



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/1/2014 11:54:49 AM

**OFFICE OF
WEST VIRGINIA SECRETARY OF STATE**

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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 PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

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: 26104



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FORM 10 -- LEGISLATIVE 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

AUTHORIZING STATUTE(S) CITATION
W.Va. Code §9A-2-3

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Wednesday, May 28, 2014

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
None

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Wednesday, July 02, 2014

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 10 – LEGISLATIVE 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

**ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.**

No comments received

**DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)**

Friday, August 01, 2014

**NAME, TITLE, ADDRESS AND PHONE FAX EMAIL NUMBERS OF AGENCY PERSON(S) TO RECEIVE
ALL WRITTEN CORRESPONDENCE REGARDING THIS RULE**

**Rick Thompson, Cabinet Secretary
West Virginia Department of Veterans Assistance
1514-B Kanawha Boulevard East
Charleston, West Virginia 25311
304-558-3661 phone 304-558-3662**

**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 10 -- LEGISLATIVE QUESTIONNAIRE (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**

IF DIFFERENT FROM ABOVE, PLEASE GIVE NAME, TITLE, ADDRESS, AND PHONE NUMBER(S) OF AGENCY PERSON(S) WHO WROTE AND/OR HAS RESPONSIBILITY FOR THE CONTENTS OF THIS RULE

**Cheryl Austin, Administrative Services Assistant
West Virginia Department of Veterans Assistance
1514-B Kanawha Boulevard East
Charleston, West Virginia 25311
304-558-3661 phone 304-558-3662 fax**

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

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 10 -- LEGISLATIVE QUESTIONNAIRE (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**

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

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 cost 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.



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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.

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

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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.

There is no fiscal impact on the cost 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.



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

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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.

None

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.



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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, 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.

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.

1.4. Effective Date.

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.