

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 449**

4 (By Senators Wells, Yost, Jenkins and Fitzsimmons)

5 \_\_\_\_\_  
6 [Originating in the Committee on Military;  
7 reported February 12, 2014.]

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12 A BILL to amend and reenact §9A-1-2, §9A-1-5, §9A-1-6, §9A-1-8,  
13 §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of the Code of West  
14 Virginia, 1931, as amended, all relating to the administration  
15 of the Department of Veterans' Assistance; redesignating  
16 employment positions within the department; providing  
17 additional power and authority to the secretary; modifying  
18 duties of the Veterans' Council; authorizing the award of  
19 grants to support the transportation of veterans to veterans'  
20 hospitals or to veterans' assistance offices; and revising  
21 language related to the Veterans Facilities Support Fund,  
22 which is continued, to include an additional veterans' skilled  
23 nursing facility in Beckley, West Virginia, and providing for  
24 the acquisition of property on which to build the facility.

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

2       That §9A-1-2, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10,  
3 §9A-1-11 and §9A-1-12 of the Code of West Virginia, 1931, as  
4 amended, be amended and reenacted, all to read as follows:

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

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

7 **§9A-1-2. Veterans' Council; administration of department.**

8       There is continued the "Veterans' Council" consisting of nine  
9 members who must be citizens and residents of this state and who  
10 have served in and been honorably discharged or separated under  
11 honorable conditions from the Armed Forces of the United States and  
12 whose service was within a time of war as defined by the laws of  
13 the United States, either Public Law No. 2 -- 73rd Congress, or  
14 Public Law No. 346 -- 78th Congress, and amendments thereto. Where  
15 feasible, two members of the council shall be veterans of either  
16 World War II or the Korean Conflict, at least two members of the  
17 council shall be veterans of the Vietnam era, at least one member  
18 shall be a veteran of the first Gulf War and at least one member  
19 shall be a veteran of the Afghanistan or Iraqi Conflicts. The  
20 members of the veterans' council shall be selected with special  
21 reference to their ability and fitness to effectuate the purposes  
22 of this article. If an eligible veteran is not available or cannot  
23 be selected, a veteran who is a citizen and resident of this state,  
24 who served in and was honorably discharged or separated under

1 honorable conditions from the Armed Forces of the United States and  
2 who served during any time of war or peace may be selected.

3       A The secretary and ~~such veterans' affairs~~ officers,  
4 assistants and employees as the secretary considers advisable,  
5 shall administer the West Virginia Department of Veterans'  
6 Assistance.

7 **§9A-1-5. Compensation to and expenses of Secretary and Veterans'**  
8                   **Council members; meetings of Veterans' Council.**

9       (a) The ~~director~~ secretary shall receive an annual salary as  
10 provided in section two-a, article seven, chapter six of this code  
11 and necessary traveling expenses incident to the performance of his  
12 or her duties. ~~The salaries of the veterans' affairs officers,~~  
13 ~~assistants and employees shall be fixed by the Veterans' Council.~~  
14 The members of the Veterans' Council shall receive no salary, but  
15 each member shall receive the same compensation and expense  
16 reimbursement as is paid to members of the Legislature for their  
17 interim duties as recommended by the Citizens Legislative  
18 Compensation Commission and authorized by law for each day or  
19 portion thereof engaged in the discharge of official duties. The  
20 requisition for such expenses and traveling expenses shall be  
21 accompanied by a sworn and itemized statement, which shall be filed  
22 with the Auditor and permanently preserved as a public record.

23       (b) The Veterans' Council shall ~~hold its initial meeting on~~  
24 ~~the call of the Governor, and thereafter shall meet on the call of~~

1 its chairman, except as otherwise provided. ~~With the exception of~~  
2 ~~the first three meetings of the Veterans' Council, none of which~~  
3 ~~shall be of a duration longer than two weeks each, for~~  
4 ~~organizational purposes, the~~ The Veterans' Council shall meet not  
5 more than once every two months at such times as may be determined  
6 by and upon the call of the chairman for a period of not more than  
7 two days, unless there should be an emergency requiring a special  
8 meeting or for a longer period and so declared and called by the  
9 Governor or by the chairman with the approval of the Governor. A  
10 majority of the members of the Veterans' Council shall constitute  
11 a quorum for the conduct of official business.

12 **§9A-1-6. Oaths.**

13 The members of the Veterans' Council, the ~~director~~ secretary  
14 and the ~~veterans' affairs~~ officers of the department shall take and  
15 subscribe to the oath prescribed by article four, section five of  
16 the state Constitution before entering on their duties. Their  
17 oaths shall be filed with the Secretary of State.

18 **§9A-1-8. Offices.**

19 The offices of the ~~director~~ secretary shall be located at the  
20 state capitol or other place provided in the capital city. The  
21 ~~director~~ secretary shall keep his or her offices open at all  
22 reasonable times for the transaction of business. The offices and  
23 meeting place of the Veterans' Council shall be in the offices of  
24 the ~~director~~ secretary: *Provided*, That the Veterans' Council with

1 the approval of the Governor may hold meetings at other places but  
2 not outside of this state, except in the District of Columbia.

3 **§9A-1-9. Duties of department.**

4 The ~~division~~ Department of Veterans' Affairs Assistance of West  
5 Virginia shall:

6 (1) Assist veterans, their widows, dependents and orphans  
7 within the state, in properly presenting their claims before the  
8 United States Veterans' Administration, its administrator, or any  
9 federal agency, the State of West Virginia, or any of the several  
10 states of the United States, when the claims arise out of service  
11 with the Armed Forces of the United States as defined in section  
12 one of this article;

13 (2) Contact all veterans' organizations in this state through  
14 their duly elected or appointive officers to effectuate the  
15 purposes of this article and aid in the efficiency of the  
16 operations of the ~~division~~ department;

17 (3) Render all possible and proper advice, assistance and  
18 counsel to veterans, their families, and their widows, dependents  
19 and orphans, within the state, and furnish them information on  
20 compensation, allowances, pensions, insurance, rehabilitation,  
21 hospitalization, education, vocational training, or refresher or  
22 retraining courses in education or training, employment, loans or  
23 aid for the purchase, acquisition or construction of homes, farms,  
24 farm equipment and business property, preference in the purchase of

1 property and preference in employment, as provided or may be  
2 provided by any federal act, any federal agency, this state or  
3 other states;

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

7 **§9A-1-10. Additional powers and duties of secretary.**

8 The ~~director~~ secretary is the executive and administrative  
9 head of the ~~division~~ department and has the power and duty, subject  
10 to the provisions of section four of this article, to:

11 (a) Supervise and put into effect the purposes and provisions  
12 of this article and the rules for the government of the ~~division~~  
13 department;

14 (b) Prescribe methods pertaining to investigations and  
15 reinvestigations of all claims and to the rights and interests of  
16 all veterans, their widows, dependents and orphans;

17 (c) Prescribe uniform methods of keeping all records and case  
18 records of the veterans, their widows, dependents and orphans;

19 (d) Sign and execute, in the name of the state by the West  
20 Virginia ~~Division~~ Department of Veterans' ~~Affairs~~ Assistance, and  
21 ~~by and with the consent of the Veterans' Council,~~ any contract or  
22 agreement with the federal government or its agencies, other  
23 states, subdivisions of this state, corporations, associations,  
24 partnerships or individuals;

1 (e) Supervise the fiscal affairs and responsibilities of the  
2 ~~division~~ department;

3 (f) Organize the ~~division~~ department to comply with the  
4 requirements of this article and with the standards required by any  
5 federal act or any federal agency;

6 (g) Establish any regional or area offices throughout the  
7 state that are necessary to promote efficiency and economy in  
8 administration;

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

11 (I) Cooperate with the federal and state governments for the  
12 more effective attainment of the purposes of this article;

13 (j) Keep a complete and accurate record of all proceedings;  
14 record and file all contracts and agreements and assume  
15 responsibility for the custody and preservation of all papers and  
16 documents pertaining to his or her office and the ~~division~~  
17 department;

18 (k) Prepare for the Veterans' Council the annual reports to  
19 the Governor of the condition, operation and functioning of the  
20 ~~division~~ department;

21 (l) Exercise any other powers necessary and proper to  
22 standardize the work; to expedite the service and business; to  
23 assure fair consideration of the rights and interests and claims of  
24 veterans, their widows, dependents and orphans; to provide

1 resources for a program which will promote a greater outreach to  
2 veterans and which will advise them of the benefits and services  
3 that are available, and to promote the efficiency of the ~~division~~  
4 department;

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

7 (n) Appoint the ~~veterans' affairs~~ officers and heads of  
8 divisions of the ~~division~~ department, and of regional or area  
9 offices, and employ assistants and employees, including case  
10 managers and counselors, that are necessary for the efficient  
11 operation of the ~~division~~ department;

12 (o) Provide resources and assistance in the development of an  
13 Internet website which is to be used to inform veterans of programs  
14 and services available to them through the ~~division~~ department and  
15 the state and federal governments;

16 (p) Delegate to all or any of his or her appointees,  
17 assistants or employees all powers and duties vested in the  
18 ~~director~~ secretary, except the power to sign and execute contracts  
19 and agreements, but the ~~director~~ secretary shall be responsible for  
20 the acts of his or her appointees, assistants and employees; and

21 (q) ~~Provide volunteers who will drive or transport~~ Award  
22 grants, as he or she deems advisable, subject to available  
23 appropriations, for the purpose of supporting the transportation of  
24 veterans to veterans' hospitals from the veteran's home or local

1 veterans' ~~affairs~~ assistance offices. ~~and who shall be paid an~~  
2 ~~expense per diem of seventy five dollar.~~ The secretary shall,  
3 annually for the first three years after the effective date of the  
4 amendment to this section, report to the Joint Committee on  
5 Government and Finance as to the status of the grants awarded for  
6 the transportation of veterans. After reporting for the initial  
7 three year period, the secretary shall report to the joint  
8 committee once every three years.

9 **§9A-1-11. Establishment of Veterans Facilities Support Fund;**  
10 **authorized expenditures.**

11 There is hereby ~~created~~ continued in the State Treasury a  
12 special revenue fund to be designated and known as the Veterans  
13 Facilities Support Fund, which shall be administered by the  
14 secretary. All interest or other returns earned on the investment  
15 of the moneys in the fund shall be credited to the fund. Funds  
16 paid into the account shall be derived from the following sources:  
17 (1) Any gift, grant, bequest, endowed fund or donation which may be  
18 received by any veterans facility created by statute from any  
19 governmental entity or unit or any person, firm, foundation or  
20 corporation; and (2) all interest or other return on investment  
21 accruing to the fund. Moneys in the fund are to be used for the  
22 operational costs of any veterans facility created by statute, the  
23 acquisition, design, construction, equipping, furnishing,  
24 including, without limitation, the payment of debt service on bonds

1 issued to finance the foregoing and/or as otherwise designated or  
2 specified by the donor. Any balance, including accrued interest or  
3 other earnings, in this special fund at the end of any fiscal year  
4 shall not revert to the General Revenue Fund but shall remain in  
5 the fund. Funds from the Veterans Facility Support Fund for  
6 operational costs will be distributed by appropriation of the  
7 Legislature. Funds from the Veterans Facility Support Fund for the  
8 acquisition, design, construction, equipping, furnishing,  
9 including, without limitation, the payment of debt service on bonds  
10 issued to finance the veterans nursing home and an additional  
11 veterans skilled nursing facility to be located in Beckley, West  
12 Virginia, shall be transferred to the Veterans Nursing Home  
13 Building Fund upon written request of the ~~director of the division~~  
14 ~~of Veterans Affairs~~ Secretary of the Department of Veterans'  
15 Assistance to the Investment Management Board and the State  
16 Treasurer in accordance with the provisions of this section. The  
17 secretary is authorized to enter into an agreement with the  
18 Commissioner of the Department of Agriculture to transfer all or  
19 part of the approximately seventeen acres of Department of  
20 Agriculture property in Beckley, West Virginia, located adjacent to  
21 the Jackie Withrow Hospital which was formerly known as Pinecrest  
22 Hospital, for construction of a veterans skilled nursing facility.

23       **§9A-1-12. Legal assistance.**

24       The Attorney General of the state and his or her assistants,

1 and the prosecuting attorneys of the various counties, shall render  
2 to the Veterans' Council or ~~director~~ secretary, without additional  
3 compensation, such legal services as may be required in the  
4 discharge of the provisions of this article.

NOTE: The purpose of this bill is to provide consistent use of terms in the existing statutes governing the provision of assistance to veterans through the Department of Veterans' Assistance, to remove obsolete or superseded language, and to clarify and provide additional power and authority to the Department's secretary. The bill also authorizes funds from the Veterans Facility Support Fund, if appropriated, to be used for the construction of an additional veterans skilled nursing facility in Beckley.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.