

**Senate Bill No. 238**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

(By Senators Kessler (Acting President) and Hall, By request of the Executive)

---

[Introduced January 21, 2011; referred to the Committee on Military; and then to the Committee on Finance .]

---

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 Veterans' Assistance within the executive branch; establishing the time period for review of the Department of Veterans' 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 Veterans' 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 cleanup.

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;

1 (2) 2009, the Department of Education and the Arts, and the  
2 Department of Education, including the Higher Education Policy  
3 Commission and the West Virginia Council for Community and  
4 Technical College Education;

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

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

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

11 (6) 2013, the Department of Transportation; and

12 (7) 2016, the Department of Veteran's Assistance.

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

15 **ARTICLE 1. GENERAL PROVISIONS.**

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

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

20 (1) Department of Administration;

21 (2) Department of Education and the Arts;

22 (3) Department of Environmental Protection;

23 (4) Department of Health and Human Resources;

- 1 (5) Department of Military Affairs and Public Safety;
- 2 (6) Department of Revenue;
- 3 (7) Department of Transportation; ~~and~~
- 4 (8) Department of Commerce; and
- 5 (9) Effective January 14, 2013, Department of Veteran's
- 6 Assistance.

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

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

11 **§5F-2-1. Transfer and incorporation of agencies and boards; funds.**

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

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

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

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

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

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

3 (6) Board of Risk and Insurance Management provided in article  
4 twelve, chapter twenty-nine of this code;

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

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

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

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

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

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

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

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

23 (A) Occupational Safety and Health Review Commission provided

1 in article three-a, chapter twenty-one of this code; and

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

4 (2) Office of Miners' Health, Safety and Training provided in  
5 article one, chapter twenty-two-a of this code. The following  
6 boards are transferred to the Office of Miners' Health, Safety and  
7 Training for purposes of administrative support and liaison with  
8 the Office of the Governor:

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

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

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

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

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

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

23 (6) Geological and Economic Survey provided in article two,

1 chapter twenty-nine of this code; and

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

4 (A) Division of Unemployment Compensation;

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

6 (C) Division of Workforce Development; and

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

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

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

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

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

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

23 (2) Solid Waste Management Board provided in article three,

1 chapter twenty-two-c of this code;

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

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

6 (5) Oil and Gas Inspectors' Examining Board provided in  
7 article seven, chapter twenty-two-c of this code;

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

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

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

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

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

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

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



1 (g) The following agencies and boards, including all of the  
2 allied, advisory, affiliated or related entities and funds  
3 associated with any agency or board, are incorporated in and  
4 administered as a part of the Department of Health and Human  
5 Resources:

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

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

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

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

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

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

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

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

23 (h) The following agencies and boards, including all of the

1 allied, advisory, affiliated or related entities and funds  
2 associated with any agency or board, are incorporated in and  
3 administered as a part of the Department of Military Affairs and  
4 Public Safety:

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

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

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

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

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

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

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

21 (8) Division of Corrections provided in chapter twenty-five of  
22 this code;

23 (9) Fire Commission provided in article three, chapter twenty-

1 nine of this code;

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

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

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

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

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

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

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

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

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

23 (6) Board of Banking and Financial Institutions provided in

1 article three, chapter thirty-one-a of this code;

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

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

6 (9) The State Budget Office provided in article two of this  
7 chapter;

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

10 (11) The Office of Tax Appeals provided in article ten-a,  
11 chapter eleven of this code; and

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

14 (j) 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 Transportation:

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

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

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

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

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

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

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

9 (k) The Veterans' Council provided in article one, chapter  
10 nine-a of this code, including all of the allied, advisory,  
11 affiliated or related entities and funds associated with it, is  
12 incorporated in and administered as a part of the Department of  
13 Veteran's Assistance.

14 ~~(k)~~ (l) Except for powers, authority and duties that have been  
15 delegated to the secretaries of the departments by the provisions  
16 of section two of this article, the position of administrator and  
17 the powers, authority and duties of each administrator and agency  
18 are not affected by the enactment of this chapter.

19 ~~(l)~~ (m) Except for powers, authority and duties that have been  
20 delegated to the secretaries of the departments by the provisions  
21 of section two of this article, the existence, powers, authority  
22 and duties of boards and the membership, terms and qualifications  
23 of members of the boards are not affected by the enactment of this

1 chapter. All boards that are appellate bodies or are independent  
2 decision makers shall not have their appellate or independent  
3 decision-making status affected by the enactment of this chapter.

4 ~~(m)~~ (n) Any department previously transferred to and  
5 incorporated in a department by prior enactment of this section  
6 means a division of the appropriate department. Wherever reference  
7 is made to any department transferred to and incorporated in a  
8 department created in section two, article one of this chapter, the  
9 reference means a division of the appropriate department and any  
10 reference to a division of a department so transferred and  
11 incorporated means a section of the appropriate division of the  
12 department.

13 ~~(n)~~ (o) When an agency, board or commission is transferred  
14 under a bureau or agency other than a department headed by a  
15 secretary pursuant to this section, that transfer is solely for  
16 purposes of administrative support and liaison with the Office of  
17 the Governor, a department secretary or a bureau. Nothing in this  
18 section extends the powers of department secretaries under section  
19 two of this article to any person other than a department secretary  
20 and nothing limits or abridges the statutory powers and duties of  
21 statutory commissioners or officers pursuant to this code.

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

23 **ARTICLE 7. COMPENSATION AND ALLOWANCES.**

1 **§6-7-2a. Terms of certain appointive state officers; appointment;**  
2 **qualifications; powers and salaries of such officers.**

3 (a) Each of the following appointive state officers named in  
4 this subsection shall be appointed by the Governor, by and with the  
5 advice and consent of the Senate. Each of the appointive state  
6 officers serves at the will and pleasure of the Governor for the  
7 term for which the Governor was elected and until the respective  
8 state officers' successors have been appointed and qualified. Each  
9 of the appointive state officers are subject to the existing  
10 qualifications for holding each respective office and each has and  
11 is hereby granted all of the powers and authority and shall perform  
12 all of the functions and services heretofore vested in and  
13 performed by virtue of existing law respecting each office.

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

20 Commissioner, Division of Highways, \$92,500; Commissioner,  
21 Division of Corrections, \$80,000; Director, Division of Natural  
22 Resources, \$75,000; Superintendent, State Police, \$85,000;  
23 Commissioner, Division of Banking, \$75,000; Commissioner, Division

1 of Culture and History, \$65,000; Commissioner, Alcohol Beverage  
2 Control Commission, \$75,000; Commissioner, Division of Motor  
3 Vehicles, \$75,000; Chairman, Health Care Authority, \$80,000;  
4 members, Health Care Authority, \$70,000; Director, Human Rights  
5 Commission, \$55,000; Commissioner, Division of Labor, \$70,000;  
6 ~~Director, Division of Veterans' Affairs, sixty-five thousand~~  
7 ~~dollars~~; Chairperson, Board of Parole, \$55,000; members, Board of  
8 Parole, \$50,000; members, Employment Security Review Board,  
9 \$17,000; and Commissioner, ~~Bureau of Employment Programs~~ Workforce  
10 West Virginia, \$75,000. Secretaries of the departments shall be  
11 paid an annual salary as follows: Health and Human Resources,  
12 \$95,000; Transportation, \$95,000: *Provided*, That if the same  
13 person is serving as both the Secretary of Transportation and the  
14 Commissioner of Highways, he or she shall be paid \$120,000;  
15 Revenue, \$95,000; Military Affairs and Public Safety, \$95,000;  
16 Administration, \$95,000; Education and the Arts, \$95,000; Commerce,  
17 \$95,000; Veterans' Assistance, \$95,000; and Environmental  
18 Protection, \$95,000; *Provided, however*, That any increase in the  
19 salary of any current appointive state officer named in this  
20 subsection pursuant to the reenactment of this subsection during  
21 the regular session of the Legislature in 2006 that exceeds \$5,000  
22 shall be paid to such officer or his or her successor beginning on  
23 July 1, 2006, in annual increments of \$5,000 per fiscal year, up to



1 the maximum salary provided in this subsection: *Provided further,*  
2 That if the same person is serving as both the Secretary of  
3 Transportation and the Commissioner of Highways, then the annual  
4 increments of \$5,000 per fiscal year do not apply.

5 (b) Each of the state officers named in this subsection shall  
6 continue to be appointed in the manner prescribed in this code and,  
7 prior to July 1, 2006, each of the state officers named in this  
8 subsection shall continue to receive the annual salaries he or she  
9 was receiving as of the effective date of the enactment of this  
10 section in 2006 and shall thereafter, notwithstanding any other  
11 provision of this code to the contrary, be paid an annual salary as  
12 follows:

13 Director, Board of Risk and Insurance Management, \$80,000;  
14 Director, Division of Rehabilitation Services, \$70,000; Director,  
15 Division of Personnel, \$70,000; Executive Director, Educational  
16 Broadcasting Authority, \$75,000; Secretary, Library Commission,  
17 \$72,000; Director, Geological and Economic Survey, \$75,000;  
18 Executive Director, prosecuting attorneys Institute, \$70,000;  
19 Executive Director, Public Defender Services, \$70,000;  
20 Commissioner, Bureau of Senior Services, \$75,000; Director, State  
21 Rail Authority, \$65,000; Executive Director, Women's Commission,  
22 \$45,000; Director, Hospital Finance Authority, \$35,000; member,  
23 Racing Commission, \$12,000; Chairman, Public Service Commission,

1 \$85,000; members, Public Service Commission, \$85,000; Director,  
2 Division of Forestry, \$75,000; Director, Division of Juvenile  
3 Services, \$80,000; and Executive Director, Regional Jail and  
4 Correctional Facility Authority, \$80,000: *Provided*, That any  
5 increase in the salary of any current appointive state officer  
6 named in this subsection pursuant to the reenactment of this  
7 subsection during the regular session of the Legislature in 2006  
8 that exceeds \$5,000 shall be paid to such officer or his or her  
9 successor beginning on July, 1 2006, in annual increments of \$5,000  
10 per fiscal year, up to the maximum salary provided in this  
11 subsection.

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

23 Prior to July 1, 2006, each such named appointive state

1 officer shall continue to receive the annual salaries they were  
 2 receiving as of the effective date of the enactment of this section  
 3 in 2006 and thereafter, notwithstanding any other provision of this  
 4 code to the contrary, the annual salary of each named appointive  
 5 state officer shall be as follows:

6 Commissioner, State Tax Division, \$92,500; Insurance  
 7 Commissioner, ~~Insurance Commission~~, \$92,500; Director, Lottery  
 8 Commission, \$92,500; Director, Division of Homeland Security and  
 9 Emergency Management, \$65,000; and Adjutant General, \$92,500.

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

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

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

21 **§9A-1-1. Creation and general purposes.**

22 ~~A state agency to be known as~~ Effective January 14, 2013, The  
 23 the West Virginia Division of Veterans' Affairs is ~~hereby created~~

1 ~~and established within the Department of Military Affairs and~~  
2 ~~Public Safety~~ redesignated the Department of Veteran's Assistance  
3 for the purpose of aiding, assisting, counseling and advising, and  
4 looking after the rights and interests of, all persons known as  
5 veterans who have served in the Armed Forces of the United States  
6 in the Army, Navy, Marine Corps, Air Force or Coast Guard as  
7 defined by the laws of the United States and whose separation  
8 therefrom has been other than dishonorable and who are citizens and  
9 residents of this state, and the widows, dependents and orphans,  
10 who are or have become citizens and residents of this state, or all  
11 persons known as veterans who have served in the Armed Forces of  
12 the United States in the Army, Navy, Marine Corps, Air Force or  
13 Coast Guard as defined by the laws of the United States and whose  
14 separation therefrom has been other than dishonorable.

15 All references in this code to the West Virginia Division of  
16 Veterans' Affairs and the Director of the West Virginia Division of  
17 Veterans' Affairs shall mean the Department of Veteran's Assistance  
18 and the Secretary of the Department of Veteran's Assistance,  
19 respectively.

20 **§9A-1-2. Veterans' council; administration of department.**

21 There is continued the "Veterans' Council" consisting of nine  
22 members who must be citizens and residents of this state and who  
23 have served in and been honorably discharged or separated under

1 honorable conditions from the Armed Forces of the United States and  
 2 whose service was within a time of war as defined by the laws of  
 3 the United States, either Public Law No. 2 -- 73rd Congress, or  
 4 Public Law No. 346 -- 78th Congress, and amendments thereto. At  
 5 least one member of the council must be a veteran of World War II,  
 6 at least one member of the council must be a veteran of the Korean  
 7 Conflict, at least two members of the council must be veterans of  
 8 the Vietnam era, at least one member must be a veteran of the first  
 9 Gulf War and at least one member must be a veteran of the  
 10 Afghanistan or Iraqi Conflicts. The members of the veterans'  
 11 council must be selected with special reference to their ability  
 12 and fitness to effectuate the purposes of this article.

13 A ~~director~~ secretary and such veterans' affairs officers,  
 14 assistants and employees as ~~may be deemed~~ the secretary considers  
 15 advisable, shall administer the West Virginia ~~division of veterans'~~  
 16 ~~affairs~~ Department of Veteran's Assistance.

17

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

19 **§9A-1-4. Duties and functions of Veterans' Council; appointment of**  
 20 **secretary; honoring academic achievement at military**  
 21 **academies.**

22 (a) It is the duty and function of the Veterans' Council to  
 23 advise the ~~director~~ secretary on the general administrative

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

23 (b) The Veterans' Council may annually honor each West

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

NOTE: The purpose of this bill is to redesignate the Division of Veterans' Affairs to 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.