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.
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§9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of said code, all relating to the Department of Veterans' Assistance; removing outdated language; providing additional powers to the Secretary of Department of Veteran's Assistance; modifying the duties of the Veterans' Council; authorizing the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:


CHAPTER 9A. VETERANS' ASSISTANCE.

ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.

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

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

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

(c) The secretary and such officers, assistants and employees as the secretary considers advisable, shall administer the West Virginia Department of Veterans' Assistance.
§9A-1-4. Duties and functions of Veterans' Council; appointment of secretary; honoring academic achievement at military academies.

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

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

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

(a) The secretary shall receive an annual salary as provided in section two-a, article seven, chapter six of this code and necessary traveling expenses incident to the performance of his or her duties.
(b) The members of the Veterans' Council shall receive no salary, but each member shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. The requisition for such expenses and traveling expenses shall be accompanied by a sworn and itemized statement, which shall be filed with the Auditor and permanently preserved as a public record.

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

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

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


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


(a) The offices of the secretary shall be located at the state capitol or other place provided in the capital city. The secretary shall keep his or her offices open at all reasonable times for the transaction of business.
(b) The offices and meeting place of the Veterans' Council shall be in the offices of the secretary: *Provided, That the Veterans' Council with the approval of the Governor may hold meetings at other places but not outside of this state, except in the District of Columbia.*


The department of veterans' assistance shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) Cooperate with the federal and state governments for the
more effective attainment of the purposes of this article;
(j) Keep a complete and accurate record of all proceedings; record and file all contracts and agreements and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office and the department;

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

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

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

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

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

(p) Delegate to all or any of his or her appointees, assistants or employees all powers and duties vested in the secretary, except the power to sign and execute contracts and agreements: Provided, That the secretary shall be responsible for the acts of his or her appointees, assistants and employees;
(q) Award grants, in his or her discretion, subject to available appropriations, to provide for the transportation of veterans to veterans' hospitals from the veteran's home or local Veterans' Assistance offices; and

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


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

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

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

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

(e) Any balance, including accrued interest or other earnings, in this special fund at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the fund.
(f) Funds from the Veterans Facility Support Fund for operational costs of any veterans' facility as defined in this section will be distributed by appropriation of the Legislature.

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

§9A-1-12. Legal assistance.

The Attorney General of the state and his or her assistants, and the prosecuting attorneys of the various counties, shall render to the Veterans' Council or secretary, such legal services as may be required in the discharge of the provisions of this article.
That Joint Committee on Enrolled Bills hereby certifies that foregoing bill is correctly enrolled.

Chairman, House Committee

Member, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

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

Governor
PRESENTED TO THE GOVERNOR

MARCH 28, 201X

Time 10:45 AM