

1 **Senate Bill No. 8**

2 (By Senators Yost, Barnes, Wells and Sypolt)

3 _____
4 [Introduced January 12, 2011; referred to the Committee on
5 Government Organization; and then to the Committee on Finance.]

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9
10 A BILL to amend and reenact §4-10-8 of the Code of West Virginia,
11 1931, as amended; to amend and reenact §5F-1-2 of said code;
12 to amend and reenact §5F-2-1 of said code; to amend and
13 reenact §6-7-2a of said code; and to amend and reenact §9A-1-
14 1, §9A-1-2 and §9A-1-4 of said code, all relating to
15 redesignating the Division of Veterans' Affairs the Department
16 of Veterans' Assistance; providing that the department be
17 supervised by a secretary-level administrator; establishing
18 the salary of the secretary; providing an effective date; and
19 making other changes to the code to effect the change.

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

21 That §4-10-8 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted; that §5F-1-2 of said code be amended and
23 reenacted; that §5F-2-1 of said code be amended and reenacted; that
24 §6-7-2a of said code be amended and reenacted; and that §9A-1-1,
25 §9A-1-2 and §9A-1-4 of said code be amended and reenacted, all to

1 read as follows:

2 **CHAPTER 4. THE LEGISLATURE.**

3 **ARTICLE 10. PERFORMANCE REVIEW ACT.**

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

5 (a) Each department shall make a presentation pursuant to the
6 provisions of this article, to the joint standing committee and the
7 committee during the first interim meeting after the regular
8 session of the year in which the department is to be reviewed
9 pursuant to the schedule set forth in subsection (b) of this
10 section.

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

14 (1) 2008, the Department of Administration;

15 (2) 2009, the Department of Education and the Arts, and the
16 Department of Education, including the Higher Education Policy
17 Commission and the West Virginia Council for Community and
18 Technical College Education;

19 (3) 2010, the Department of Revenue and the Department of
20 Commerce;

21 (4) 2011, the Department of Environmental Protection and the
22 Department of Military Affairs and Public Safety;

23 (5) 2012, the Department of Health and Human Resources,
24 including the Bureau of Senior Services; ~~and~~

1 (6) 2013, the Department of Transportation; and
2 (7) 2016, the Department of Veterans' Assistance.

3 **CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE**

4 **BRANCH OF STATE GOVERNMENT.**

5 **ARTICLE 1. GENERAL PROVISIONS.**

6 **§5F-1-2. Executive departments created; offices of secretary**
7 **created.**

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

- 10 (1) Department of Administration;
- 11 (2) Department of Education and the Arts;
- 12 (3) Department of Environmental Protection;
- 13 (4) Department of Health and Human Resources;
- 14 (5) Department of Military Affairs and Public Safety;
- 15 (6) Department of Revenue;
- 16 (7) Department of Transportation; ~~and~~
- 17 (8) Department of Commerce; and
- 18 (9) Effective January 14, 2013, Department of Veterans'
19 Assistance.

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

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

24 **§5F-2-1. Transfer and incorporation of agencies and boards; funds.**

1 (a) 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 Administration:

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

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

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

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

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

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

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

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

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

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

25 (11) Consolidated Public Retirement Board provided in article

1 ten-d, chapter five of this code; and

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

4 (b) 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 Commerce:

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

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

12 (B) Board of Manufactured Housing Construction and Safety
13 provided in article nine, chapter twenty-one of this code;

14 (2) Office of Miners' Health, Safety and Training provided in
15 article one, chapter twenty-two-a of this code. The following
16 boards are transferred to the Office of Miners' Health, Safety and
17 Training for purposes of administrative support and liaison with
18 the Office of the Governor:

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

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

24 (c) Mine Inspectors' Examining Board provided in article nine,
25 chapter twenty-two-a of this code;

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

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

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

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

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

12 (A) Division of Unemployment Compensation;

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

14 (C) Division of Workforce Development; and

15 (D) Division of Research, Information and Analysis; and

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

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

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

25 (e) The following agencies and boards, including all of the

1 allied, advisory and affiliated entities, are transferred to the
2 Department of Environmental Protection for purposes of
3 administrative support and liaison with the office of the Governor:

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

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

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

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

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

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

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

18 (f) 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 Education and the Arts:

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

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

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

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

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

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

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

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

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

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

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

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

25 (8) The Child Support Enforcement Division provided in chapter

1 forty-eight of this code.

2 (h) The following agencies and boards, including all of the
3 allied, advisory, affiliated or related entities and funds
4 associated with any agency or board, are incorporated in and
5 administered as a part of the Department of Military Affairs and
6 Public Safety:

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

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

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

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

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

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

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

23 (8) Fire Commission provided in article three, chapter twenty-
24 nine of this code;

25 (9) Regional Jail and Correctional Facility Authority provided

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

2 (10) Board of Probation and Parole provided in article twelve,
3 chapter sixty-two of this code. ~~and~~

4 ~~(11) Division of Veterans' Affairs and Veterans' Council~~
5 ~~provided in article one, chapter nine-a of this code.~~

6 (i) 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 Revenue:

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

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

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

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

18 (5) ~~Office of~~ The Alcohol Beverage Control Commissioner
19 provided in article sixteen, chapter eleven of this code and
20 article two, chapter sixty of this code;

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

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

25 (8) Division of Banking provided in article two, chapter

1 thirty-one-a of this code;

2 (9) The State Budget Office provided in article two of this
3 chapter;

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

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

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

10 (j) 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 Transportation:

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

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

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

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

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

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

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

3 ~~(k)~~ The Veterans' Council provided in article one, chapter
4 nine-a of this code, including all of the allied, advisory,
5 affiliated or related entities and funds associated with it, are
6 incorporated in and administered as a part of the Department of
7 Veterans' Assistance.

8 ~~(k)~~ (l) 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 position of administrator and
11 the powers, authority and duties of each administrator and agency
12 are not affected by the enactment of this chapter.

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

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

1 reference means a division of the appropriate department and any
2 reference to a division of a department so transferred and
3 incorporated means a section of the appropriate division of the
4 department.

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

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

15 **ARTICLE 7. COMPENSATION AND ALLOWANCES.**

16 **§6-7-2a. Terms of certain appointive state officers; appointment;**
17 **qualifications; powers and salaries of such officers.**

18 (a) Each of the following appointive state officers named in
19 this subsection shall be appointed by the Governor, by and with the
20 advice and consent of the Senate. Each of the appointive state
21 officers serves at the will and pleasure of the Governor for the
22 term for which the Governor was elected and until the respective
23 state officers' successors have been appointed and qualified. Each
24 of the appointive state officers are subject to the existing

1 qualifications for holding each respective office and each has and
 2 is hereby granted all of the powers and authority and shall perform
 3 all of the functions and services heretofore vested in and performed
 4 by virtue of existing law respecting each office.

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

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

1 Transportation, \$95,000: *Provided*, That if the same person is
2 serving as both the Secretary of Transportation and the Commissioner
3 of Highways, he or she shall be paid \$120,000; Revenue, \$95,000;
4 Military Affairs and Public Safety, \$95,000; Administration,
5 \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000;
6 Veterans' Assistance, \$95,000; and Environmental Protection,
7 \$95,000; *Provided, however*, That any increase in the salary of any
8 current appointive state officer named in this subsection pursuant
9 to the reenactment of this subsection during the regular session of
10 the Legislature in 2006 that exceeds \$5,000 shall be paid to such
11 officer or his or her successor beginning on July 1, 2006, in annual
12 increments of \$5,000 per fiscal year, up to the maximum salary
13 provided in this subsection: *Provided further*, That if the same
14 person is serving as both the Secretary of Transportation and the
15 Commissioner of Highways, then the annual increments of \$5,000 per
16 fiscal year do not apply.

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

25 Director, Board of Risk and Insurance Management, \$80,000;

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

21 (c) Each of the following appointive state officers named in
22 this subsection shall be appointed by the Governor, by and with the
23 advice and consent of the Senate. Each of the appointive state
24 officers serves at the will and pleasure of the Governor for the
25 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 performed
6 by virtue of existing law respecting each office.

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

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

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

3 **§9A-1-1. Creation and general purposes.**

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

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

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

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

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

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

24 (a) It is the duty and function of the Veterans' Council to

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

23 (b) The Veterans' Council may annually honor each West
24 Virginian graduating from the U.S. Military Academy, the U.S. Naval
25 Academy, the U.S. Air Force Academy and the U.S. Coast Guard Academy

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

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