

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4138

FISCAL  
NOTE

BY DELEGATE HIGGINBOTHAM, ANDERSON, STAGGERS,  
ELLINGTON, HAMRICK, BARNHART, TONEY AND HANNA

[Introduced January 13, 2020; 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 requiring the Secretary of the Department of Veterans' Assistance to prescribe methods  
 3 of support for families of veterans to attend funeral services for deceased veterans, such  
 4 as payment for travel expenses for members of the immediate family; and requiring rule-  
 5 making.

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

**ARTICLE 1. DIVISION OF VETERANS' AFFAIRS.**

**§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  
32 orders 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  
40 and duties vested in the secretary, except the power to sign and execute contracts and  
41 agreements: *Provided*, That the secretary shall be responsible for the acts of his or her  
42 appointees, assistants, 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.

46 (r) Enter into an agreement with the Commissioner of the Department of Agriculture to  
47 transfer without consideration all or part of the approximately 17 acres of the Department of  
48 Agriculture property in Beckley, West Virginia, located adjacent to the Jackie Withrow Hospital  
49 which was formerly known as Pinecrest Hospital, for construction of a veterans skilled nursing  
50 facility.

51 (s) Prescribe methods of support for families of veterans to attend funeral services for  
52 deceased veterans who have been honorably discharged. That support may take the form of  
53 travel, meals, and hotel expenses for members of the immediate family. When using his or her  
54 own vehicle an allowance for mileage may be permitted at an amount equal to that designated by  
55 the Travel Management Office of the Department of Administration for payment to state  
56 employees. Other travel and hotel expenses may be reimbursed if reasonable and necessary  
57 under the circumstances. A per diem is permitted equal to the amount designated by the Travel  
58 Management Office of the Department of Administration for payment to state employees. The  
59 budget for the first fiscal year shall be \$50,000. For years thereafter, the Legislature shall establish  
60 its funding amount. The secretary shall propose rules for legislative approval in accordance with  
61 §29A-3-1 et seq. of this code to implement this subdivision.

NOTE: The purpose of this bill is to require the Secretary of the Department of Veterans' Assistance to prescribe methods of support for families of veterans to attend funeral services for deceased veterans, such as payment for travel expenses for members of the immediate family. The bill sets a first-year budget at \$50,000, and for years thereafter the Legislature shall set a funding amount. The bill requires rule-making.

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