

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 523**

7 (SENATORS GREEN, D. HALL, FACEMIRE, LAIRD, MCCABE, MILLER, PREZIOSO, WELLS,  
8 PLYMALE, CARMICHAEL, JENKINS, YOST AND STOLLINGS, *original sponsors*)

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10 [Passed March 8, 2014; in effect ninety days from passage.]  
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14 AN ACT to amend and reenact §9A-1-10 of the Code of West Virginia,  
15 1931, as amended; to amend and reenact §16-1B-1 of said code;  
16 and to amend and reenact §19-1-4 of said code, all relating to  
17 the authority of the Secretary of the Department of Veterans'  
18 Assistance; authorizing the Secretary of the Department of  
19 Veterans' Assistance and the Commissioner of the Department of  
20 Agriculture to enter into an agreement to transfer certain  
21 property for construction of a veterans skilled nursing  
22 facility; removing outdated language; providing additional  
23 powers to the Secretary of Department of Veterans' Assistance;  
24 authorizing the Secretary to award grants to provide

1 transportation for veterans; and making legislative findings.

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

3 That §9A-1-10 of the Code of West Virginia, 1931, as amended,  
4 be amended and reenacted; that §16-1B-1 of said code be amended and  
5 reenacted; and that §19-1-4 of said code be amended and reenacted,  
6 all to read as follows:

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

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

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

10 The secretary is the executive and administrative head of the  
11 department and has the power and duty, subject to the provisions of  
12 section four of this article, to:

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

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

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

21 (d) Sign and execute, in the name of the state by West  
22 Virginia Department of Veterans' Assistance, any contract or  
23 agreement with the federal government or its agencies, other  
24 states, subdivisions of this state, corporations, associations,

1 partnerships or individuals;

2 (e) Supervise the fiscal affairs and responsibilities of the  
3 department;

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

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

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

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

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

18 (k) Prepare for the Veterans' Council the annual reports to  
19 the Governor of the condition, operation and functioning of the  
20 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, widowers, dependents and orphans; to

1 provide resources for a program which will promote a greater  
2 outreach to veterans and which will advise them of the benefits and  
3 services that are available; and to promote the efficiency of the  
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 officers and heads of divisions of the  
8 department, and of regional or area offices, and employ assistants  
9 and employees, including case managers and counselors, that are  
10 necessary for the efficient operation of the department;

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

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

20 (q) Award grants, in his or her discretion, subject to  
21 available appropriations, to provide for the transportation of  
22 veterans to veterans' hospitals from the veteran's home or local  
23 Veterans' Assistance offices.

24 (r) Enter into an agreement with the Commissioner of the

1 Department of Agriculture to transfer without consideration all or  
2 part of the approximately seventeen acres of the Department of  
3 Agriculture property in Beckley, West Virginia, located adjacent to  
4 the Jackie Withrow Hospital which was formerly known as Pinecrest  
5 Hospital, for construction of a veterans skilled nursing facility.

6 **CHAPTER 16. PUBLIC HEALTH.**

7 **ARTICLE 1B. SKILLED NURSING FACILITIES FOR VETERANS OF THE UNITED**  
8 **STATES ARMED FORCES.**

9 **§16-1B-1. Legislative findings.**

10 The Legislature finds that the health and welfare of the  
11 veterans of the armed forces who are citizens of our state will be  
12 best served by the establishment of one or more skilled nursing  
13 facilities exclusively for these veterans. Furthermore, the  
14 Legislature finds that nearly two hundred thousand veterans in this  
15 state have distinguished themselves with the highest level of  
16 participation per capita of any state in the wars fought by this  
17 nation. Further, an aging veterans' population which suffers from  
18 wartime disabilities and illnesses are, or will be, in need of  
19 skilled nursing care.

20 The Legislature further finds that construction of an  
21 additional 120-bed veterans skilled nursing facility in southern  
22 West Virginia is needed, to be located on Department of Agriculture  
23 property in Beckley, West Virginia, adjacent to the Jackie Withrow  
24 Hospital which was formerly known as Pinecrest Hospital. The West

1 Virginia veterans skilled nursing facility located in Clarksburg is  
2 currently at its maximum capacity and has a large waiting list for  
3 admission. With a veteran population that has now reached over two  
4 hundred twenty thousand, there is an overwhelming need for  
5 additional nursing home beds in other areas of our state to  
6 accommodate our veterans as they become unable to take care of  
7 themselves.

8 **CHAPTER 19. AGRICULTURE.**

9 **ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

10 **§19-1-4. Duties of commissioner.**

11 The Commissioner of Agriculture shall perform the following  
12 duties:

13 (a) Devise means of advancing the agricultural interests of  
14 the state and, in the performance of such duty, he or she shall  
15 have authority to call upon any state department, or officer of the  
16 state or county, to cooperate in promoting the agricultural  
17 interests of the state. It shall be the duty of any such  
18 department, or officer, upon request of the commissioner to render  
19 the assistance desired;

20 (b) Promote and encourage the organization of such societies  
21 and associations as have for their object the improvement and  
22 development of the state's agricultural, horticultural and kindred  
23 interests, especially in production, processing for market and  
24 distribution;

1 (c) Conduct cooperative work with the United States Department  
2 of Agriculture in inspecting and determining the grade and  
3 condition of farm produce at collecting centers, receiving centers  
4 and shipping points;

5 (d) Induce the investment of capital in, and immigration into,  
6 this state by the dissemination of information relative to the  
7 soil, climate, health, natural resources, market opportunities and  
8 advantages of the state;

9 (e) Investigate and report upon the kinds, conditions and  
10 extent of the mineral products of the state and their value;

11 (f) Take charge of the museum of the Department of  
12 Agriculture, collect, preserve and exhibit therein specimens of  
13 agricultural, horticultural and kindred products, products of the  
14 forests, minerals, flora and fauna of the state;

15 (g) Publish and distribute, from time to time, such reports  
16 and bulletins concerning agriculture, horticulture and kindred  
17 subjects as may be of value to the farmers of the state and, as  
18 conditions may demand, publish a handbook giving the resources of  
19 the several counties of the state, the varieties of soil and  
20 products, both mineral and vegetable, and the adaptability of the  
21 different sections of the state to the different branches of  
22 agriculture, horticulture and kindred interests;

23 (h) Submit a biennial report to the Governor and Legislature  
24 containing such information as to the operations of the department

1 as may be helpful to the agricultural interests of the state,  
2 together with an itemized statement of all receipts and  
3 disbursements during the biennial period covered thereby and giving  
4 the name of every person employed during such period, the time  
5 employed and the amount paid each employee;

6 (i) Perform such other duties and exercise such other powers  
7 as are provided in this chapter and by general law;

8 (j) Enter into an agreement with the Secretary of the  
9 Department of Veterans' Assistance to transfer without  
10 consideration all or part of the approximately seventeen acres of  
11 Department of Agriculture property in Beckley, West Virginia,  
12 located adjacent to the Jackie Withrow Hospital which was formerly  
13 known as Pinecrest Hospital, for construction of a veterans skilled  
14 nursing facility; and

15 (k) Propose rules, including regulatory standards, for  
16 legislative approval in accordance with the provisions of article  
17 three, chapter twenty-nine-a of this code for the purpose of  
18 carrying out the requirements of this chapter.