

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

DO NOT MARK IN THIS BOX

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: WV Division of Veterans Affairs TITLE NUMBER: 86

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: State Home for Veterans - Fiscal

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 196

SECTION 64-6-3, PASSED ON March 9, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 22, 1996


AUTHORIZED SIGNATURE

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

March 12, 1996

G. L. Harper
Veterans Affairs
1321 Plaza East
Suite 101
Charleston, WV 25301-1400

SB 196 authorizing, **Title 86, Series 02, State Home for Veterans - Fiscal** passed the Legislature on March 9, 1996. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **SB 196** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 196 Section 64-6-3**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

TITLE 86
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF VETERANS' AFFAIRS

SERIES 2
STATE HOME FOR VETERANS-FISCAL

\$86-2-1. General.

1.1. Scope. -- This rule governs the funding matters related to the State Home for Veterans of Barboursville, West Virginia.

1.2. Authority. -- W. Va. Code 9A-2-3

1.3. Filing Date. --

1.4. Effective date. --

1.5 This rule repeals and replaces the Division of Veterans Affairs Rule, State Home for Veterans §86CSR2.

\$86-2-2. Federal Aid Accepted For Veterans Home.

2.1. The Veterans Home shall meet the federal standard for domiciliary care as prescribed by 38 USC 641.

\$86-2-3. Veterans Home Operating Fund, Consolidated Federal Funds Veterans Home Fund - Moneys For The Maintenance Of The Veterans Home to Be Deposited With State Treasurer.

3.1. The State Treasurer shall receive money which may become payable to this State by the United States Department of Veterans Affairs provided through per diem payments and grants. The Treasurer shall deposit the money to the credit of the Consolidated Federal Funds Veterans Home Fund for the use and benefit of the Veterans Home.

3.2. The Director of Veterans Affairs and the Administrator of the Veterans Home shall establish accounts and funds control as are required by state statutes to receive and disburse moneys applicable to the veterans home, including, but not limited to the following Special Revenue Accounts.

(1) The Consolidated Federal Funds Veterans Home Fund -- This fund shall consist of:

(a) Moneys recovered from the federal government through the grant program for renovation and construction; and,

(b) Per diem payments received from the federal government for daily care of veterans.

(2) The West Virginia Veterans Home Contribution Fund -- This Fund shall consist of donations and bequests to be expended for recreation for residents and special projects as directed by individual donor from miscellaneous organizations including, but not limited to, the following organizations and sources:

- (a) Claimed and unclaimed estates;
- (b) Any veterans organization;
- (c) Personal and private donations;
- (d) Wills; and
- (e) Commissions from vending machines at the Veterans Home.

(3) The West Virginia Veterans Home Operating Fund -- This Fund shall consist of:

(a) Contributions from residents to defray the costs of room and board. The Veterans Home Administrator shall place the contributions in the appropriate Special Revenue Account. These funds shall be carried over from year to year until expended or the account is closed. These funds shall be placed in interest bearing accounts, where appropriate, with the interest accruing to the specific account involved; and,

(b) Receipts from cash payments for food service.

(c) All moneys withdrawn from the Veterans Home Operating Fund shall be authorized on the basis of an abstract approved by the Administrator in accordance with policies established by the Director of Veterans Affairs. Transfers of funds drawn upon the State Treasurer against the Veterans Home Operating Fund for transfer to an account in a state bank for disbursement shall be prepared by the Department of Administration upon approval of the transfer by the Home Administrator.

\$86-2-4. Contribution For Residents Of Home. - Creation of Special Fund.

4.1. Each resident of the Veterans Home shall pay a monthly residents fee to the home. The fee shall be based on a resident's monthly income. The resident's fee shall be 50% of his or her monthly income provided that the residents contribution shall not exceed the cost of the residents care. For the purposes of this section the term "monthly income" includes monthly income from all sources including, but not limited to, social security benefits, retirement benefits, veterans benefits, etc. The Veterans Home Administrator and the Administrative Committee may from time to time, recommend that the Division Director propose amendments to this section setting forth the residents fee. The Administrator or his or her designee shall collect the residents fee monthly.

GASTON CAPERTON
GOVERNOR



G.L. HARPER
DIRECTOR

MG (RET.) JOSEPH J. SKAFF
SECT. MILITARY AFFAIRS & PUBLIC SAFETY

BURRELL MILLER
CHIEF VETERANS AFFAIRS OFFICER

VETERANS' COUNCIL
ROBERT E. VASS, JR.
MILFORD ZEIGLER
RICHARD HOMAN
MILES J. EPLING
PAUL ROTENBERRY
DON KINNARD

West Virginia
Division of Veterans Affairs

1321 Plaza East - Suite 101
Charleston, West Virginia 25301-1400
April 19, 1996

CHARLES PRATHER
ADM. SERV. ASST. 3

TO: JUDY COOPER, Director
Administrative Law Division
Secretary of State

FROM: *GLH* G. L. HARPER
Director

SUBJECT: PROMULGATION OF TITLE 86, SERIES 02
LEGISLATIVE RULE
STATE HOME FOR VETERANS - FISCAL

Please find attached Notice of Final Filing for Title 86, Series 02, State Home for Veterans - Fiscal.

The notice for this legislative rule was filed June 22, 1995 and hearing date was July 22, 1995. It was filed with Secretary of State's office July 24, 1995. This rule was modified and approved October 17, 1995 and filed November 2, 1995. SB 196 authorizing Title 86, Series 02, State Home for Veterans - Fiscal was passed by the legislature on March 9, 1996.

If additional information is needed, please advise. Thank you for your cooperation in this matter.

GLH:sk
Attachment: as stated

SENATE BILL NO. 236

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

Military;
Finance;
the Judiciary

86-2

6
7
8
9
10 A BILL to amend article six, chapter sixty-four of the code
11 of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
13 section, designated section four, relating to
14 authorizing the division of veterans affairs to
15 promulgate legislative rules relating to the state
16 home for veterans-fiscal.

17 Be it enacted by the Legislature of West Virginia:

18 That article six, chapter sixty-four of the code of
19 West Virginia, one thousand nine hundred thirty-one, as
20 amended, be amended by adding thereto a new section,
21 designated section four, to read as follows:

22 ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY
23 AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE
24 RULES.

1 §64-6-4. Division of veterans affairs.

2 The legislative rules filed in the state register on
3 the twenty-fourth day of July, one thousand nine hundred
4 ninety-five, under the authority of section three, article
5 two, chapter nine-a, of this code, modified by the division
6 of veterans affairs to meet the objections of the
7 legislative rule-making review committee and refiled in the
8 state register on the second day of November, one thousand
9 nine hundred ninety-five, relating to the division of
10 veterans affairs (state home for veterans-fiscal, 86 CSR
11 2), are authorized.

12

13 NOTE: The purpose of this bill is to authorize the
14 Division of Veterans Affairs to promulgate legislative
15 rules relating to the Sate Home for Veterans-fiscal.

16

17 This section is new; therefore, strike-throughs and
18 underscoring have been omitted.

9036

H. B. 4306

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)
(Introduced January 29, 1996 ; referred to the
Committee on ~~Finance then the Judiciary~~)

86-2

A BILL to amend article six, chapter sixty-four of the code
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AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE
RULES.

4306

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

TO: G. L. HARPER

AGENCY: VETERANS AFFAIRS

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 24, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE: 86 VETERANS AFFAIRS

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: Director

DATE: July 2, 1996

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.