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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4268**

(By Delegates Iaquinta, Boggs, Fleischauer, Longstreth,  
Perry, Morgan, Wells, Poore, D. Evans, and Lane)



Passed March 8, 2014

In effect ninety days from passage.

HB 4268

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(BY DELEGATES LAQUINTA, BOGGS, FLEISCHAUER, LONGSTRETH,  
PERRY, MORGAN, WELLS, POORE, D. EVANS AND LANE)

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**AN ACT to repeal §9A-1-13, §9A-1-14 and §9A-1-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §9A-1-2, §9A-1-4, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of said code, all relating to the Department of Veterans' Assistance; removing outdated language; providing additional powers to the Secretary of Department of Veteran's Assistance; modifying the duties of the Veterans' Council; authorizing the Secretary to award grants to provide transportation for veterans; and authorizing the Secretary of the Department of Veterans' Assistance to enter into agreement with the Commissioner of the Department of Agriculture to transfer certain property for construction of a veterans skilled nursing facility.**

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

That §9A-1-13, §9A-1-14 and §9A-1-15 of the Code of West Virginia, 1931, as amended, be repealed; and that §9A-1-2, §9A-1-4, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of said code be amended and reenacted, all to read as follows:

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

**ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.**

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

1 (a) There is continued the "Veterans' Council" consisting of  
2 nine members who must be citizens and residents of this state  
3 and who have served in and been honorably discharged or  
4 separated under honorable conditions from the Armed Forces of  
5 the United States and whose service was within a time of war as  
6 defined by the laws of the United States.

7 (b) Where feasible, two members of the council shall be  
8 veterans of either World War II or the Korean Conflict, at least  
9 two members of the council shall be veterans of the Vietnam era,  
10 at least one member shall be a veteran of the first Gulf War and  
11 at least one member shall be a veteran of the Afghanistan or  
12 Iraqi Conflicts. The members of the veterans' council shall be  
13 selected with special reference to their ability and fitness to  
14 effectuate the purposes of this article. If an eligible veteran is not  
15 available or cannot be selected, a veteran who is a citizen and  
16 resident of this state, who served in and was honorably  
17 discharged or separated under honorable conditions from the  
18 Armed Forces of the United States and who served during any  
19 time of war or peace may be selected.

20 (c) The secretary and such officers, assistants and employees  
21 as the secretary considers advisable, shall administer the West  
22 Virginia Department of Veterans' Assistance.

**§9A-1-4. Duties and functions of Veterans' Council; appointment of secretary; honoring academic achievement at military academies.**

1 (a) It is the duty and function of The Veterans' Council to  
2 advise the secretary on the general administrative policies of the  
3 department, to select, at their first meeting in each fiscal year  
4 commencing on July 1, a chairperson to serve one year, to advise  
5 the secretary on rules as may be necessary, to advise the  
6 Governor and the Legislature with respect to legislation affecting  
7 the interests of veterans, their widows, widowers, dependents  
8 and orphans and to make annual reports to the Governor  
9 respecting the service of the department. The secretary has the  
10 same eligibility and qualifications prescribed for members of the  
11 Veterans' Council. The secretary ex officio shall maintain all  
12 records of the Veterans' Council.

13 (b) The Veterans' Council may annually honor each West  
14 Virginian graduating from the U. S. Military Academy, the U. S.  
15 Naval Academy, the U. S. Air Force Academy and the U. S.  
16 Coast Guard Academy with the highest grade point average by  
17 bestowing upon him or her the West Augusta Award. The award  
18 shall be in a design and form established by the council and  
19 include the famous Revolutionary War phrase from which the  
20 award's name is derived: "Once again our brethren from West  
21 Augusta have answered the call to duty." The council shall  
22 coordinate the manner of recognition of the recipient at  
23 graduation ceremonies with each academy.

**§9A-1-5. Compensation to and expenses of Secretary and Veterans' Council members; meetings of Veterans' Council.**

1 (a) The secretary shall receive an annual salary as provided  
2 in section two-a, article seven, chapter six of this code and  
3 necessary traveling expenses incident to the performance of his  
4 or her duties.

5 (b) The members of the Veterans' Council shall receive no  
6 salary, but each member shall receive the same compensation  
7 and expense reimbursement as is paid to members of the  
8 Legislature for their interim duties as recommended by the  
9 Citizens Legislative Compensation Commission and authorized  
10 by law for each day or portion thereof engaged in the discharge  
11 of official duties. The requisition for such expenses and traveling  
12 expenses shall be accompanied by a sworn and itemized  
13 statement, which shall be filed with the Auditor and permanently  
14 preserved as a public record.

15 (c) The Veterans' Council shall meet on the call of its  
16 chairman, except as otherwise provided.

17 (d) The Veterans' Council shall meet not more than once  
18 every two months at such times as may be determined by and  
19 upon the call of the chairman for a period of not more than two  
20 days, unless there should be an emergency requiring a special  
21 meeting or for a longer period and so declared and called by the  
22 Governor or by the chairman with the approval of the Governor.

23 (e) A majority of the members of the Veterans' Council in  
24 office shall constitute a quorum for the conduct of official  
25 business.

#### **§9A-1-6. Oaths.**

1 The members of the Veterans' Council, the secretary and the  
2 officers of the department shall take and subscribe to the oath  
3 prescribed by article four, section five of the state Constitution  
4 before entering on their duties. Their oaths shall be filed with the  
5 Secretary of State.

#### **§9A-1-8. Offices.**

7 (a) The offices of the secretary shall be located at the state  
8 capitol or other place provided in the capital city. The secretary  
9 shall keep his or her offices open at all reasonable times for the  
10 transaction of business.

11 (b) The offices and meeting place of the Veterans' Council  
12 shall be in the offices of the secretary: *Provided*, That the  
13 Veterans' Council with the approval of the Governor may hold  
14 meetings at other places but not outside of this state, except in  
15 the District of Columbia.

**§9A-1-9. Duties of department.**

1 The department of veterans' assistance shall:

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

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

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

24 (4) Make careful inquiry into all claims presented for  
25 payment out of the State Treasury from any appropriation made  
26 for the benefit of veterans, their widows, widowers, dependents  
27 and orphans.

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

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

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

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

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

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

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

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

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

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

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

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

34 (k) Prepare for the Veterans' Council the annual reports to  
35 the Governor of the condition, operation and functioning of the  
36 department;

37 (l) Exercise any other powers necessary and proper to  
38 standardize the work; to expedite the service and business; to  
39 assure fair consideration of the rights and interests and claims of  
40 veterans, their widows, widowers, dependents and orphans; to  
41 provide resources for a program which will promote a greater  
42 outreach to veterans and which will advise them of the benefits  
43 and services that are available; and to promote the efficiency of  
44 the department;

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

47 (n) Appoint the officers and heads of divisions of the  
48 department, and of regional or area offices, and employ  
49 assistants and employees, including case managers and  
50 counselors, that are necessary for the efficient operation of the  
51 department;

52 (o) Provide resources and assistance in the development of  
53 an Internet website which is to be used to inform veterans of  
54 programs and services available to them through the department  
55 and the state and federal governments;

56 (p) Delegate to all or any of his or her appointees, assistants  
57 or employees all powers and duties vested in the secretary,  
58 except the power to sign and execute contracts and agreements:  
59 *Provided*, That the secretary shall be responsible for the acts of  
60 his or her appointees, assistants and employees;

61 (q) Award grants, in his or her discretion, subject to  
62 available appropriations, to provide for the transportation of  
63 veterans to veterans' hospitals from the veteran's home or local  
64 Veterans' Assistance offices; and

65 (r) Enter into an agreement with the Commissioner of the  
66 Department of Agriculture to transfer without consideration all  
67 or part of the approximately seventeen acres of the Department  
68 of Agriculture property in Beckley, West Virginia, located  
69 adjacent to the Jackie Withrow Hospital which was formerly  
70 known as Pinecrest Hospital, for construction of a veterans  
71 skilled nursing facility.

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

1 (a) There is continued in the State Treasury a special revenue  
2 fund to be designated and known as the Veterans Facilities  
3 Support Fund which shall be administered by the secretary.

4 (b) All interest or other returns earned on the investment of  
5 the moneys in the fund shall be credited to the fund.

6 (c) Funds paid into the account shall be derived from the  
7 following sources: (1) Any gift, grant, bequest, endowed fund or  
8 donation which may be received by any veterans facility created  
9 by statute from any governmental entity or unit or any person,  
10 firm, foundation or corporation; and (2) All interest or other  
11 return on investment accruing to the fund.

12 (d) Moneys in the fund are to be used for the operational  
13 costs of any veterans facility created by statute, the acquisition,  
14 design, construction, equipping, furnishing, including, without  
15 limitation, the payment of debt service on bonds issued to  
16 finance the foregoing and/or as otherwise designated or specified  
17 by the donor.

18 (e) Any balance, including accrued interest or other earnings,  
19 in this special fund at the end of any fiscal year shall not revert  
20 to the General Revenue Fund but shall remain in the fund.

21 (f) Funds from the Veterans Facility Support Fund for  
22 operational costs of any veterans' facility as defined in this  
23 section will be distributed by appropriation of the Legislature.

24 (g) Funds from the Veterans Facility Support Fund for the  
25 acquisition, design, construction, equipping, furnishing,  
26 including, without limitation, the payment of debt service on  
27 bonds issued to finance the veterans nursing home shall be  
28 transferred to the Veterans Nursing Home Building Fund upon  
29 written request of the secretary.

**§9A-1-12. Legal assistance.**

1 The Attorney General of the state and his or her assistants,  
2 and the prosecuting attorneys of the various counties, shall  
3 render to the Veterans' Council or secretary, such legal services  
4 as may be required in the discharge of the provisions of this  
5 article.

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

*Danny Wells*  
Chairman, House Committee

*[Signature]*  
Member ~~Chairman~~, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Danny Wells*  
Clerk of the House of Delegates

*Joseph M. Minard*  
Clerk of the Senate

*[Signature]*  
Speaker of the House of Delegates

*[Signature]*  
President of the Senate

The within *is approved* this the *28th*  
day of *March*, 2014.

*Carl Ray Tomblin*  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 28 2014

Time 10:45 am