

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

2 (a) There is continued the "Veterans' Council" consisting of
3 nine members who must be citizens and residents of this state and
4 who 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
7 the United States. ~~either Public Law No. 2 -- 73rd Congress, or~~
8 ~~Public Law No. 346 -- 78th Congress, and amendments thereto.~~

9 (b) Where feasible, two members of the council shall be
10 veterans of either World War II or the Korean Conflict, at least
11 two members of the council shall be veterans of the Vietnam era, at
12 least one member shall be a veteran of the first Gulf War and at
13 least one member shall be a veteran of the Afghanistan or Iraqi
14 Conflicts. The members of the veterans' council shall be selected
15 with special reference to their ability and fitness to effectuate
16 the purposes of this article. If an eligible veteran is not
17 available or cannot be selected, a veteran who is a citizen and
18 resident of this state, who served in and was honorably discharged
19 or separated under honorable conditions from the Armed Forces of
20 the United States and who served during any time of war or peace
21 may be selected.

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

26 **§9A-1-4. Duties and functions of Veterans' Council; appointment of**

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

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

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

25 ~~§9A-1-5. Compensation of director, veterans' affairs officers,~~

1 ~~assistants and employees; payment to~~ and expenses of Secretary
2 and Veterans' Council members; traveling expenses; meetings of
3 **Veterans' Council.**

4 (a) The ~~director~~ secretary shall receive an annual salary as
5 provided in section two-a, article seven, chapter six of this code
6 and necessary traveling expenses incident to the performance of his
7 or her duties. ~~The salaries of the veterans' affairs officers,~~
8 ~~assistants and employees shall be fixed by the Veterans' Council.~~

9 (b) The members of the Veterans' Council shall receive no
10 salary, but each member shall receive the same compensation and
11 expense reimbursement as is paid to members of the Legislature for
12 their interim duties as recommended by the Citizens Legislative
13 Compensation Commission and authorized by law for each day or
14 portion thereof engaged in the discharge of official duties. The
15 requisition for such expenses and traveling expenses shall be
16 accompanied by a sworn and itemized statement, which shall be filed
17 with the Auditor and permanently preserved as a public record.

18 (c) The Veterans' Council shall ~~hold its initial meeting on~~
19 ~~the call of the Governor, and thereafter shall meet on the call of~~
20 its chairman, except as otherwise provided. ~~With the exception of~~
21 ~~the first three meetings of the Veterans' Council, none of which~~
22 ~~shall be of a duration longer than two weeks each, for~~
23 ~~organizational purposes,~~

24 (d) The Veterans' Council shall meet not more than once every
25 two months at such times as may be determined by and upon the call

1 of the chairman for a period of not more than two days, unless
2 there should be an emergency requiring a special meeting or for a
3 longer period and so declared and called by the Governor or by the
4 chairman with the approval of the Governor.

5 (e) A majority of the members of the Veterans' Council in
6 office shall constitute a quorum for the conduct of official
7 business.

8 **§9A-1-6. Oaths.**

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

14 **§9A-1-8. Offices.**

15 (a) The offices of the ~~director~~ secretary shall be located at
16 the state capitol or other place provided in the capital city. The
17 ~~director~~ secretary shall keep his or her offices open at all
18 reasonable times for the transaction of business.

19 (b) The offices and meeting place of the Veterans' Council
20 shall be in the offices of the ~~director~~ secretary: *Provided*, That
21 the Veterans' Council with the approval of the Governor may hold
22 meetings at other places but not outside of this state, except in
23 the District of Columbia.

24 **§9A-1-9. Duties of division department.**

25 The ~~division~~ department of veterans' affairs assistance of

1 ~~West Virginia~~ shall:

2 (1) Assist veterans, their widows, widowers, dependents and
3 orphans within the state, in properly presenting their claims
4 before the United States Veterans' Administration, its
5 administrator, or any federal agency, the State of West Virginia,
6 or any of the several states of the United States, when the claims
7 arise out of service with the Armed Forces of the United States as
8 defined in section one of this article;

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

13 (3) Render all possible and proper advice, assistance and
14 counsel to veterans, their families, and their widows, dependents
15 and orphans, within the state, and furnish them information on
16 compensation, allowances, pensions, insurance, rehabilitation,
17 hospitalization, education, vocational training, or refresher or
18 retraining courses in education or training, employment, loans or
19 aid for the purchase, acquisition or construction of homes, farms,
20 farm equipment and business property, preference in the purchase of
21 property and preference in employment, as provided or may be
22 provided by any federal act, any federal agency, this state or
23 other states;

24 (4) Make careful inquiry into all claims presented for payment
25 out of the State Treasury from any appropriation made for the
26 benefit of veterans, their widows, widowers, dependents and

1 orphans.

2 **§9A-1-10. Powers and duties of director secretary.**

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

6 (a) Supervise and put into effect the purposes and provisions
7 of this article and the rules for the government of the ~~division~~
8 department;

9 (b) Prescribe methods pertaining to investigations and
10 reinvestigations of all claims and to the rights and interests of
11 all veterans, their widows, widowers, dependents and orphans;

12 (c) Prescribe uniform methods of keeping all records and case
13 records of the veterans, their widows, widowers, dependents and
14 orphans;

15 (d) Sign and execute, in the name of the state by West
16 Virginia ~~Division~~ Department of Veterans' ~~Affairs~~ Assistance, and
17 ~~by and with the consent of the Veterans' Council~~, any contract or
18 agreement with the federal government or its agencies, other
19 states, subdivisions of this state, corporations, associations,
20 partnerships or individuals;

21 (e) Supervise the fiscal affairs and responsibilities of the
22 ~~division~~ department;

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

26 (g) Establish any regional or area offices throughout the

1 state that are necessary to promote efficiency and economy in
2 administration;

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

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

7 (j) Keep a complete and accurate record of all proceedings;
8 record and file all contracts and agreements and assume
9 responsibility for the custody and preservation of all papers and
10 documents pertaining to his or her office and the ~~division~~
11 department;

12 (k) Prepare for the Veterans' Council the annual reports to
13 the Governor of the condition, operation and functioning of the
14 ~~division~~ department;

15 (l) Exercise any other powers necessary and proper to
16 standardize the work; to expedite the service and business; to
17 assure fair consideration of the rights and interests and claims of
18 veterans, their widows, widowers, dependents and orphans; to
19 provide resources for a program which will promote a greater
20 outreach to veterans and which will advise them of the benefits and
21 services that are available; and to promote the efficiency of the
22 ~~division~~ department;

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

25 (n) Appoint the ~~veterans' affairs~~ officers and heads of
26 divisions of the ~~division~~ department, and of regional or area

1 offices, and employ assistants and employees, including case
2 managers and counselors, that are necessary for the efficient
3 operation of the ~~division~~ department;

4 (o) Provide resources and assistance in the development of an
5 Internet website which is to be used to inform veterans of programs
6 and services available to them through the ~~division~~ department and
7 the state and federal governments;

8 (p) Delegate to all or any of his or her appointees,
9 assistants or employees all powers and duties vested in the
10 ~~director~~ secretary, except the power to sign and execute contracts
11 and agreements: ~~but the director~~ Provided, That the secretary shall
12 be responsible for the acts of his or her appointees, assistants
13 and employees; and

14 (q) ~~Provide volunteers who will drive or transport~~ Award
15 grants, in his or her discretion, subject to available
16 appropriations, to provide for the transportation of veterans to
17 veterans' hospitals from the veteran's home or local Veterans'
18 ~~affairs~~ Assistance offices. ~~and who shall be paid an expense per~~
19 ~~diem of seventy five dollar.~~

20 **§9A-1-11. Establishment of veterans facilities support fund;**
21 **authorized expenditures.**

22 (a) There is ~~hereby created~~ continued in the State Treasury a
23 special revenue fund to be designated and known as the Veterans
24 Facilities Support Fund which shall be administered by the
25 secretary.

26 (b) All interest or other returns earned on the investment of

1 the moneys in the fund shall be credited to the fund.

2 (c) Funds paid into the account shall be derived from the
3 following sources: (1) Any gift, grant, bequest, endowed fund or
4 donation which may be received by any veterans facility created by
5 statute from any governmental entity or unit or any person, firm,
6 foundation or corporation; and (2) All interest or other return on
7 investment accruing to the fund.

8 (d) Moneys in the fund are to be used for the operational
9 costs of any veterans facility created by statute, the acquisition,
10 design, construction, equipping, furnishing, including, without
11 limitation, the payment of debt service on bonds issued to finance
12 the foregoing and/or as otherwise designated or specified by the
13 donor.

14 (e) Any balance, including accrued interest or other earnings,
15 in this special fund at the end of any fiscal year shall not revert
16 to the General Revenue Fund but shall remain in the fund.

17 (f) Funds from the Veterans Facility Support Fund for
18 operational costs of any veterans' facility as defined in this
19 section will be distributed by appropriation of the Legislature.

20 (g) Funds from the Veterans Facility Support Fund for the
21 acquisition, design, construction, equipping, furnishing,
22 including, without limitation, the payment of debt service on bonds
23 issued to finance the veterans nursing home shall be transferred to
24 the Veterans Nursing Home Building Fund upon written request of the
25 director Secretary. ~~of the division of Veterans Affairs to the~~
26 ~~Investment Management Board and the state Treasurer in accordance~~

1 ~~with the provisions of this section.~~

2 **§9A-1-12. Legal assistance.**

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