

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 523**

(SENATORS GREEN, D. HALL, FACEMIRE, LAIRD, McCABE,  
MILLER, PREZIOSO, WELLS, PLYMALE, CARMICHAEL,  
JENKINS, YOST AND STOLLINGS, *ORIGINAL SPONSORS*)

[PASSED MARCH 8, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

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AN ACT 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 the authority of the Secretary of the Department of Veterans' Assistance; 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enter into an agreement to transfer certain property for construction of a veterans skilled nursing facility; removing outdated language; providing additional powers to the Secretary of Department of Veteran's Assistance; authorizing the Secretary to award grants to provide transportation for veterans; 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 secretary is the executive and administrative head of  
2   the department and has the power and duty, subject to the  
3   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 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, widowers, dependents and  
10   orphans;

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

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

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

21 (f) Organize the department to comply with the  
22 requirements of this article and with the standards required by  
23 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 in  
26 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 department;

37 (k) Prepare for the Veterans' Council the annual reports  
38 to the Governor of the condition, operation and functioning  
39 of the 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, widowers, dependents and  
44 orphans; to provide resources for a program which will  
45 promote a greater outreach to veterans and which will advise  
46 them of the benefits and services that are available; and to  
47 promote the efficiency of the 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 officers and heads of divisions of the  
52 department, and of regional or area offices, and employ  
53 assistants and employees, including case managers and  
54 counselors, that are necessary for the efficient operation of  
55 the 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 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 secretary, except the power to sign and execute contracts and  
63 agreements: *Provided*, That the secretary shall be responsible  
64 for the acts of his or her appointees, assistants and  
65 employees; and

66 (q) Award grants, in his or her discretion, subject to  
67 available appropriations, to provide for the transportation of  
68 veterans to veterans' hospitals from the veteran's home or  
69 local veterans' assistance offices.

70 (r) Enter into an agreement with the Commissioner of  
71 the Department of Agriculture to transfer without  
72 consideration all or part of the approximately seventeen acres  
73 of the Department of Agriculture property in Beckley, West  
74 Virginia, located adjacent to the Jackie Withrow Hospital  
75 which was formerly known as Pinecrest Hospital, for  
76 construction of a veterans skilled 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. Furthermore,  
5 the Legislature finds that nearly two hundred thousand  
6 veterans in this state have distinguished themselves with the  
7 highest level of participation per capita of any state in the  
8 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 (j) Enter into an agreement with the Secretary of the  
49 Department of Veterans' Assistance to transfer without  
50 consideration all or part of the approximately seventeen acres  
51 of Department of Agriculture property in Beckley, West  
52 Virginia, located adjacent to the Jackie Withrow Hospital  
53 which was formerly known as Pinecrest Hospital, for  
54 construction of a veterans skilled nursing facility; and

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





The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

.....  
*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this  
the ..... Day of ....., 2014.

.....  
*Governor*