

1 **H. B. 4268**

2 (By Delegates Iaquina, Boggs, Fleischauer,
3 Longstreth, Perry, Morgan, Wells, Poore,
4 D. Evans and Lane)
5

6 [By Request of the Department of Veterans' Assistance]

7 [Introduced January 23, 2014; referred to the
8 Committee on Veterans' Affairs and Homeland Security then
9 Government Organization.]

10 A BILL to amend and reenact §9A-1-2, §9A-1-5, §9A-1-6, §9A-1-8,
11 §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of the Code of West
12 Virginia, 1931, as amended, all relating to the administration
13 of veterans' assistance generally; redesignating employment
14 positions; providing additional power and authority of
15 Secretary of Department of Veteran's Assistance; modifying
16 duties of Veterans' Council; authorizing compensation of
17 volunteer drivers; revising language related to the veterans
18 facilities support fund; and conforming terminology used in
19 existing statutory provisions.

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

21 That §9A-1-2, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10,
22 §9A-1-11 and §9A-1-12 of the Code of West Virginia, 1931, as
23 amended, be amended and reenacted, all to read as follows:

24 **CHAPTER 9A. VETERANS' AFFAIRS ASSISTANCE.**

25 **ARTICLE 1. DIVISION DEPARTMENT OF VETERANS' AFFAIRS ASSISTANCE.**

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

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

21 A The secretary and such ~~veterans'~~ ~~affairs~~ officers,
22 assistants and employees as the secretary considers advisable,
23 shall administer the West Virginia Department of Veterans'
24 Assistance.

1 ~~§9A-1-5. Compensation of director, veterans' affairs officers,~~
2 ~~assistants and employees; payment to and expenses of~~
3 ~~Secretary and Veterans' Council members; traveling~~
4 ~~expenses; meetings of Veterans' Council.~~

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

19 (b) The Veterans' Council shall ~~hold its initial meeting on~~
20 ~~the call of the Governor, and thereafter shall meet on the call of~~
21 its chairman, except as otherwise provided. ~~With the exception of~~
22 ~~the first three meetings of the Veterans' Council, none of which~~
23 ~~shall be of a duration longer than two weeks each, for~~

1 ~~organizational purposes, the~~ The Veterans' Council shall meet not
2 more than once every two months at such times as may be determined
3 by and upon the call of the chairman for a period of not more than
4 two days, unless there should be an emergency requiring a special
5 meeting or for a longer period and so declared and called by the
6 Governor or by the chairman with the approval of the Governor. A
7 majority of the members of the Veterans' Council shall constitute
8 a quorum for the conduct of official business.

9 **§9A-1-6. Oaths.**

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

15 **§9A-1-8. Offices.**

16 The offices of the ~~director~~ secretary shall be located at the
17 state capitol or other place provided in the capital city. The
18 ~~director~~ secretary shall keep his or her offices open at all
19 reasonable times for the transaction of business. The offices and
20 meeting place of the Veterans' Council shall be in the offices of
21 the ~~director~~ secretary: *Provided*, That the Veterans' Council with
22 the approval of the Governor may hold meetings at other places but
23 not outside of this state, except in the District of Columbia.

24 **§9A-1-9. Duties of division department.**

1 The ~~division~~ department of veterans' ~~affairs~~ assistance of
2 ~~West Virginia~~ shall:

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

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

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

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

4 **§9A-1-10. Additional powers and duties of director secretary.**

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

8 (a) Supervise and put into effect the purposes and provisions
9 of this article and the rules for the government of the ~~division~~
10 department;

11 (b) Prescribe methods pertaining to investigations and
12 reinvestigations of all claims and to the rights and interests of
13 all veterans, their widows, dependents and orphans;

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

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

22 (e) Supervise the fiscal affairs and responsibilities of the
23 ~~division~~ department;

24 (f) Organize the ~~division~~ department to comply with the

1 requirements of this article and with the standards required by any
2 federal act or any federal agency;

3 (g) Establish any regional or area offices throughout the
4 state that are necessary to promote efficiency and economy in
5 administration;

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

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

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

15 (k) Prepare for the Veterans' Council the annual reports to
16 the Governor of the condition, operation and functioning of the
17 ~~division~~ department;

18 (l) Exercise any other powers necessary and proper to
19 standardize the work; to expedite the service and business; to
20 assure fair consideration of the rights and interests and claims of
21 veterans, their widows, dependents and orphans; to provide
22 resources for a program which will promote a greater outreach to
23 veterans and which will advise them of the benefits and services
24 that are available, and to promote the efficiency of the ~~division~~

1 department;

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

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

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

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

18 (q) ~~Provide volunteers who will drive or transport Award~~
19 grants, as he or she deems advisable, subject to available
20 appropriations, for the purpose of supporting the transportation of
21 veterans to veterans' hospitals from the veteran's home or local
22 veterans' ~~affairs~~ assistance offices. ~~and who shall be paid an~~
23 ~~expense per diem of seventy-five dollar.~~

24 **§9A-1-11. Establishment of veterans facilities support fund;**

1 **authorized expenditures.**

2 There is ~~hereby created~~ continued in the State Treasury a
3 special revenue fund to be designated and known as the Veterans
4 Facilities Support Fund and shall be administered by the secretary.
5 All interest or other returns earned on the investment of the
6 moneys in the fund shall be credited to the fund. Funds paid into
7 the account shall be derived from the following sources: (1) Any
8 gift, grant, bequest, endowed fund or donation which may be
9 received by any veterans facility created by statute from any
10 governmental entity or unit or any person, firm, foundation or
11 corporation; and (2) all interest or other return on investment
12 accruing to the fund. Moneys in the fund are to be used for the
13 operational costs of any veterans facility created by statute, the
14 acquisition, design, construction, equipping, furnishing,
15 including, without limitation, the payment of debt service on bonds
16 issued to finance the foregoing and/or as otherwise designated or
17 specified by the donor. Any balance, including accrued interest or
18 other earnings, in this special fund at the end of any fiscal year
19 shall not revert to the General Revenue Fund but shall remain in
20 the fund. Funds from the Veterans Facility Support Fund for
21 operational costs will be distributed by appropriation of the
22 Legislature. ~~Funds from the veterans facility support fund for the~~
23 ~~acquisition, design, construction, equipping, furnishing,~~
24 ~~including, without limitation, the payment of debt service on bonds~~

1 ~~issued to finance the veterans nursing home shall be transferred to~~
2 ~~the veterans nursing home building fund upon written request of the~~
3 ~~director of the division of Veterans Affairs to the Investment~~
4 ~~Management Board and the state Treasurer in accordance with the~~
5 ~~provisions of this section.~~

6 **§9A-1-12. Legal assistance.**

7 The Attorney General of the state and his or her assistants,
8 and the prosecuting attorneys of the various counties, shall render
9 to the Veterans' Council or ~~director~~ secretary, without additional
10 compensation, such legal services as may be required in the
11 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 Veteran's Assistance, to remove obsolete or superseded language, and to clarify and provide additional power and authority to the Department's Secretary.

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