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.]
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enter into an agreement to transfer certain property for construction of a veterans skilled nursing facility; removing outdated language; providing additional powers to the Secretary of Department of Veteran’s Assistance; authorizing the Secretary to award grants to provide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.


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:

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

(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;

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

(d) Sign and execute, in the name of the state by the 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;

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

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

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

(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; and

(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.

(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.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1B. SKILLED NURSING FACILITIES FOR VETERANS OF THE UNITED STATES ARMED FORCES.
§16-18-1. Legislative findings.

The Legislature finds that the health and welfare of the veterans of the armed forces who are citizens of our state will be best served by the establishment of one or more skilled nursing facilities exclusively for these veterans. Furthermore, the Legislature finds that nearly two hundred thousand veterans in this state have distinguished themselves with the highest level of participation per capita of any state in the wars fought by this nation. Further, an aging veterans' population which suffers from wartime disabilities and illnesses are, or will be, in need of skilled nursing care.

The Legislature further finds that construction of an additional 120-bed veterans skilled nursing facility in southern West Virginia is needed, to be located on Department of Agriculture property in Beckley, West Virginia, adjacent to the Jackie Withrow Hospital which was formerly known as Pinecrest Hospital. The West Virginia veterans skilled nursing facility located in Clarksburg is currently at its maximum capacity and has a large waiting list for admission. With a veteran population that has now reached over two hundred twenty thousand, there is an overwhelming need for additional nursing home beds in other areas of our state to accommodate our veterans as they become unable to take care of themselves.

CHAPTER 19. AGRICULTURE.

ARTICLE 1. DEPARTMENT OF AGRICULTURE.

§19-1-4. Duties of commissioner.

The Commissioner of Agriculture shall perform the following duties:
(a) Devise means of advancing the agricultural interests of the state and, in the performance of such duty, he or she shall have authority to call upon any state department, or officer of the state or county, to cooperate in promoting the agricultural interests of the state. It shall be the duty of any such department, or officer, upon request of the commissioner to render the assistance desired;

(b) Promote and encourage the organization of such societies and associations as have for their object the improvement and development of the state's agricultural, horticultural and kindred interests, especially in production, processing for market and distribution;

(c) Conduct cooperative work with the United States Department of Agriculture in inspecting and determining the grade and condition of farm produce at collecting centers, receiving centers and shipping points;

(d) Induce the investment of capital in, and immigration into, this state by the dissemination of information relative to the soil, climate, health, natural resources, market opportunities and advantages of the state;

(e) Investigate and report upon the kinds, conditions and extent of the mineral products of the state and their value;

(f) Take charge of the museum of the Department of Agriculture, collect, preserve and exhibit therein specimens of agricultural, horticultural and kindred products, products of the forests, minerals, flora and fauna of the state;

(g) Publish and distribute, from time to time, such reports and bulletins concerning agriculture, horticulture and kindred subjects as may be of value to the farmers of the state and, as conditions may demand, publish a handbook giving the
resources of the several counties of the state, the varieties of
soil and products, both mineral and vegetable, and the
adaptability of the different sections of the state to the
different branches of agriculture, horticulture and kindred
interests;

(h) Submit a biennial report to the Governor and
Legislature containing such information as to the operations
of the department as may be helpful 'to the agricultural
interests of the state, together with an itemized statement of
all receipts and disbursements during the biennial period
covered thereby and giving the name of every person
employed during such period, the time employed and the
amount paid each employee;

(i) Perform such other duties and exercise such other
powers as are provided in this chapter and by general law;

(j) Enter into an agreement with the Secretary of the
Department of Veterans' Assistance to transfer without
consideration all or part of the approximately seventeen acres
of 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; and

(k) Propose rules, including regulatory standards, for
legislative approval in accordance with the provisions of
article three, chapter twenty-nine-a of this code for the
purpose of carrying out the requirements of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

The within bill is approved this 24th Day of March, 2014.
PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 4:00 pm