

FILE

2011 MAR 29 PM 3:50

OFFICE OF THE CLERK OF THE SENATE

SB 238

WEST VIRGINIA LEGISLATURE

EIGHTIETH LEGISLATURE

REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 238

(BY SENATORS KESSLER (ACTING PRESIDENT)
AND HALL, BY REQUEST OF THE EXECUTIVE)

[PASSED MARCH 18, 2011; IN EFFECT FROM PASSAGE.]

2011 MAR 29 PM 3: 50

OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 238

(BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,

BY REQUEST OF THE EXECUTIVE)

[Passed March 18, 2011; in effect from passage.]

AN ACT 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; to amend and reenact §9A-1-1, §9A-1-2 and §9A-1-4 of said code; and to amend said code by adding thereto four new sections, designated §9A-1-1a, §9A-1-1b, §9A-1-1c and §9A-1-1d, all relating to organization and authority of state agencies generally; clarifying agencies' structures; redesignating the Division of Veterans' Affairs as the Department of Veterans' Assistance within the executive branch; establishing the office of the secretary and setting forth the powers and duties of the secretary; 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; changing name of division from Division of Veteran Affairs to Department of Veterans' Assistance; changing name of council from Veterans' Council

to Veterans Council; revising membership requirements for the Veterans' Council; providing that the Department of Veterans' Assistance be supervised by a secretary-level administrator; establishing the salary of the secretary; providing an effective date for redesignation; clarifying the purpose of the Department of Veterans' Assistance; making other changes to the code to comport with the amendment; establishing the salaries of certain public officers and public employees requiring some salary increases to be incremental; establishing internal effective dates related to positions and salary pending transition to department level agency; and providing technical and clerical cleanup.

Be it enacted by the Legislature of West Virginia:

That §4-10-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §5F-1-2 of said code be amended and reenacted; that §5F-2-1 of said code be amended and reenacted; that §6-7-2a of said code be amended and reenacted; that §9A-1-1, §9A-1-2 and §9A-1-4 of said code be amended and reenacted; and that said code be amended by adding thereto four new sections, designated §9A-1-1a, §9A-1-1b, §9A-1-1c and §9A-1-1d, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 10. PERFORMANCE REVIEW ACT.

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

- 1 (a) Each department shall make a presentation pursuant to
- 2 the provisions of this article, to the Joint Standing Commit-
- 3 tee and the committee during the first interim meeting after
- 4 the regular session of the year in which the department is to
- 5 be reviewed pursuant to the schedule set forth in subsection
- 6 (b) of this section.

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

- 10 (1) 2008, the Department of Administration;
- 11 (2) 2009, the Department of Education and the Arts, and
12 the Department of Education, including the Higher Educa-
13 tion Policy Commission and the West Virginia Council for
14 Community and Technical College Education;
- 15 (3) 2010, the Department of Revenue and the Department
16 of Commerce;
- 17 (4) 2011, the Department of Environmental Protection and
18 the Department of Military Affairs and Public Safety;
- 19 (5) 2012, the Department of Health and Human Resources,
20 including the Bureau of Senior Services;
- 21 (6) 2013, the Department of Transportation; and
- 22 (7) 2016, the Department of Veterans' Assistance.

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

ARTICLE 1. GENERAL PROVISIONS.

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

- 1 (a) There are created, within the executive branch of the
2 state government, the following departments:
- 3 (1) Department of Administration;
- 4 (2) Department of Education and the Arts;
- 5 (3) Department of Environmental Protection;
- 6 (4) Department of Health and Human Resources;
- 7 (5) Department of Military Affairs and Public Safety;

8 (6) Department of Revenue;

9 (7) Department of Transportation;

10 (8) Department of Commerce; and

11 (9) Effective July 1, 2011, Department of Veterans' Assis-
12 tance.

13 (b) Each department will be headed by a secretary ap-
14 pointed by the Governor with the advice and consent of the
15 Senate. Each secretary serves at the will and pleasure of the
16 Governor.

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§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
6 five 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
10 article five, chapter five-a of this code;

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

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

15 (6) Board of Risk and Insurance Management provided in
16 article 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
20 twenty-one, 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
24 article two, chapter six-b of this code;

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

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

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

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

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

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

41 (2) Office of Miners' Health, Safety and Training provided
42 in article one, chapter twenty-two-a of this code. The
43 following boards are transferred to the Office of Miners'
44 Health, Safety and Training for purposes of administrative
45 support and liaison with the Office of the Governor:

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

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

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

54 (3) The West Virginia Development Office provided in
55 article two, chapter five-b of this code;

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

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

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

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

65 (A) Division of Unemployment Compensation;

66 (B) Division of Employment Service;

67 (C) Division of Workforce Development; and

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

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

71 (9) Division of Tourism Commission provided in article
72 two-h, chapter five-b of this code.

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

76 (d) The Water Development Authority and the Water
77 Development Authority Board provided in article one,
78 chapter twenty-two-c of this code is continued as an inde-
79 pendent agency within the executive branch.

80 (e) The following agencies and boards, including all of the
81 allied, advisory and affiliated entities, are transferred to the
82 Department of Environmental Protection for purposes of
83 administrative support and liaison with the office of the
84 Governor:

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

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

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

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

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

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

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

99 (f) The following agencies and boards, including all of the
100 allied, advisory, affiliated or related entities and funds
101 associated with any agency or board, are incorporated in and

102 administered as a part of the Department of Education and
103 the Arts:

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

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

108 (3) Division of Rehabilitation Services provided in article
109 ten-a, chapter eighteen of this code.

110 (g) The Educational Broadcasting Authority provided in
111 article five, chapter ten of this code is part of the Department
112 of Education and the Arts for the purposes of administrative
113 support and liaison with the office of the Governor.

114 (h) The following agencies and boards, including all of the
115 allied, advisory, affiliated or related entities and funds
116 associated with any agency or board, are incorporated in and
117 administered as a part of the Department of Health and
118 Human Resources:

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

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

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

125 (4) Office of Emergency Medical Services and the Emer-
126 gency Medical Service Advisory Council provided in article
127 four-c, chapter sixteen of this code;

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

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

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

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

136 (h) The following agencies and boards, including all of the
137 allied, advisory, affiliated or related entities and funds
138 associated with any agency or board, are incorporated in and
139 administered as a part of the Department of Military Affairs
140 and Public Safety:

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

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

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

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

149 (5) Division of Homeland Security and Emergency Man-
150 agement and Disaster Recovery Board provided in article
151 five, chapter fifteen of this code and Emergency Response
152 Commission provided in article five-a of said chapter;

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

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

157 (8) Division of Corrections provided in chapter twenty-five
158 of this code;

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

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

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

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

170 (1) Tax Division provided in chapter eleven of this code;

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

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

176 (4) Insurance Commissioner provided in article two,
177 chapter thirty-three of this code;

178 (5) West Virginia Alcohol Beverage Control Commissioner
179 provided in article sixteen, chapter eleven of this code and
180 article two, chapter sixty of this code;

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

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

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

187 (9) The State Budget Office provided in article two of this
188 chapter;

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

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

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

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

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

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

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

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

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

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

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

214 (k) Effective July 1, 2011, the Veterans' Council provided
215 in article one, chapter nine-a of this code, including all of the
216 allied, advisory, affiliated or related entities and funds

217 associated with it, is incorporated in and administered as a
218 part of the Department of Veterans' Assistance.

219 (l) Except for powers, authority and duties that have been
220 delegated to the secretaries of the departments by the
221 provisions of section two of this article, the position of
222 administrator and the powers, authority and duties of each
223 administrator and agency are not affected by the enactment
224 of this chapter.

225 (m) Except for powers, authority and duties that have been
226 delegated to the secretaries of the departments by the
227 provisions of section two of this article, the existence,
228 powers, authority and duties of boards and the membership,
229 terms and qualifications of members of the boards are not
230 affected by the enactment of this chapter. All boards that are
231 appellate bodies or are independent decision makers shall
232 not have their appellate or independent decision-making
233 status affected by the enactment of this chapter.

234 (n) Any department previously transferred to and incorpo-
235 rated in a department by prior enactment of this section
236 means a division of the appropriate department. Wherever
237 reference is made to any department transferred to and
238 incorporated in a department created in section two, article
239 one of this chapter, the reference means a division of the
240 appropriate department and any reference to a division of a
241 department so transferred and incorporated means a section
242 of the appropriate division of the department.

243 (o) When an agency, board or commission is transferred
244 under a bureau or agency other than a department headed by
245 a secretary pursuant to this section, that transfer is solely for
246 purposes of administrative support and liaison with the
247 Office of the Governor, a department secretary or a bureau.
248 Nothing in this section extends the powers of department
249 secretaries under section two of this article to any person
250 other than a department secretary and nothing limits or
251 abridges the statutory powers and duties of statutory
252 commissioners or officers pursuant to this code.

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

ARTICLE 7. COMPENSATION AND ALLOWANCES.

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

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

13 The annual salary of each named appointive state officer
14 is as follows:

15 Commissioner, Division of Highways,\$92,500; Commis-
16 sioner, Division of Corrections,\$80,000; Director, Division of
17 Natural Resources, \$75,000; Superintendent, State Police,
18 \$85,000; Commissioner, Division of Banking,\$75,000;
19 Commissioner, Division of Culture and History, \$65,000;
20 Commissioner, Alcohol Beverage Control Commission,
21 \$75,000; Commissioner, Division of Motor Vehicles, \$75,000;
22 Chairman, Health Care Authority, \$80,000; members, Health
23 Care Authority, \$70,000; Director, Human Rights Commis-
24 sion, \$55,000; Commissioner, Division of Labor, \$70,000;
25 Prior to July 1, 2011, Director, Division of Veterans Affairs,
26 \$65,000; Chairperson, Board of Parole, \$55,000; members,
27 Board of Parole, \$50,000; members, Employment Security
28 Review Board,\$17,000; and Commissioner, Workforce West
29 Virginia, \$75,000. Secretaries of the departments shall be
30 paid an annual salary as follows: Health and Human Re-

31 sources, \$95,000; Transportation, \$95,000: *Provided*, That if
32 the same person is serving as both the Secretary of Transpor-
33 tation and the Commissioner of Highways, he or she shall be
34 paid \$120,000; Revenue, \$95,000; Military Affairs and Public
35 Safety, \$95,000; Administration, \$95,000; Education and the
36 Arts, \$95,000; Commerce, \$95,000; Veterans' Assistance,
37 \$95,000; and Environmental Protection, \$95,000: *Provided*,
38 *however*, That any officer specified in this subsection whose
39 salary is increased by more than \$5,000 as a result of the
40 amendment and reenactment of this section during the 2011
41 regular session of the legislature shall be paid the salary
42 increase in increments of \$5,000 per fiscal year beginning
43 July 1, 2011 up to the maximum salary provided in this
44 subsection.

45 (b) Each of the state officers named in this subsection shall
46 continue to be appointed in the manner prescribed in this
47 code, and shall be paid an annual salary as follows:

48 Director, Board of Risk and Insurance Management,
49 \$80,000; Director, Division of Rehabilitation Services,
50 \$70,000; Director, Division of Personnel, \$70,000; Executive
51 Director, Educational Broadcasting Authority, \$75,000;
52 Secretary, Library Commission, \$72,000; Director, Geologi-
53 cal and Economic Survey, \$75,000; Executive Director,
54 prosecuting attorneys Institute, \$70,000; Executive Director,
55 Public Defender Services, \$70,000; Commissioner, Bureau of
56 Senior Services, \$75,000; Director, State Rail Authority,
57 \$65,000; Executive Director, Women's Commission, \$45,000;
58 Director, Hospital Finance Authority, \$35,000; member,
59 Racing Commission, \$12,000; Chairman, Public Service
60 Commission, \$85,000; members, Public Service Commission,
61 \$85,000; Director, Division of Forestry, \$75,000; Director,
62 Division of Juvenile Services, \$80,000; and Executive
63 Director, Regional Jail and Correctional Facility Authority,
64 \$80,000.

65 (c) Each of the following appointive state officers named in
66 this subsection shall be appointed by the Governor, by and
67 with the advice and consent of the Senate. Each of the

68 appointive state officers serves at the will and pleasure of the
69 Governor for the term for which the Governor was elected
70 and until the respective state officers' successors have been
71 appointed and qualified. Each of the appointive state officers
72 are subject to the existing qualifications for holding each
73 respective office and each has and is hereby granted all of
74 the powers and authority and shall perform all of the
75 functions and services heretofore vested in and performed by
76 virtue of existing law respecting each office.

77 The annual salary of each named appointive state officer
78 shall be as follows:

79 Commissioner, State Tax Division, \$92,500; Insurance
80 Commissioner, \$92,500; Director, Lottery Commission,
81 \$92,500; Director, Division of Homeland Security and
82 Emergency Management, \$65,000; and Adjutant General,
83 \$125,000.

84 (d) No increase in the salary of any appointive state officer
85 pursuant to this section may be paid until and unless the
86 appointive state officer has first filed with the State Auditor
87 and the Legislative Auditor a sworn statement, on a form to
88 be prescribed by the Attorney General, certifying that his or
89 her spending unit is in compliance with any general law
90 providing for a salary increase for his or her employees. The
91 Attorney General shall prepare and distribute the form to
92 the affected spending units.

CHAPTER 9A. VETERANS' AFFAIRS.

ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.

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

1 (a) Effective July 1, 2011, the West Virginia Division of
2 Veterans' Affairs is redesignated the Department of Veter-
3 ans' Assistance.

4 (b) The purpose of the department is to aid, assist, counsel
5 and advise, and to encourage competition among counties

6 and municipalities to develop, improve and enhance veteran-
7 friendly services, benefits and assistance to, veterans who
8 have served in and been honorably discharged or separated
9 under honorable conditions from the Armed Forces of the
10 United States and their widows, widowers and dependents,
11 including populations of veterans who may have special
12 needs as a result of homelessness, incarceration or physical
13 or mental disabilities.

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

**§9A-1-1a. Department of Veterans' Assistance; office of Secretary
of Department of Veterans' Assistance.**

1 (a) The Secretary of the Department of Veterans' Assis-
2 tance is the chief executive officer of the department.
3 Subject to the requirements for the qualification and
4 appointment of the secretary provided in section four of this
5 article, the Governor shall appoint the secretary, by and with
6 the advice and consent of the Senate, for the term for which
7 the Governor is elected and until a successor shall have been
8 appointed and qualified. The Secretary shall serve at the will
9 and pleasure of the Governor. Any reference in this code to
10 the Division of Veterans' Affairs or to the Department of
11 Veterans' Affairs means the Department of Veterans'
12 Assistance. Any reference in this code to the Director of the
13 Division of Veterans' Affairs means the Secretary of the
14 Department of Veterans' Assistance. As used in this chapter,
15 "secretary" means the Secretary of Veterans' Assistance and
16 "division" means Department of Veterans' Assistance.

17 (b) The department may receive federal funds.

18 (c) The secretary serves at the will and pleasure of the
19 Governor. The annual compensation of the secretary shall be

20 as specified in section two-a, article seven, chapter six of this
21 code.

§9A-1-1b. Powers and duties of the secretary.

1 (a) The secretary controls and supervises the department
2 and is responsible for the work of each department employee.

3 (b) The secretary has the power and authority specified in
4 this article, in article two, chapter five-f of this code and as
5 otherwise specified in this chapter.

6 (c) The secretary may employ staff, assistants and employ-
7 ees as necessary for the efficient operation of the department.

8 (d) The secretary may delegate his or her powers and duties
9 to assistants and employees, but the secretary is responsible
10 for all official acts of the department.

§9A-1-1c. Reports by secretary.

1 The secretary shall report annually to the Governor
2 concerning the conduct of the department and make other
3 reports as the Governor may require.

**§9A-1-1d. Right of appeal from interference with functioning of
agency.**

1 Any governmental entity may appeal to the Governor for
2 review upon a showing that application of the secretary's
3 authority may interfere with the successful functioning of
4 that entity. The Governor's decision controls on appeal.

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

1 There is continued the "Veterans' Council" consisting of
2 nine members who must be citizens and residents of this
3 state and who have served in and been honorably discharged
4 or separated under honorable conditions from the Armed
5 Forces of the United States and whose service was within a

6 time of war as defined by the laws of the United States,
7 either Public Law No. 2 — 73rd Congress, or Public Law No.
8 346 — 78th Congress, and amendments thereto. Where
9 feasible, two members of the council shall be veterans of
10 either World War II or the Korean Conflict, at least two
11 members of the council shall be veterans of the Vietnam era,
12 at least one member shall be a veteran of the first Gulf War
13 and at least one member shall be a veteran of the Afghani-
14 stan or Iraqi Conflicts. The members of the veterans' council
15 shall be selected with special reference to their ability and
16 fitness to effectuate the purposes of this article. If an eligible
17 veteran is not available or cannot be selected, a veteran who
18 is a citizen and resident of this state, who served in and was
19 honorably discharged or separated under honorable condi-
20 tions from the Armed Forces of the United States and who
21 served during any time of war or peace may be selected.

22 A secretary and such veterans' affairs officers, assistants
23 and employees as the secretary considers advisable, shall
24 administer the West Virginia Department of Veterans'
25 Assistance.

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

1 (a) It is the duty and function of the Veterans' Council to
2 advise the secretary on the general administrative policies of
3 the department, to select, at their first meeting in each fiscal
4 year commencing on July 1, a chairperson to serve one year,
5 to advise the secretary on rules as may be necessary, to
6 advise the Governor and the Legislature with respect to
7 legislation affecting the interests of veterans, their widows,
8 dependents and orphans and to make annual reports to the
9 Governor respecting the service of the department. The
10 secretary has the same eligibility and qualifications pre-
11 scribed for members of the Veterans' Council. The secretary
12 ex officio shall maintain all records of the Veterans' Council.

13 (b) The Veterans' Council may annually honor each West
14 Virginian graduating from the U.S. Military Academy, the
15 U.S. Naval Academy, the U.S. Air Force Academy and the
16 U.S. Coast Guard Academy with the highest grade point
17 average by bestowing upon him or her the "West Augusta
18 Award." The award shall be in a design and form established
19 by the council and include the famous Revolutionary War
20 phrase from which the award's name is derived: "Once again
21 our brethren from West Augusta have answered the call to
22 duty." The council shall coordinate the manner of recogni-
23 tion of the recipient at graduation ceremonies with each
24 academy.

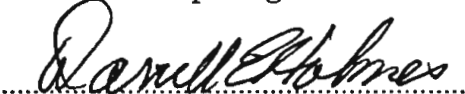
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



.....
Chairman Senate Committee

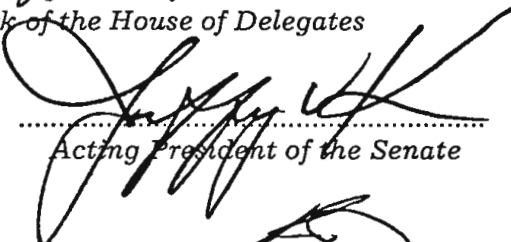

.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

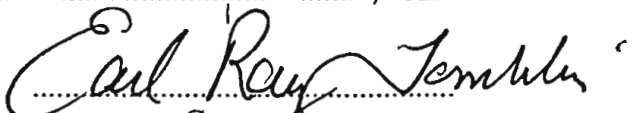

.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
Acting President of the Senate


.....
Speaker of the House of Delegates

The ~~within~~ *is appended* this the *29th*
Day of *March*, 2011.


.....
Governor

FILE

2011 MAR 29 PM 3:50

OFFICE OF THE CLERK
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 3:33 