

COMMITTEE SUBSTITUTE

FOR

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FOR

Senate Bill No. 523

(By Senators Green, D. Hall, Facemire, Laird, McCabe, Miller,
Prezioso, Wells, Plymale, Carmichael, Jenkins, Yost and
Stollings)

[Originating in the Committee on Finance;
reported February 20, 2014.]

A BILL to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1B-1 of said code; and to amend and reenact §19-1-4 of said code, all relating to authorizing the Secretary of the Department of Veterans' Assistance and the Commissioner of the Department of Agriculture to enter into an agreement to transfer certain property for construction of a veterans skilled nursing facility; and making legislative findings.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 9A. VETERANS' ASSISTANCE.

ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.

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

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

4 (a) Supervise and put into effect the purposes and
5 provisions of this article and the rules for the government of
6 the ~~division~~ department;

7 (b) Prescribe methods pertaining to investigations and
8 reinvestigations of all claims and to the rights and interests of
9 all veterans, their widows, dependents and orphans;

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

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

19 (e) Supervise the fiscal affairs and responsibilities of the
20 ~~division~~ department;

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

24 (g) Establish any regional or area offices throughout the
25 state that are necessary to promote efficiency and economy
26 in administration;

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

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

32 (j) Keep a complete and accurate record of all
33 proceedings; record and file all contracts and agreements and
34 assume responsibility for the custody and preservation of all
35 papers and documents pertaining to his or her office and the
36 ~~division~~ department;

37 (k) Prepare for the Veterans' Council the annual reports
38 to the Governor of the condition, operation and functioning
39 of the ~~division~~ department;

40 (l) Exercise any other powers necessary and proper to
41 standardize the work; to expedite the service and business; to
42 assure fair consideration of the rights and interests and claims
43 of veterans, their widows, dependents and orphans; to
44 provide resources for a program which will promote a greater

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45 outreach to veterans and which will advise them of the
46 benefits and services that are available, and to promote the
47 efficiency of the ~~division~~ department;

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

51 (n) Appoint the veterans' ~~affairs~~ assistance officers and
52 heads of divisions of the ~~division~~ department, and of regional
53 or area offices, and employ assistants and employees,
54 including case managers and counselors, that are necessary
55 for the efficient operation of the ~~division~~ department;

56 (o) Provide resources and assistance in the development
57 of an internet website which is to be used to inform veterans
58 of programs and services available to them through the
59 ~~division~~ department and the state and federal governments;

60 (p) Delegate to all or any of his or her appointees,
61 assistants or employees all powers and duties vested in the
62 ~~director~~ secretary, except the power to sign and execute
63 contracts and agreements, but the ~~director~~ secretary shall be

64 responsible for the acts of his or her appointees, assistants
65 and employees; ~~and~~

66 (q) Provide volunteers who will drive or transport
67 veterans to veterans' hospitals from the veteran's home or
68 local veterans' affairs offices and who shall be paid an
69 expense per diem of seventy-five dollars; and

70 (r) Enter into an agreement with the Commissioner of the
71 Department of Agriculture to transfer all or part of the
72 approximately seventeen acres of Department of Agriculture
73 property in Beckley, West Virginia, located adjacent to the
74 Jackie Withrow Hospital which was formerly known as
75 Pinecrest Hospital, for construction of a veterans skilled
76 nursing facility.

CHAPTER 16. PUBLIC HEALTH.

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

§16-1B-1. Legislative findings.

1 The Legislature finds that the health and welfare of the
2 veterans of the armed forces who are citizens of our state will
3 be best served by the establishment of one or more skilled
4 nursing facilities exclusively for these veterans.
5 Furthermore, the Legislature finds that nearly two hundred
6 thousand veterans in this state have distinguished themselves
7 with the highest level of participation per capita of any state
8 in the wars fought by this nation. Further, an aging veterans'
9 population which suffers from wartime disabilities and
10 illnesses are, or will be, in need of skilled nursing care.

11 The Legislature further finds that construction of an
12 additional 120-bed veterans skilled nursing facility in
13 southern West Virginia is needed, to be located on
14 Department of Agriculture property in Beckley, West
15 Virginia, adjacent to the Jackie Withrow Hospital which was
16 formerly known as Pinecrest Hospital. The West Virginia
17 veterans skilled nursing facility located in Clarksburg is
18 currently at its maximum capacity and has a large waiting list

19 for admission. With a veteran population that has now
20 reached over two hundred twenty thousand, there is an
21 overwhelming need for additional nursing home beds in other
22 areas of our state to accommodate our veterans as they
23 become unable to take care of themselves.

CHAPTER 19. AGRICULTURE.

ARTICLE 1. DEPARTMENT OF AGRICULTURE.

§19-1-4. Duties of commissioner.

1 The Commissioner of Agriculture shall perform the
2 following duties:

3 (a) Devise means of advancing the agricultural interests
4 of the state and, in the performance of such duty, he or she
5 shall have authority to call upon any state department, or
6 officer of the state or county, to cooperate in promoting the
7 agricultural interests of the state. It shall be the duty of any
8 such department, or officer, upon request of the
9 commissioner to render the assistance desired;

10 (b) Promote and encourage the organization of such
11 societies and associations as have for their object the

12 improvement and development of the state's agricultural,
13 horticultural and kindred interests, especially in production,
14 processing for market and distribution;

15 (c) Conduct cooperative work with the United States
16 Department of Agriculture in inspecting and determining the
17 grade and condition of farm produce at collecting centers,
18 receiving centers and shipping points;

19 (d) Induce the investment of capital in, and immigration
20 into, this state by the dissemination of information relative to
21 the soil, climate, health, natural resources, market
22 opportunities and advantages of the state;

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

25 (f) Take charge of the museum of the Department of
26 Agriculture, collect, preserve and exhibit therein specimens
27 of agricultural, horticultural and kindred products, products
28 of the forests, minerals, flora and fauna of the state;

29 (g) Publish and distribute, from time to time, such reports
30 and bulletins concerning agriculture, horticulture and kindred

31 subjects as may be of value to the farmers of the state and, as
32 conditions may demand, publish a handbook giving the
33 resources of the several counties of the state, the varieties of
34 soil and products, both mineral and vegetable, and the
35 adaptability of the different sections of the state to the
36 different branches of agriculture, horticulture and kindred
37 interests;

38 (h) Submit a biennial report to the Governor and
39 Legislature containing such information as to the operations
40 of the department as may be helpful to the agricultural
41 interests of the state, together with an itemized statement of
42 all receipts and disbursements during the biennial period
43 covered thereby and giving the name of every person
44 employed during such period, the time employed and the
45 amount paid each employee;

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

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49 (j) Enter into an agreement with the Secretary of the
50 Department of Veterans' Assistance to transfer all or part of
51 the approximately seventeen acres of Department of
52 Agriculture property in Beckley, West Virginia, located
53 adjacent to the Jackie Withrow Hospital which was formerly
54 known as Pinecrest Hospital, for construction of a veterans
55 skilled nursing facility; and

56 (j) (k) Propose rules, including regulatory standards, for
57 legislative approval in accordance with the provisions of
58 article three, chapter twenty-nine-a of this code for the
59 purpose of carrying out the requirements of this chapter.