, 1931, as amended, be repealed; and that §9A-1-2, §9A-1-4,

1 §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12
2 of said code be amended and reenacted, all to read as follows:

3 **CHAPTER 9A. VETERANS' ASSISTANCE.**

4 **ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.**

5 **§9A-1-2. Veterans' Council; administration of department.**

6 (a) There is continued the "Veterans' Council" consisting of
7 nine members who must be citizens and residents of this state and
8 who have served in and been honorably discharged or separated under
9 honorable conditions from the Armed Forces of the United States and
10 whose service was within a time of war as defined by the laws of
11 the United States.

12 (b) Where feasible, two members of the council shall be
13 veterans of either World War II or the Korean Conflict, at least
14 two members of the council shall be veterans of the Vietnam era, at
15 least one member shall be a veteran of the first Gulf War and at
16 least one member shall be a veteran of the Afghanistan or Iraqi
17 Conflicts. The members of the veterans' council shall be selected
18 with special reference to their ability and fitness to effectuate
19 the purposes of this article. If an eligible veteran is not
20 available or cannot be selected, a veteran who is a citizen and
21 resident of this state, who served in and was honorably discharged
22 or separated under honorable conditions from the Armed Forces of
23 the United States and who served during any time of war or peace
24 may be selected.

25 (c) The secretary and such officers, assistants and employees

1 as the secretary considers advisable, shall administer the West
2 Virginia Department of Veterans' Assistance.

3 **§9A-1-4. Duties and functions of Veterans' Council; appointment of**
4 **secretary; honoring academic achievement at military**
5 **academies.**

6 (a) It is the duty and function of The Veterans' Council to
7 advise the secretary on the general administrative policies of the
8 department, to select, at their first meeting in each fiscal year
9 commencing on July 1, a chairperson to serve one year, to advise
10 the secretary on rules as may be necessary, to advise the Governor
11 and the Legislature with respect to legislation affecting the
12 interests of veterans, their widows, widowers, dependents and
13 orphans and to make annual reports to the Governor respecting the
14 service of the department. The secretary has the same eligibility
15 and qualifications prescribed for members of the Veterans' Council.
16 The secretary ex officio shall maintain all records of the
17 Veterans' Council.

18 (b) The Veterans' Council may annually honor each West
19 Virginian graduating from the U. S. Military Academy, the U. S.
20 Naval Academy, the U. S. Air Force Academy and the U. S. Coast
21 Guard Academy with the highest grade point average by bestowing
22 upon him or her the West Augusta Award. The award shall be in a
23 design and form established by the council and include the famous
24 Revolutionary War phrase from which the award's name is derived:
25 "Once again our brethren from West Augusta have answered the call

1 to duty." The council shall coordinate the manner of recognition
2 of the recipient at graduation ceremonies with each academy.

3 **§9A-1-5. Compensation to and expenses of Secretary and Veterans'**
4 **Council members; meetings of Veterans' Council.**

5 (a) The secretary shall receive an annual salary as provided
6 in section two-a, article seven, chapter six of this code and
7 necessary traveling expenses incident to the performance of his or
8 her duties.

9 (b) The members of the Veterans' Council shall receive no
10 salary, but each member shall receive the same compensation and
11 expense reimbursement as is paid to members of the Legislature for
12 their interim duties as recommended by the Citizens Legislative
13 Compensation Commission and authorized by law for each day or
14 portion thereof engaged in the discharge of official duties. The
15 requisition for such expenses and traveling expenses shall be
16 accompanied by a sworn and itemized statement, which shall be filed
17 with the Auditor and permanently preserved as a public record.

18 (c) The Veterans' Council shall meet on the call of its
19 chairman, except as otherwise provided.

20 (d) The Veterans' Council shall meet not more than once every
21 two months at such times as may be determined by and upon the call
22 of the chairman for a period of not more than two days, unless
23 there should be an emergency requiring a special meeting or for a
24 longer period and so declared and called by the Governor or by the
25 chairman with the approval of the Governor.

26 (e) A majority of the members of the Veterans' Council in

1 office shall constitute a quorum for the conduct of official
2 business.

3 **§9A-1-6. Oaths.**

4 The members of the Veterans' Council, the secretary and the
5 officers of the department shall take and subscribe to the oath
6 prescribed by article four, section five of the state Constitution
7 before entering on their duties. Their oaths shall be filed with
8 the Secretary of State.

9 **§9A-1-8. Offices.**

10 (a) The offices of the secretary shall be located at the state
11 capitol or other place provided in the capital city. The secretary
12 shall keep his or her offices open at all reasonable times for the
13 transaction of business.

14 (b) The offices and meeting place of the Veterans' Council
15 shall be in the offices of the secretary: *Provided*, That the
16 Veterans' Council with the approval of the Governor may hold
17 meetings at other places but not outside of this state, except in
18 the District of Columbia.

19 **§9A-1-9. Duties of department.**

20 The department of veterans' assistance shall:

21 (1) Assist veterans, their widows, widowers, dependents and
22 orphans within the state, in properly presenting their claims
23 before the United States Veterans' Administration, its
24 administrator, or any federal agency, the State of West Virginia,
25 or any of the several states of the United States, when the claims

1 arise out of service with the armed forces of the United States as
2 defined in section one of this article;

3 (2) Contact all veterans' organizations in this state through
4 their duly elected or appointive officers to effectuate the
5 purposes of this article and aid in the efficiency of the
6 operations of the department;

7 (3) Render all possible and proper advice, assistance and
8 counsel to veterans, their families, and their widows, dependents
9 and orphans, within the state, and furnish them information on
10 compensation, allowances, pensions, insurance, rehabilitation,
11 hospitalization, education, vocational training, or refresher or
12 retraining courses in education or training, employment, loans or
13 aid for the purchase, acquisition or construction of homes, farms,
14 farm equipment and business property, preference in the purchase of
15 property and preference in employment, as provided or may be
16 provided by any federal act, any federal agency, this state or
17 other states;

18 (4) Make careful inquiry into all claims presented for payment
19 out of the State Treasury from any appropriation made for the
20 benefit of veterans, their widows, widowers, dependents and
21 orphans.

22 **§9A-1-10. Powers and duties of secretary.**

23 The secretary is the executive and administrative head of the
24 department and has the power and duty, subject to the provisions of
25 section four of this article, to:

26 (a) Supervise and put into effect the purposes and provisions

1 of this article and the rules for the government of the department;

2 (b) Prescribe methods pertaining to investigations and
3 reinvestigations of all claims and to the rights and interests of
4 all veterans, their widows, widowers, dependents and orphans;

5 (c) Prescribe uniform methods of keeping all records and case
6 records of the veterans, their widows, widowers, dependents and
7 orphans;

8 (d) Sign and execute, in the name of the state by West
9 Virginia Department of Veterans' Assistance, any contract or
10 agreement with the federal government or its agencies, other
11 states, subdivisions of this state, corporations, associations,
12 partnerships or individuals;

13 (e) Supervise the fiscal affairs and responsibilities of the
14 department;

15 (f) Organize the department to comply with the requirements of
16 this article and with the standards required by any federal act or
17 any federal agency;

18 (g) Establish any regional or area offices throughout the
19 state that are necessary to promote efficiency and economy in
20 administration;

21 (h) Make reports that comply with the requirements of any
22 federal act or federal agency and the provisions of this article;

23 (i) Cooperate with the federal and state governments for the
24 more effective attainment of the purposes of this article;

25 (j) Keep a complete and accurate record of all proceedings;
26 record and file all contracts and agreements and assume

1 responsibility for the custody and preservation of all papers and
2 documents pertaining to his or her office and the department;

3 (k) Prepare for the Veterans' Council the annual reports to
4 the Governor of the condition, operation and functioning of the
5 department;

6 (l) Exercise any other powers necessary and proper to
7 standardize the work; to expedite the service and business; to
8 assure fair consideration of the rights and interests and claims of
9 veterans, their widows, widowers, dependents and orphans; to
10 provide resources for a program which will promote a greater
11 outreach to veterans and which will advise them of the benefits and
12 services that are available; and to promote the efficiency of the
13 department;

14 (m) Invoke any legal, equitable or special remedies for the
15 enforcement of his or her orders or the provisions of this article;

16 (n) Appoint the officers and heads of divisions of the
17 department, and of regional or area offices, and employ assistants
18 and employees, including case managers and counselors, that are
19 necessary for the efficient operation of the department;

20 (o) Provide resources and assistance in the development of an
21 Internet website which is to be used to inform veterans of programs
22 and services available to them through the department and the state
23 and federal governments;

24 (p) Delegate to all or any of his or her appointees,
25 assistants or employees all powers and duties vested in the
26 secretary, except the power to sign and execute contracts and

1 agreements: *Provided*, That the secretary shall be responsible for
2 the acts of his or her appointees, assistants and employees;

3 (q) Award grants, in his or her discretion, subject to
4 available appropriations, to provide for the transportation of
5 veterans to veterans' hospitals from the veteran's home or local
6 Veterans' Assistance offices; and

7 (r) Enter into an agreement with the Commissioner of the
8 Department of Agriculture to transfer without consideration all or
9 part of the approximately seventeen acres of the Department of
10 Agriculture property in Beckley, West Virginia, located adjacent to
11 the Jackie Withrow Hospital which was formerly known as Pinecrest
12 Hospital, for construction of a veterans skilled nursing facility.

13 **§9A-1-11. Establishment of veterans facilities support fund;**
14 **authorized expenditures.**

15 (a) There is continued in the State Treasury a special revenue
16 fund to be designated and known as the Veterans Facilities Support
17 Fund which shall be administered by the secretary.

18 (b) All interest or other returns earned on the investment of
19 the moneys in the fund shall be credited to the fund.

20 (c) Funds paid into the account shall be derived from the
21 following sources: (1) Any gift, grant, bequest, endowed fund or
22 donation which may be received by any veterans facility created by
23 statute from any governmental entity or unit or any person, firm,
24 foundation or corporation; and (2) All interest or other return on
25 investment accruing to the fund.

26 (d) Moneys in the fund are to be used for the operational

1 costs of any veterans facility created by statute, the acquisition,
2 design, construction, equipping, furnishing, including, without
3 limitation, the payment of debt service on bonds issued to finance
4 the foregoing and/or as otherwise designated or specified by the
5 donor.

6 (e) Any balance, including accrued interest or other earnings,
7 in this special fund at the end of any fiscal year shall not revert
8 to the General Revenue Fund but shall remain in the fund.

9 (f) Funds from the Veterans Facility Support Fund for
10 operational costs of any veterans' facility as defined in this
11 section will be distributed by appropriation of the Legislature.

12 (g) Funds from the Veterans Facility Support Fund for the
13 acquisition, design, construction, equipping, furnishing,
14 including, without limitation, the payment of debt service on bonds
15 issued to finance the veterans nursing home shall be transferred to
16 the Veterans Nursing Home Building Fund upon written request of the
17 secretary.

18 **§9A-1-12. Legal assistance.**

19 The Attorney General of the state and his or her assistants,
20 and the prosecuting attorneys of the various counties, shall render
21 to the Veterans' Council or secretary, such legal services as may
22 be required in the discharge of the provisions of this article.