

1 amended, be amended and reenacted, all to read as follows:

2 **CHAPTER 9A. VETERANS' ASSISTANCE.**

3 **ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.**

4 **§9A-1-2. Veterans' Council; administration of department.**

5 There is continued the "Veterans' Council" consisting of nine
6 members who must be citizens and residents of this state and who
7 have served in and been honorably discharged or separated under
8 honorable conditions from the Armed Forces of the United States and
9 whose service was within a time of war as defined by the laws of
10 the United States, either Public Law No. 2 -- 73rd Congress, or
11 Public Law No. 346 -- 78th Congress, and amendments thereto. Where
12 feasible, two members of the council shall be veterans of either
13 World War II or the Korean Conflict, at least two members of the
14 council shall be veterans of the Vietnam era, at least one member
15 shall be a veteran of the first Gulf War and at least one member
16 shall be a veteran of the Afghanistan or Iraqi Conflicts. The
17 members of the veterans' council shall be selected with special
18 reference to their ability and fitness to effectuate the purposes
19 of this article. If an eligible veteran is not available or cannot
20 be selected, a veteran who is a citizen and resident of this state,
21 who served in and was honorably discharged or separated under
22 honorable conditions from the Armed Forces of the United States and

1 who served during any time of war or peace may be selected.

2 A The secretary and such ~~veterans' affairs~~ officers,
3 assistants and employees as the secretary considers advisable,
4 shall administer the West Virginia Department of Veterans'
5 Assistance.

6 **§9A-1-5. Compensation to and expenses of Secretary and Veterans'**
7 **Council members; meetings of Veterans' Council.**

8 (a) The ~~director~~ secretary shall receive an annual salary as
9 provided in section two-a, article seven, chapter six of this code
10 and necessary traveling expenses incident to the performance of his
11 or her duties. ~~The salaries of the veterans' affairs officers,~~
12 ~~assistants and employees shall be fixed by the Veterans' Council.~~
13 The members of the Veterans' Council shall receive no salary, but
14 each member shall receive the same compensation and expense
15 reimbursement as is paid to members of the Legislature for their
16 interim duties as recommended by the Citizens Legislative
17 Compensation Commission and authorized by law for each day or
18 portion thereof engaged in the discharge of official duties. The
19 requisition for such expenses and traveling expenses shall be
20 accompanied by a sworn and itemized statement, which shall be filed
21 with the Auditor and permanently preserved as a public record.

22 (b) The Veterans' Council shall ~~hold its initial meeting on~~

1 ~~the call of the Governor, and thereafter shall~~ meet on the call of
2 its chairman, except as otherwise provided. ~~With the exception of~~
3 ~~the first three meetings of the Veterans' Council, none of which~~
4 ~~shall be of a duration longer than two weeks each, for~~
5 ~~organizational purposes, the~~ The Veterans' Council shall meet not
6 more than once every two months at such times as may be determined
7 by and upon the call of the chairman for a period of not more than
8 two days, unless there should be an emergency requiring a special
9 meeting or for a longer period and so declared and called by the
10 Governor or by the chairman with the approval of the Governor. A
11 majority of the members of the Veterans' Council shall constitute
12 a quorum for the conduct of official business.

13 **§9A-1-6. Oaths.**

14 The members of the Veterans' Council, the ~~director~~ secretary
15 and the ~~veterans' affairs~~ officers of the department shall take and
16 subscribe to the oath prescribed by article four, section five of
17 the state Constitution before entering on their duties. Their
18 oaths shall be filed with the Secretary of State.

19 **§9A-1-8. Offices.**

20 The offices of the ~~director~~ secretary shall be located at the
21 state capitol or other place provided in the capital city. The
22 ~~director~~ secretary shall keep his or her offices open at all

1 reasonable times for the transaction of business. The offices and
2 meeting place of the Veterans' Council shall be in the offices of
3 the ~~director~~ secretary: *Provided*, That the Veterans' Council with
4 the approval of the Governor may hold meetings at other places but
5 not outside of this state, except in the District of Columbia.

6 **§9A-1-9. Duties of department.**

7 The ~~division~~ department of veterans' ~~affairs~~ assistance of
8 ~~West Virginia~~ shall:

9 (1) Assist veterans, their widows, dependents and orphans
10 within the state, in properly presenting their claims before the
11 United States Veterans' Administration, its administrator, or any
12 federal agency, the State of West Virginia, or any of the several
13 states of the United States, when the claims arise out of service
14 with the Armed Forces of the United States as defined in section
15 one of this article;

16 (2) Contact all veterans' organizations in this state through
17 their duly elected or appointive officers to effectuate the
18 purposes of this article and aid in the efficiency of the
19 operations of the ~~division~~ department;

20 (3) Render all possible and proper advice, assistance and
21 counsel to veterans, their families, and their widows, dependents
22 and orphans, within the state, and furnish them information on

1 compensation, allowances, pensions, insurance, rehabilitation,
2 hospitalization, education, vocational training, or refresher or
3 retraining courses in education or training, employment, loans or
4 aid for the purchase, acquisition or construction of homes, farms,
5 farm equipment and business property, preference in the purchase of
6 property and preference in employment, as provided or may be
7 provided by any federal act, any federal agency, this state or
8 other states;

9 (4) Make careful inquiry into all claims presented for payment
10 out of the State Treasury from any appropriation made for the
11 benefit of veterans, their widows, dependents and orphans.

12 **§9A-1-10. Additional powers and duties of secretary.**

13 The ~~director~~ secretary is the executive and administrative
14 head of the ~~division~~ department and has the power and duty, subject
15 to the provisions of section four of this article, to:

16 (a) Supervise and put into effect the purposes and provisions
17 of this article and the rules for the government of the ~~division~~
18 department;

19 (b) Prescribe methods pertaining to investigations and
20 reinvestigations of all claims and to the rights and interests of
21 all veterans, their widows, dependents and orphans;

22 (c) Prescribe uniform methods of keeping all records and case

1 records of the veterans, their widows, dependents and orphans;

2 (d) Sign and execute, in the name of the state by West
3 Virginia ~~Division~~ Department of Veterans' Affairs Assistance, and
4 ~~by and with the consent of the Veterans' Council,~~ any contract or
5 agreement with the federal government or its agencies, other
6 states, subdivisions of this state, corporations, associations,
7 partnerships or individuals;

8 (e) Supervise the fiscal affairs and responsibilities of the
9 ~~division~~ department;

10 (f) Organize the ~~division~~ department to comply with the
11 requirements of this article and with the standards required by any
12 federal act or any federal agency;

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

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

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

20 (j) Keep a complete and accurate record of all proceedings;
21 record and file all contracts and agreements and assume
22 responsibility for the custody and preservation of all papers and

1 documents pertaining to his or her office and the ~~division~~
2 department;

3 (k) Prepare for the Veterans' Council the annual reports to
4 the Governor of the condition, operation and functioning of the
5 ~~division~~ department;

6 (l) Exercise any other powers necessary and proper to
7 standardize the work; to expedite the service and business; to
8 assure fair consideration of the rights and interests and claims of
9 veterans, their widows, dependents and orphans; to provide
10 resources for a program which will promote a greater outreach to
11 veterans and which will advise them of the benefits and services
12 that are available, and to promote the efficiency of the ~~division~~
13 department;

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

16 (n) Appoint the ~~veterans' affairs~~ officers and heads of
17 divisions of the ~~division~~ department, and of regional or area
18 offices, and employ assistants and employees, including case
19 managers and counselors, that are necessary for the efficient
20 operation of the ~~division~~ department;

21 (o) Provide resources and assistance in the development of an
22 Internet website which is to be used to inform veterans of programs

1 and services available to them through the ~~division~~ department and
2 the state and federal governments;

3 (p) Delegate to all or any of his or her appointees,
4 assistants or employees all powers and duties vested in the
5 ~~director~~ secretary, except the power to sign and execute contracts
6 and agreements, but the ~~director~~ secretary shall be responsible for
7 the acts of his or her appointees, assistants and employees; and

8 (q) ~~Provide volunteers who will drive or transport~~ Award
9 grants, as he or she deems advisable, subject to available
10 appropriations, for the purpose of supporting the transportation of
11 veterans to veterans' hospitals from the veteran's home or local
12 veterans' ~~affairs~~ assistance offices. ~~and who shall be paid an~~
13 ~~expense per diem of seventy-five dollar.~~

14 **§9A-1-11. Establishment of veterans facilities support fund;**
15 **authorized expenditures.**

16 There is ~~hereby created~~ continued in the State Treasury a
17 special revenue fund to be designated and known as the Veterans
18 Facilities Support Fund and shall be administered by the secretary.
19 All interest or other returns earned on the investment of the
20 moneys in the fund shall be credited to the fund. Funds paid into
21 the account shall be derived from the following sources: (1) Any
22 gift, grant, bequest, endowed fund or donation which may be

1 received by any veterans facility created by statute from any
2 governmental entity or unit or any person, firm, foundation or
3 corporation; and (2) all interest or other return on investment
4 accruing to the fund. Moneys in the fund are to be used for the
5 operational costs of any veterans facility created by statute, the
6 acquisition, design, construction, equipping, furnishing,
7 including, without limitation, the payment of debt service on bonds
8 issued to finance the foregoing and/or as otherwise designated or
9 specified by the donor. Any balance, including accrued interest or
10 other earnings, in this special fund at the end of any fiscal year
11 shall not revert to the General Revenue Fund but shall remain in
12 the fund. Funds from the Veterans Facility Support Fund for
13 operational costs will be distributed by appropriation of the
14 Legislature. ~~Funds from the veterans facility support fund for the~~
15 ~~acquisition, design, construction, equipping, furnishing,~~
16 ~~including, without limitation, the payment of debt service on bonds~~
17 ~~issued to finance the veterans nursing home shall be transferred to~~
18 ~~the veterans nursing home building fund upon written request of the~~
19 ~~director of the division of Veterans Affairs to the Investment~~
20 ~~Management Board and the state Treasurer in accordance with the~~
21 ~~provisions of this section.~~

22 **§9A-1-12. Legal assistance.**

1 The Attorney General of the state and his or her assistants,
2 and the prosecuting attorneys of the various counties, shall render
3 to the Veterans' Council or ~~director~~ secretary, without additional
4 compensation, such legal services as may be required in the
5 discharge of the provisions of this article.

NOTE: The purpose of this bill is to provide consistent use of terms in the existing statutes governing the provision of assistance to veterans through the Department of Veteran's Assistance, to remove obsolete or superseded language, and to clarify and provide additional power and authority to the Department's Secretary.

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