WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

House Bill No. 2820

Passed March 10, 1995

In Effect 90 Days After 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.


1 In consultation with the governor and other appropriate state agencies, the division of veterans' affairs shall establish and maintain a home for qualified veterans. The home in Barboursville shall be designated as the sole veterans home of its type in the state. As used in this article...
the term "qualified veteran" means a veteran as determined
by the division of veterans' affairs, who meets the require-
ments under federal regulations and laws.

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

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

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

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

The money so collected shall be placed in special
accounts according to the source of funds and limitation
on the use of the funds. These accounts shall be adminis-
tered by the director of the West Virginia division of
veterans' affairs. These funds shall be deposited in the
state treasury and paid out only on such vouchers as may
be authorized and approved by the director of the West
Virginia division of veterans' affairs, in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by that division. These funds shall only be used as directed or restricted by the source of the funds.


The division of veterans' affairs is authorized and empowered to establish rules and regulations providing for the tenure, treatment, eligibility and discharge of eligible veterans at the veterans' home. The rules shall be promulgated to ensure that the division, in carrying out its duties shall comply with all federal requirements imposed on such a facility. Moreover notwithstanding any code provisions to the contrary rules shall be promulgated that:

1. Meet federal standards for domiciliary care;
2. Define domiciliary;
3. Define admittance to comply with state and federal requirements including current West Virginia resident or enlisted in service from West Virginia, war time service or service during a declared national emergency, Veterans Administration eligibility requirements for per diem, honorably discharged, suffering from a disability due to age, disease or defect that prevents them from earning a living.
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 3:40p