

H. B. 2761

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)

[By Request of the Executive]

[Introduced January 24, 2011; referred to the
Committee on Veterans' Affairs and Homeland Security then
Government Organization.]

A BILL to amend and reenact §4-10-8 of the Code of West Virginia,
1931, as amended; to amend and reenact §5F-1-2 of said code;
to amend and reenact §5F-2-1 of said code; to amend and
reenact §6-7-2a of said code; and to amend and reenact §9A-1-
1, §9A-1-2 and §9A-1-4 of said code, all relating to
redesignating the Division of Veterans' Affairs as the
Department of Veteran's Assistance within the executive
branch; establishing the time period for review of the
Department of Veteran's Assistance by the Joint Standing
Committee on Government Organization and the Joint Committee
on Government Operations; providing that the Veterans' Council
be part of the Department of Veteran's Assistance; providing
that the department be supervised by a secretary-level
administrator; establishing the salary of the secretary;

1 providing an effective date for redesignation; making other
2 changes to the code to comport with the amendment; and
3 providing technical and clerical clean-up.

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

5 That §4-10-8 of the Code of West Virginia, 1931, as amended,
6 be amended and reenacted; that §5F-1-2 of said code be amended and
7 reenacted; that §5F-2-1 of said code be amended and reenacted; that
8 §6-7-2a of said code be amended and reenacted; and that §9A-1-1,
9 §9A-1-2 and §9A-1-4 of said code be amended and reenacted, all to
10 read as follows:

11 **CHAPTER 4. THE LEGISLATURE.**

12 **ARTICLE 10. PERFORMANCE REVIEW ACT.**

13 **§4-10-8. Schedule of departments for agency review.**

14 (a) Each department shall make a presentation pursuant to the
15 provisions of this article, to the Joint Standing Committee and the
16 committee during the first interim meeting after the regular
17 session of the year in which the department is to be reviewed
18 pursuant to the schedule set forth in subsection (b) of this
19 section.

20 (b) An agency review shall be performed on one or more
21 agencies under the purview of each department at least once every
22 six years, commencing as follows:

23 (1) 2008, the Department of Administration;

24 (2) 2009, the Department of Education and the Arts, and the

1 Department of Education, including the Higher Education Policy
2 Commission and the West Virginia Council for Community and
3 Technical College Education;

4 (3) 2010, the Department of Revenue and the Department of
5 Commerce;

6 (4) 2011, the Department of Environmental Protection and the
7 Department of Military Affairs and Public Safety;

8 (5) 2012, the Department of Health and Human Resources,
9 including the Bureau of Senior Services; ~~and~~

10 (6) 2013, the Department of Transportation; and

11 (7) 2016, the Department of Veteran's Assistance.

12 **CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE**
13 **GOVERNMENT.**

14 **ARTICLE 1. GENERAL PROVISIONS.**

15 **§5F-1-2. Executive departments created; offices of secretary**
16 **created.**

17 (a) There are created, within the executive branch of the
18 state government, the following departments:

19 (1) Department of Administration;

20 (2) Department of Education and the Arts;

21 (3) Department of Environmental Protection;

22 (4) Department of Health and Human Resources;

23 (5) Department of Military Affairs and Public Safety;

24 (6) Department of Revenue;

1 (7) Department of Transportation; ~~and~~
2 (8) Department of Commerce; and
3 (9) Effective January 14, 2013, Department of Veteran's
4 Assistance.

5 (b) Each department will be headed by a secretary appointed by
6 the Governor with the advice and consent of the Senate. Each
7 secretary serves at the will and pleasure of the Governor.

8 **ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

9 **§5F-2-1. Transfer and incorporation of agencies and boards; funds.**

10 (a) The following agencies and boards, including all of the
11 allied, advisory, affiliated or related entities and funds
12 associated with any agency or board, are incorporated in and
13 administered as a part of the Department of Administration:

14 (1) Building Commission provided in article six, chapter five
15 of this code;

16 (2) Public Employees Insurance Agency provided in article
17 sixteen, chapter five of this code;

18 (3) Governor's Mansion Advisory Committee provided in article
19 five, chapter five-a of this code;

20 (4) Commission on Uniform State Laws provided in article one-
21 a, chapter twenty-nine of this code;

22 (5) West Virginia Public Employees Grievance Board provided in
23 article three, chapter six-c of this code;

24 (6) Board of Risk and Insurance Management provided in article

1 twelve, chapter twenty-nine of this code;

2 (7) Boundary Commission provided in article twenty-three,
3 chapter twenty-nine of this code;

4 (8) Public Defender Services provided in article twenty-one,
5 chapter twenty-nine of this code;

6 (9) Division of Personnel provided in article six, chapter
7 twenty-nine of this code;

8 (10) The West Virginia Ethics Commission provided in article
9 two, chapter six-b of this code;

10 (11) Consolidated Public Retirement Board provided in article
11 ten-d, chapter five of this code; and

12 (12) Real Estate Division provided in article ten, chapter
13 five-a of this code.

14 (b) The following agencies and boards, including all of the
15 allied, advisory, affiliated or related entities and funds
16 associated with any agency or board, are incorporated in and
17 administered as a part of the Department of Commerce:

18 (1) Division of Labor provided in article one, chapter twenty-
19 one of this code, which includes:

20 (A) Occupational Safety and Health Review Commission provided
21 in article three-a, chapter twenty-one of this code; and

22 (B) Board of Manufactured Housing Construction and Safety
23 provided in article nine, chapter twenty-one of this code.

24 (2) Office of Miners' Health, Safety and Training provided in

1 article one, chapter twenty-two-a of this code. The following
2 boards are transferred to the Office of Miners' Health, Safety and
3 Training for purposes of administrative support and liaison with
4 the Office of the Governor:

5 (A) Board of Coal Mine Health and Safety and Coal Mine Safety
6 and Technical Review Committee provided in article six, chapter
7 twenty-two-a of this code;

8 (B) Board of Miner Training, Education and Certification
9 provided in article seven, chapter twenty-two-a of this code; and

10 (C) Mine Inspectors' Examining Board provided in article nine,
11 chapter twenty-two-a of this code.

12 (3) The West Virginia Development Office, which includes the
13 Division of Tourism and the Tourism Commission, provided in article
14 two, chapter five-b of this code;

15 (4) Division of Natural Resources and Natural Resources
16 Commission provided in article one, chapter twenty of this code;

17 (5) Division of Forestry provided in article one-a, chapter
18 nineteen of this code;

19 (6) Geological and Economic Survey provided in article two,
20 chapter twenty-nine of this code; and

21 (7) Workforce West Virginia provided in chapter twenty-one-a
22 of this code, which includes:

23 (A) Division of Unemployment Compensation;

24 (B) Division of Employment ~~Services~~ Service;

1 (C) Division of Workforce Development; and

2 (D) Division of Research, Information and Analysis.

3 (8) Division of Energy provided in article two-f, chapter
4 five-b of this code.

5 (c) The Economic Development Authority provided in article
6 fifteen, chapter thirty-one of this code is continued as an
7 independent agency within the executive branch.

8 (d) The Water Development Authority and the Water Development
9 Authority Board provided in article one, chapter twenty-two-c of
10 this code is continued as an independent agency within the
11 executive branch.

12 (e) The following agencies and boards, including all of the
13 allied, advisory and affiliated entities, are transferred to the
14 Department of Environmental Protection for purposes of
15 administrative support and liaison with the office of the Governor:

16 (1) Air Quality Board provided in article two, chapter twenty-
17 two-b of this code;

18 (2) Solid Waste Management Board provided in article three,
19 chapter twenty-two-c of this code;

20 (3) Environmental Quality Board, or its successor board,
21 provided in article three, chapter twenty-two-b of this code;

22 (4) Surface Mine Board provided in article four, chapter
23 twenty-two-b of this code;

24 (5) Oil and Gas Inspectors' Examining Board provided in

1 article seven, chapter twenty-two-c of this code;

2 (6) Shallow Gas Well Review Board provided in article eight,
3 chapter twenty-two-c of this code; and

4 (7) Oil and Gas Conservation Commission provided in article
5 nine, chapter twenty-two-c of this code.

6 (f) The following agencies and boards, including all of the
7 allied, advisory, affiliated or related entities and funds
8 associated with any agency or board, are incorporated in and
9 administered as a part of the Department of Education and the Arts:

10 (1) Library Commission provided in article one, chapter ten of
11 this code;

12 (2) Educational Broadcasting Authority provided in article
13 five, chapter ten of this code;

14 (3) Division of Culture and History provided in article one,
15 chapter twenty-nine of this code; and

16 (4) Division of Rehabilitation Services provided in ~~section~~
17 ~~two,~~ article ten-a, chapter eighteen of this code.

18 (g) The following agencies and boards, including all of the
19 allied, advisory, affiliated or related entities and funds
20 associated with any agency or board, are incorporated in and
21 administered as a part of the Department of Health and Human
22 Resources:

23 (1) Human Rights Commission provided in article eleven,
24 chapter five of this code;

1 (2) Division of Human Services provided in article two,
2 chapter nine of this code;

3 (3) Bureau for Public Health provided in article one, chapter
4 sixteen of this code;

5 (4) Office of Emergency Medical Services and Emergency Medical
6 Service Advisory Council provided in article four-c, chapter
7 sixteen of this code;

8 (5) Health Care Authority provided in article twenty-nine-b,
9 chapter sixteen of this code;

10 (6) Commission on Mental Retardation provided in article
11 fifteen, chapter twenty-nine of this code;

12 (7) Women's Commission provided in article twenty, chapter
13 twenty-nine of this code; and

14 (8) The Child Support Enforcement Division provided in chapter
15 forty-eight of this code.

16 (h) The following agencies and boards, including all of the
17 allied, advisory, affiliated or related entities and funds
18 associated with any agency or board, are incorporated in and
19 administered as a part of the Department of Military Affairs and
20 Public Safety:

21 (1) Adjutant General's Department provided in article one-a,
22 chapter fifteen of this code;

23 (2) Armory Board provided in article six, chapter fifteen of
24 this code;

1 (3) Military Awards Board provided in article one-g, chapter
2 fifteen of this code;

3 (4) West Virginia State Police provided in article two,
4 chapter fifteen of this code;

5 (5) Division of Homeland Security and Emergency Management and
6 Disaster Recovery Board provided in article five, chapter fifteen
7 of this code and Emergency Response Commission provided in article
8 five-a of said chapter;

9 (6) Sheriffs' Bureau provided in article eight, chapter
10 fifteen of this code;

11 (7) Division of Justice and Community Services provided in
12 article nine-a, chapter fifteen of this code;

13 (8) Division of Corrections provided in chapter twenty-five of
14 this code;

15 (9) Fire Commission provided in article three, chapter twenty-
16 nine of this code;

17 (10) Regional Jail and Correctional Facility Authority
18 provided in article twenty, chapter thirty-one of this code; and

19 (11) Board of Probation and Parole provided in article twelve,
20 chapter sixty-two of this code. ~~and~~

21 ~~(12) Division of Veterans' Affairs and Veterans' Council~~
22 ~~provided in article one, chapter nine-a of this code.~~

23 (I) The following agencies and boards, including all of the
24 allied, advisory, affiliated or related entities and funds

1 associated with any agency or board, are incorporated in and
2 administered as a part of the Department of Revenue:

3 (1) Tax Division provided in ~~article one~~, chapter eleven of
4 this code;

5 (2) Racing Commission provided in article twenty-three,
6 chapter nineteen of this code;

7 (3) Lottery Commission and position of Lottery Director
8 provided in article twenty-two, chapter twenty-nine of this code;

9 (4) ~~Agency of~~ Insurance Commissioner provided in article two,
10 chapter thirty-three of this code;

11 (5) ~~Office of~~ West Virginia Alcohol Beverage Control
12 Commissioner provided in article sixteen, chapter eleven of this
13 code and article two, chapter sixty of this code;

14 (6) Board of Banking and Financial Institutions provided in
15 article three, chapter thirty-one-a of this code;

16 (7) Lending and Credit Rate Board provided in chapter forty-
17 seven-a of this code;

18 (8) Division of Banking provided in article two, chapter
19 thirty-one-a of this code;

20 (9) The State Budget Office provided in article two of this
21 chapter;

22 (10) The Municipal Bond Commission provided in article three,
23 chapter thirteen of this code;

24 (11) The Office of Tax Appeals provided in article ten-a,

1 chapter eleven of this code; and

2 (12) The State Athletic Commission provided in article five-a,
3 chapter twenty-nine of this code.

4 (j) The following agencies and boards, including all of the
5 allied, advisory, affiliated or related entities and funds
6 associated with any agency or board, are incorporated in and
7 administered as a part of the Department of Transportation:

8 (1) Division of Highways provided in article two-a, chapter
9 seventeen of this code;

10 (2) Parkways, Economic Development and Tourism Authority
11 provided in article sixteen-a, chapter seventeen of this code;

12 (3) Division of Motor Vehicles provided in article two,
13 chapter seventeen-a of this code;

14 (4) Driver's Licensing Advisory Board provided in article two,
15 chapter seventeen-b of this code;

16 (5) Aeronautics Commission provided in article two-a, chapter
17 twenty-nine of this code;

18 (6) State Rail Authority provided in article eighteen, chapter
19 twenty-nine of this code; and

20 (7) Public Port Authority provided in article sixteen-b,
21 chapter seventeen of this code.

22 (k) The Veterans' Council provided in article one, chapter
23 nine-a of this code, including all of the allied, advisory,
24 affiliated or related entities and funds associated with it, is

1 incorporated in and administered as a part of the Department of
2 Veteran's Assistance.

3 ~~(k)~~ (l) Except for powers, authority and duties that have been
4 delegated to the secretaries of the departments by the provisions
5 of section two of this article, the position of administrator and
6 the powers, authority and duties of each administrator and agency
7 are not affected by the enactment of this chapter.

8 ~~(l)~~ (m) Except for powers, authority and duties that have been
9 delegated to the secretaries of the departments by the provisions
10 of section two of this article, the existence, powers, authority
11 and duties of boards and the membership, terms and qualifications
12 of members of the boards are not affected by the enactment of this
13 chapter. All boards that are appellate bodies or are independent
14 decision makers shall not have their appellate or independent
15 decision-making status affected by the enactment of this chapter.

16 ~~(m)~~ (n) Any department previously transferred to and
17 incorporated in a department by prior enactment of this section
18 means a division of the appropriate department. Wherever reference
19 is made to any department transferred to and incorporated in a
20 department created in section two, article one of this chapter, the
21 reference means a division of the appropriate department and any
22 reference to a division of a department so transferred and
23 incorporated means a section of the appropriate division of the
24 department.

1 ~~(n)~~ (o) When an agency, board or commission is transferred
2 under a bureau or agency other than a department headed by a
3 secretary pursuant to this section, that transfer is solely for
4 purposes of administrative support and liaison with the Office of
5 the Governor, a department secretary or a bureau. Nothing in this
6 section extends the powers of department secretaries under section
7 two of this article to any person other than a department secretary
8 and nothing limits or abridges the statutory powers and duties of
9 statutory commissioners or officers pursuant to this code.

10 **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

11 **ARTICLE 7. COMPENSATION AND ALLOWANCES.**

12 **§6-7-2a. Terms of certain appointive state officers; appointment;**
13 **qualifications; powers and salaries of such officers.**

14 (a) Each of the following appointive state officers named in
15 this subsection shall be appointed by the Governor, by and with the
16 advice and consent of the Senate. Each of the appointive state
17 officers serves at the will and pleasure of the Governor for the
18 term for which the Governor was elected and until the respective
19 state officers' successors have been appointed and qualified. Each
20 of the appointive state officers are subject to the existing
21 qualifications for holding each respective office and each has and
22 is hereby granted all of the powers and authority and shall perform
23 all of the functions and services heretofore vested in and
24 performed by virtue of existing law respecting each office.

1 ~~Prior to July 1, two thousand six, each such named appointive~~
2 ~~state officer shall continue to receive the annual salaries they~~
3 ~~were receiving as of the effective date of the enactment of this~~
4 ~~section in two thousand six and thereafter, notwithstanding any~~
5 ~~other provision of this code to the contrary,~~ The annual salary of
6 each named appointive state officer ~~shall be~~ is as follows:

7 Commissioner, Division of Highways, \$92,500; Commissioner,
8 Division of Corrections, \$80,000; Director, Division of Natural
9 Resources, \$75,000; Superintendent, State Police, \$85,000;
10 Commissioner, Division of Banking, \$75,000; Commissioner, Division
11 of Culture and History, \$65,000; Commissioner, Alcohol Beverage
12 Control Commission, \$75,000; Commissioner, Division of Motor
13 Vehicles, \$75,000; Chairman, Health Care Authority, \$80,000;
14 members, Health Care Authority, \$70,000; Director, Human Rights
15 Commission, \$55,000; Commissioner, Division of Labor, \$70,000;
16 ~~Director, Division of Veterans' Affairs, sixty-five thousand~~
17 ~~dollars,~~ Chairperson, Board of Parole, \$55,000; members, Board of
18 Parole, \$50,000; members, Employment Security Review Board,
19 \$17,000; and Commissioner, ~~Bureau of Employment Programs~~ Workforce
20 West Virginia, \$75,000. Secretaries of the departments shall be
21 paid an annual salary as follows: Health and Human Resources,
22 \$95,000; Transportation, \$95,000: *Provided*, That if the same
23 person is serving as both the Secretary of Transportation and the
24 Commissioner of Highways, he or she shall be paid \$120,000;

1 Revenue, \$95,000; Military Affairs and Public Safety, \$95,000;
2 Administration, \$95,000; Education and the Arts, \$95,000; Commerce,
3 \$95,000; Veterans' Assistance, \$95,000; and Environmental
4 Protection, \$95,000; *Provided, however,* That any increase in the
5 salary of any current appointive state officer named in this
6 subsection pursuant to the reenactment of this subsection during
7 the regular session of the Legislature in 2006 that exceeds \$5,000
8 shall be paid to such officer or his or her successor beginning on
9 July 1, 2006, in annual increments of \$5,000 per fiscal year, up to
10 the maximum salary provided in this subsection: *Provided further,*
11 That if the same person is serving as both the Secretary of
12 Transportation and the Commissioner of Highways, then the annual
13 increments of \$5,000 per fiscal year do not apply.

14 (b) Each of the state officers named in this subsection shall
15 continue to be appointed in the manner prescribed in this code and,
16 prior to July 1, 2006, each of the state officers named in this
17 subsection shall continue to receive the annual salaries he or she
18 was receiving as of the effective date of the enactment of this
19 section in 2006 and shall thereafter, notwithstanding any other
20 provision of this code to the contrary, be paid an annual salary as
21 follows:

22 Director, Board of Risk and Insurance Management, \$80,000;
23 Director, Division of Rehabilitation Services, \$70,000; Director,
24 Division of Personnel, \$70,000; Executive Director, Educational

1 Broadcasting Authority, \$75,000; Secretary, Library Commission,
2 \$72,000; Director, Geological and Economic Survey, \$75,000;
3 Executive Director, prosecuting attorneys Institute, \$70,000;
4 Executive Director, Public Defender Services, \$70,000;
5 Commissioner, Bureau of Senior Services, \$75,000; Director, State
6 Rail Authority, \$65,000; Executive Director, Women's Commission,
7 \$45,000; Director, Hospital Finance Authority, \$35,000; member,
8 Racing Commission, \$12,000; Chairman, Public Service Commission,
9 \$85,000; members, Public Service Commission, \$85,000; Director,
10 Division of Forestry, \$75,000; Director, Division of Juvenile
11 Services, \$80,000; and Executive Director, Regional Jail and
12 Correctional Facility Authority, \$80,000: *Provided*, That any
13 increase in the salary of any current appointive state officer
14 named in this subsection pursuant to the reenactment of this
15 subsection during the regular session of the Legislature in 2006
16 that exceeds \$5,000 shall be paid to such officer or his or her
17 successor beginning on July, 1 2006, in annual increments of \$5,000
18 per fiscal year, up to the maximum salary provided in this
19 subsection.

20 (c) Each of the following appointive state officers named in
21 this subsection shall be appointed by the Governor, by and with the
22 advice and consent of the Senate. Each of the appointive state
23 officers serves at the will and pleasure of the Governor for the
24 term for which the Governor was elected and until the respective

1 state officers' successors have been appointed and qualified. Each
2 of the appointive state officers are subject to the existing
3 qualifications for holding each respective office and each has and
4 is hereby granted all of the powers and authority and shall perform
5 all of the functions and services heretofore vested in and
6 performed by virtue of existing law respecting each office.

7 Prior to July 1, 2006, each such named appointive state
8 officer shall continue to receive the annual salaries they were
9 receiving as of the effective date of the enactment of this section
10 in 2006 and thereafter, notwithstanding any other provision of this
11 code to the contrary, the annual salary of each named appointive
12 state officer shall be as follows:

13 Commissioner, State Tax Division, \$92,500; Insurance
14 Commissioner, ~~Insurance Commission~~, \$92,500; Director, Lottery
15 Commission, \$92,500; Director, Division of Homeland Security and
16 Emergency Management, \$65,000; and Adjutant General, \$92,500.

17 (d) No increase in the salary of any appointive state officer
18 pursuant to this section ~~shall~~ may be paid until and unless the
19 appointive state officer has first filed with the State Auditor and
20 the Legislative Auditor a sworn statement, on a form to be
21 prescribed by the Attorney General, certifying that his or her
22 spending unit is in compliance with any general law providing for
23 a salary increase for his or her employees. The Attorney General
24 shall prepare and distribute the form to the affected spending

1 units.

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

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

4 **§9A-1-1. Creation and general purposes.**

5 ~~A state agency to be known as~~ Effective January 14, 2013, The
6 the West Virginia Division of Veterans' Affairs is ~~hereby created~~
7 ~~and established within the Department of Military Affairs and~~
8 ~~Public Safety~~ redesignated the Department of Veteran's Assistance
9 for the purpose of aiding, assisting, counseling and advising, and
10 looking after the rights and interests of, all persons known as
11 veterans who have served in the Armed Forces of the United States
12 in the Army, Navy, Marine Corps, Air Force or Coast Guard as
13 defined by the laws of the United States and whose separation
14 therefrom has been other than dishonorable and who are citizens and
15 residents of this state, and the widows, dependents and orphans,
16 who are or have become citizens and residents of this state, or all
17 persons known as veterans who have served in the Armed Forces of
18 the United States in the Army, Navy, Marine Corps, Air Force or
19 Coast Guard as defined by the laws of the United States and whose
20 separation therefrom has been other than dishonorable.

21 All references in this code to the West Virginia Division of
22 Veterans' Affairs and the Director of the West Virginia Division of
23 Veterans' Affairs shall mean the Department of Veteran's Assistance
24 and the Secretary of the Department of Veteran's Assistance,

1 respectively.

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

3 There is continued the "Veterans' Council" consisting of nine
 4 members who must be citizens and residents of this state and who
 5 have served in and been honorably discharged or separated under
 6 honorable conditions from the Armed Forces of the United States and
 7 whose service was within a time of war as defined by the laws of
 8 the United States, either Public Law No. 2 -- 73rd Congress, or
 9 Public Law No. 346 -- 78th Congress, and amendments thereto. At
 10 least one member of the council must be a veteran of World War II,
 11 at least one member of the council must be a veteran of the Korean
 12 Conflict, at least two members of the council must be veterans of
 13 the Vietnam era, at least one member must be a veteran of the first
 14 Gulf War and at least one member must be a veteran of the
 15 Afghanistan or Iraqi Conflicts. The members of the veterans'
 16 council must be selected with special reference to their ability
 17 and fitness to effectuate the purposes of this article.

18 A ~~director~~ secretary and such veterans' affairs officers,
 19 assistants and employees as ~~may be deemed~~ the secretary considers
 20 advisable, shall administer the West Virginia ~~division of veterans'~~
 21 ~~affairs~~ Department of Veteran's Assistance.

22

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

24 **§9A-1-4. Duties and functions of Veterans' Council; appointment of**

1 **secretary; honoring academic achievement at military**
2 **academies.**

3 (a) It is the duty and function of the Veterans' Council to
4 advise the ~~director~~ secretary on the general administrative
5 policies of the ~~division~~ department, to select, at their first
6 meeting in each fiscal year commencing on July 1, a ~~chairman~~
7 chairperson to serve one year, to advise the ~~director~~ secretary on
8 rules as may be necessary, to advise the Governor and the
9 Legislature with respect to legislation affecting the interests of
10 veterans, their widows, dependents and orphans and to make annual
11 reports to the Governor respecting the service of the ~~division~~
12 department. The ~~director~~ secretary has the same eligibility and
13 qualifications prescribed for members of the Veterans' Council.
14 ~~The Governor shall appoint a director for a term of six years, by~~
15 ~~and with the advice and consent of the Senate. Before making the~~
16 ~~appointment~~ appointing the secretary the Governor shall request the
17 ~~council of the West Virginia division of veterans' affairs to~~
18 furnish a full and complete report concerning the qualifications
19 and suitability of the proposed appointee. ~~The director may only~~
20 ~~be removed by the Governor for cause, but shall have upon his or~~
21 ~~her own request an open hearing before the Governor on the~~
22 ~~complaints or charges lodged against him or her. The action of the~~
23 ~~Governor shall be final.~~ The ~~director~~ secretary ex officio ~~shall~~
24 ~~be~~ is the executive secretary of the Veterans' Council, shall keep

1 the minutes of each meeting and be in charge of all records of the
2 ~~division~~ department.

3 (b) The Veterans' Council may annually honor each West
4 Virginian graduating from the U.S. Military Academy, the U.S. Naval
5 Academy, the U.S. Air Force Academy and the U.S. Coast Guard
6 Academy with the highest grade point average by bestowing upon him
7 or her the "West Augusta Award." The award shall be in a design
8 and form established by the council and include the famous
9 Revolutionary War phrase from which the award's name is derived:
10 "Once again our brethren from West Augusta have answered the call
11 to duty." The council shall coordinate the manner of recognition
12 of the recipient at graduation ceremonies with each academy.

NOTE: The purpose of this bill is to redesignate the Division of Veterans' Affairs the Department of Veteran's Assistance and to provide that the department be supervised by a secretary level administrator.

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