

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2466

**FISCAL
NOTE**

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HOWELL, PAYNTER, CAPUTO AND MARTIN, C.

[Introduced January 16, 2019; Referred
to the Committee on Veterans' Affairs and Homeland
Security then Finance.]

1 A BILL to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended, relating
2 to providing for state employees to drive veterans to and from certain appointments.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. LEGISLATIVE PURPOSE AND DEFINITIONS.

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

1 The secretary is the executive and administrative head of the department and has the
2 power and duty, subject to the provisions of §9A-1-4 of this code, to:

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

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

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

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

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

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

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

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

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

21 (j) Keep a complete and accurate record of all proceedings; record and file all contracts

22 and agreements and assume responsibility for the custody and preservation of all papers and
23 documents pertaining to his or her office and the department;

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

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

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

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

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

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

43 ~~(q) Award grants, in his or her discretion, subject to available appropriations, to provide~~
44 ~~for the transportation of veterans to veterans' hospitals from the veteran's home or local Veterans'~~
45 ~~Assistance offices~~ Provide transportation for veterans to and from appointments to veterans'
46 hospitals from the veteran's home or local Veterans' Assistance office, using state employees as
47 drivers.

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

NOTE: The purpose of this bill is to require the Secretary of Veterans Assistance to provide transportation for veterans to and from appointments to veterans' hospitals using state employees as drivers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.