



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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**5/28/2014 3:19:00 PM**

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 1)**

AGENCY **Veterans' Assistance Department of**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **86-02**  
RULE NAME **State Home for Veterans-Fiscal**

CITE AUTHORITY **W.Va. Code §9A-2-3**

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

In order to provide immediate shelter to homeless veterans requiring housing in the State Veterans Home, the West Virginia Department of Veterans Assistance established a transitional unit consisting of ten beds. Homeless Veterans are provided accommodations without cost while completing the admissions process that may take up to sixty days to complete.

President Obama and Veterans Affairs Secretary Shineski announced the goal of ending veteran homelessness by the end of 2015.

There is no fiscal impact on the cost and revenues of the Department of Veterans Assistance. Federal per diem supplements will offset costs.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-02



Rule Id: 9463



Document: 25817



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**FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 1)**

AGENCY **Veterans' Assistance Department of**  
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **86-02**  
RULE NAME **State Home for Veterans-Fiscal**

CITE AUTHORITY **W.Va. Code §9A-2-3**

DATE OF FILING  
**Thursday, May 29, 2014**

STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE  
**W.Va. Code §9A-2-3**

DATE OF FILING OF PROPOSED LEGISLATIVE RULE  
**Thursday, May 29, 2014**

DOES THE EMERGENCY RULE ADOPT NEW LANGUAGE OR DOES IT AMEND OR APPEAL A  
CURRENT LEGISLATIVE RULE?  
**Yes**

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND EXPIRED?  
**No**

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE  
EMERGENCY RULE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE,  
HEALTH, SAFETY OR WELFARE.

**In order to provide immediate shelter to homeless veterans requiring housing in the State Veterans home, the West Virginia Department of Veterans Assistance established a transitional unit consisting of ten beds. Homeless Veterans are provided accommodations without cost while completing the admissions process that may take up to sixty days to complete.**

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 2)**

AGENCY **Veterans' Assistance Department of**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **86-02**

RULE NAME **State Home for Veterans-Fiscal**

CITE AUTHORITY **W.Va. Code §9A-2-3**

IF THE EMERGENCY RULE WAS PROMULGATED IN ORDER TO COMPLY WITH A TIME LIMIT ESTABLISHED BY THE CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN.

**President Obama and Veterans Affairs Secretary Shineski announced the goal of wending veteran homelessness by the end of 2015.**

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE EMERGENCY RULE NECESSARY TO PREVENT SUBSTANTIAL HARM TO THE PUBLIC INTEREST.

**In order to provide immediate shelter to homeless veterans requiring housing in the State Veterans home, the West Virginia Department of Veterans Assistance established a transitional unit consisting of ten beds. Homeless Veterans are provided accommodations without cost while completing the admissions process that may take up to sixty days to complete.**

**President Obama and Veterans Affairs Secretary Shineski announced the goal of wending veteran homelessness by the end of 2015.**

**There is no fiscal impact on the cost and revenues of the Department of Veterans Assistance. Federal per diem supplements will offset costs.** BY CHOOSING YES, I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY **Veterans' Assistance Department of**  
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **86-02**  
RULE NAME **State Home for Veterans-Fiscal**

CITE AUTHORITY **W.Va. Code §9A-2-3**

**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.**

**There is no fiscal impact on the costs and revenues of the Department of Veterans Assistance. Federal per diem supplements will offset costs.**

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-02



Rule Id: 9463



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

**AGENCY** Veterans' Assistance Department of

**RULE TYPE** Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 86-02

**RULE NAME** State Home for Veterans-Fiscal

**CITE AUTHORITY** W.Va. Code §9A-2-3

**FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.**

| <b>Effect Of Proposal</b>           | <b>Current Increase/Decrease<br/>(use ' - ')</b> | <b>Next Increase/Decrease<br/>(use ' - ')</b> | <b>Fiscal Year (Upon<br/>Full Implementation)</b> |
|-------------------------------------|--------------------------------------------------|-----------------------------------------------|---------------------------------------------------|
| <b>ESTIMATED<br/>TOTAL COST</b>     | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |
| <b>PERSONAL SERVICES</b>            | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |
| <b>CURRENT EXPENSES</b>             | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |
| <b>REPAIRS AND<br/>ALTERATIONS</b>  | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |
| <b>ASSETS</b>                       | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |
| <b>OTHER</b>                        | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |
| <b>ESTIMATED<br/>TOTAL REVENUES</b> | <b>0.0</b>                                       | <b>0.0</b>                                    | <b>0.0</b>                                        |

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-02



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

**AGENCY** Veterans' Assistance Department of

**RULE TYPE** Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 86-02

**RULE NAME** State Home for Veterans-Fiscal

**CITE AUTHORITY** W.Va. Code §9A-2-3

**3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.**

**Federal per diem supplements will offset costs.**

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-02



Rule Id: 9463



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

AGENCY **Veterans' Assistance Department of**  
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **86-02**  
RULE NAME **State Home for Veterans-Fiscal**

CITE AUTHORITY **W.Va. Code §9A-2-3**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

**Federal per diem supplements will offset costs.**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-02



Rule Id: 9463



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY      Veterans' Assistance Department of  
RULE TYPE   Legislative                      AMENDMENT TO EXISTING RULE    Yes    TITLE-SERIES    86-02  
RULE NAME   State Home for Veterans-Fiscal

CITE AUTHORITY   W.Va. Code §9A-2-3

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND  
STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

In order to provide immediate shelter to homeless veterans requiring housing in the State Veterans Home and to comply with President Obama's and Veterans Affairs Secretary Shineski's goal of ending homelessness by the end of 2015, the Department of Veterans Assistance established a transitional unit consisting of ten beds. Homeless Veterans are provided accommodations without cost while completing the admissions process that may take up to sixty days to complete.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-02



Rule Id: 9463



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TITLE 86  
LEGISLATIVE RULE  
~~WEST VIRGINIA DIVISION OF VETERANS' AFFAIRS~~ DEPARTMENT OF VETERANS  
ASSISTANCE

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. -- April 22, 1996.

1.4. Effective Date. -- April 22, 1996.

1.5. This rule repeals and replaces the ~~Division of Veterans Affairs~~ Department of Veterans Assistance 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~~ Secretary of the West Virginia Department of Veterans Assistance 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~~. Secretary of Veterans Assistance. 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~~ Department Secretary propose amendments to this section setting forth the residents fee. The Administrator or his or her designee shall collect the residents fee monthly.

4.2 Transitional unit residents are not required to pay a monthly resident's fee.