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SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 2820

(By Delegate Mr. Speaker, Mr. Chambers, &)
Delegates Leach, Bennett, J. Martin,
Lynch, Willison & Everson

— ● —

Passed March 10, 1995

In Effect 90 Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2820

(BY MR. SPEAKER, MR. CHAMBERS, AND DELEGATES LEACH,
BENNETT, J. MARTIN, LINCH, WILLISON AND EVERSON)

[Passed March 10, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and three, article two, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the veterans home in Barboursville and its ability to meet state and federal funding requirements.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article two, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. STATE HOMES FOR VETERANS.

§9A-2-1. State homes for veterans.

1 In consultation with the governor and other appropri-
2 ate state agencies, the division of veterans' affairs shall
3 establish and maintain a home for qualified veterans. The
4 home in Barboursville shall be designated as the sole vet-
5 erans home of its type in the state. As used in this article

6 the term "qualified veteran" means a veteran as determined
7 by the division of veterans' affairs, who meets the require-
8 ments under federal regulations and laws.

9 Any individual enlisting for the first time on or after
10 the eighth day of September, one thousand nine hundred
11 eighty, who fails to complete at least twenty-four months
12 of his or her enlistment is not eligible for any right, privi-
13 lege or benefit for which eligibility is based on active duty
14 in the armed forces. This provision does not apply when a
15 person: (a) Is discharged because of hardship; (b) is re-
16 tired or separated because of disability; or (c) is later de-
17 termined to have a service connected disability incurred
18 during a completed period of enlistment.

19 In the event that a residential vacancy exists at any
20 veterans home or facility created and established pursuant
21 to this article, a veteran who has been a resident of the state
22 of West Virginia for one year or more prior to filing for
23 admission shall be given preference in filling such resi-
24 dential vacancy over nonresident veterans.

**§9A-2-2. Funds collected from the federal government; other
sources; use of funds.**

1 The division of veterans' affairs is hereby authorized
2 and directed to receive moneys from the federal govern-
3 ment, any agency thereof, from state appropriations, from
4 resident contributions or from any other appropriate
5 source, for the purpose of maintaining the state veterans'
6 home at Barboursville, which purpose shall include, but
7 not limited to expenditures for improvement and renova-
8 tion of physical facilities, personal care costs and medical,
9 nursing and dental services.

10 The money so collected shall be placed in special
11 accounts according to the source of funds and limitation
12 on the use of the funds. These accounts shall be adminis-
13 tered by the director of the West Virginia division of
14 veterans' affairs. These funds shall be deposited in the
15 state treasury and paid out only on such vouchers as may
16 be authorized and approved by the director of the West

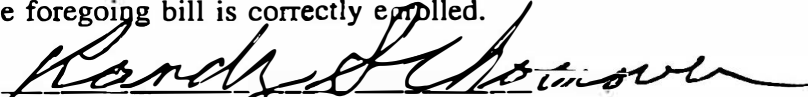
17 Virginia division of veterans' affairs, in the same manner
18 and under the same restrictions as are now provided by
19 law for the disbursement of funds by that division. These
20 funds shall only be used as directed or restricted by the
21 source of the funds.

§9A-2-3. Powers of division of veterans' affairs.

1 The division of veterans' affairs is authorized and
2 empowered to establish rules and regulations providing
3 for the tenure, treatment, eligibility and discharge of eligi-
4 ble veterans at the veterans' home. The rules shall be pro-
5 mulgated to ensure that the division, in carrying out its
6 duties shall comply with all federal requirements imposed
7 on such a facility. Moreover notwithstanding any code
8 provisions to the contrary rules shall be promulgated that:
9 (1) Meet federal standards for domiciliary care; (2) define
10 domiciliary; (3) define admittance to comply with state
11 and federal requirements including current West Virginia
12 resident or enlisted in service from West Virginia, war time
13 service or service during a declared national emergency,
14 Veterans Administration eligibility requirements for per
15 diem, honorably discharged, suffering from a disability
16 due to age, disease or defect that prevents them from earn-
17 ing a living.

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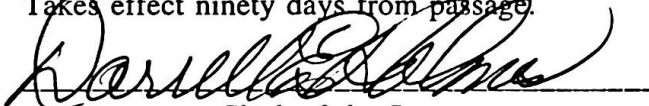
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee



Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within _____ this the _____
day of _____, 1995.

Governor



PRESENTED TO THE

GOVERNOR

Date

3/24/95

Time

3:46pm