

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 523**

6 (By Senators Green, D. Hall, Facemire, Laird, McCabe, Miller,  
7 Prezioso, Wells, Plymale, Carmichael, Jenkins, Yost and  
8 Stollings)

9 \_\_\_\_\_  
10 [Originating in the Committee on Finance;  
11 reported February 20, 2014.]  
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14  
15 A BILL to amend and reenact §9A-1-10 of the Code of West Virginia,  
16 1931, as amended; to amend and reenact §16-1B-1 of said code;  
17 and to amend and reenact §19-1-4 of said code, all relating to  
18 authorizing the Secretary of the Department of Veterans'  
19 Assistance and the Commissioner of the Department of  
20 Agriculture to enter into an agreement to transfer certain  
21 property for construction of a veterans skilled nursing  
22 facility; and making legislative findings.

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

24 That §9A-1-10 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; that §16-1B-1 of said code be amended and  
2 reenacted; and that §19-1-4 of said code be amended and reenacted,  
3 all to read as follows:

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

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

6 **§9A-1-10. Powers and duties of secretary.**

7 The ~~director~~ secretary is the executive and administrative  
8 head of the ~~division~~ department and has the power and duty, subject  
9 to the provisions of section four of this article, to:

10 (a) Supervise and put into effect the purposes and provisions  
11 of this article and the rules for the government of the ~~division~~  
12 department;

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

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

18 (d) Sign and execute, in the name of the state by West  
19 Virginia ~~Division~~ Department of Veterans' ~~Affairs~~ Assistance, and  
20 by and with the consent of the Veterans' Council, any contract or  
21 agreement with the federal government or its agencies, other  
22 states, subdivisions of this state, corporations, associations,  
23 partnerships or individuals;

1 (e) Supervise the fiscal affairs and responsibilities of the  
2 ~~division~~ department;

3 (f) Organize the ~~division~~ department to comply with the  
4 requirements of this article and with the standards required by any  
5 federal act or any federal agency;

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

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

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

13 (j) Keep a complete and accurate record of all proceedings;  
14 record and file all contracts and agreements and assume  
15 responsibility for the custody and preservation of all papers and  
16 documents pertaining to his or her office and the ~~division~~  
17 department;

18 (k) Prepare for the Veterans' Council the annual reports to  
19 the Governor of the condition, operation and functioning of the  
20 ~~division~~ department;

21 (l) Exercise any other powers necessary and proper to  
22 standardize the work; to expedite the service and business; to  
23 assure fair consideration of the rights and interests and claims of  
24 veterans, their widows, dependents and orphans; to provide

1 resources for a program which will promote a greater outreach to  
2 veterans and which will advise them of the benefits and services  
3 that are available, and to promote the efficiency of the ~~division~~  
4 department;

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

7 (n) Appoint the veterans' ~~affairs~~ assistance officers and  
8 heads of divisions of the ~~division~~ department, and of regional or  
9 area offices, and employ assistants and employees, including case  
10 managers and counselors, that are necessary for the efficient  
11 operation of the ~~division~~ department;

12 (o) Provide resources and assistance in the development of an  
13 internet website which is to be used to inform veterans of programs  
14 and services available to them through the ~~division~~ department and  
15 the state and federal governments;

16 (p) Delegate to all or any of his or her appointees,  
17 assistants or employees all powers and duties vested in the  
18 ~~director~~ secretary, except the power to sign and execute contracts  
19 and agreements, but the ~~director~~ secretary shall be responsible for  
20 the acts of his or her appointees, assistants and employees; ~~and~~

21 (q) Provide volunteers who will drive or transport veterans to  
22 veterans' hospitals from the veteran's home or local veterans'  
23 affairs offices and who shall be paid an expense per diem of  
24 seventy-five dollars; and

1 (r) Enter into an agreement with the Commissioner of the  
2 Department of Agriculture to transfer all or part of the  
3 approximately seventeen acres of Department of Agriculture property  
4 in Beckley, West Virginia, located adjacent to the Jackie Withrow  
5 Hospital which was formerly known as Pinecrest Hospital, for  
6 construction of a veterans skilled nursing facility.

7 **CHAPTER 16. PUBLIC HEALTH.**

8 **ARTICLE 1B. SKILLED NURSING FACILITIES FOR VETERANS OF THE UNITED**  
9 **STATES ARMED FORCES.**

10 **§16-1B-1. Legislative findings.**

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

21 The Legislature further finds that construction of an  
22 additional 120-bed veterans skilled nursing facility in southern  
23 West Virginia is needed, to be located on Department of Agriculture  
24 property in Beckley, West Virginia, adjacent to the Jackie Withrow

1 Hospital which was formerly known as Pinecrest Hospital. The West  
2 Virginia veterans skilled nursing facility located in Clarksburg is  
3 currently at its maximum capacity and has a large waiting list for  
4 admission. With a veteran population that has now reached over two  
5 hundred twenty thousand, there is an overwhelming need for  
6 additional nursing home beds in other areas of our state to  
7 accommodate our veterans as they become unable to take care of  
8 themselves.

9 **CHAPTER 19. AGRICULTURE.**

10 **ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

11 **§19-1-4. Duties of commissioner.**

12 The Commissioner of Agriculture shall perform the following  
13 duties:

14 (a) Devise means of advancing the agricultural interests of  
15 the state and, in the performance of such duty, he or she shall  
16 have authority to call upon any state department, or officer of the  
17 state or county, to cooperate in promoting the agricultural  
18 interests of the state. It shall be the duty of any such  
19 department, or officer, upon request of the commissioner to render  
20 the assistance desired;

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

1 distribution;

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

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

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

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

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

24 (h) Submit a biennial report to the Governor and Legislature

1 containing such information as to the operations of the department  
2 as may be helpful to the agricultural interests of the state,  
3 together with an itemized statement of all receipts and  
4 disbursements during the biennial period covered thereby and giving  
5 the name of every person employed during such period, the time  
6 employed and the amount paid each employee;

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

9 (j) Enter into an agreement with the Secretary of the  
10 Department of Veterans' Assistance to transfer all or part of the  
11 approximately seventeen acres of Department of Agriculture property  
12 in Beckley, West Virginia, located adjacent to the Jackie Withrow  
13 Hospital which was formerly known as Pinecrest Hospital, for  
14 construction of a veterans skilled nursing facility; and

15 ~~(j)~~ (k) Propose rules, including regulatory standards, for  
16 legislative approval in accordance with the provisions of article  
17 three, chapter twenty-nine-a of this code for the purpose of  
18 carrying out the requirements of this chapter.