WEST VIRGINIA CODE CHAPTER 9A

WV Legislature

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

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

(b) The purpose of the department is to aid, assist, counsel and advise, and to encourage competition among counties and municipalities to develop, improve and enhance veteran-friendly services, benefits and assistance to, veterans who have served in and been honorably discharged or separated under honorable conditions from the Armed Forces of the United States and their widows, widowers and dependents, including populations of veterans who may have special needs as a result of homelessness, incarceration or physical or mental disabilities.

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

WV Legislature

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

(a) The Secretary of the Department of Veterans' Assistance is the chief executive officer of the department. Subject to the requirements for the qualification and appointment of the secretary provided in section four of this article, the Governor shall appoint the secretary, by and with the advice and consent of the Senate, for the term for which the Governor is elected and until a successor shall have been appointed and qualified. The Secretary shall serve at the will and pleasure of the Governor. Any reference in this code to the Division of Veterans' Affairs or to the Department of Veterans' Affairs means the Department of Veterans' Assistance. Any reference in this code to the Director of the Division of Veterans' Affairs means the Secretary of the Department of Veterans' Assistance. As used in this chapter, "secretary" means the Secretary of Veterans' Assistance and "division" means Department of Veterans' Assistance.

(b) The department may receive federal funds.

(c) The secretary serves at the will and pleasure of the Governor. The annual compensation of the secretary shall be as specified in section two-a, article seven, chapter six of this code.

WV Legislature

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

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

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

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

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

WV Legislature

§9A-1-1c. Reports by secretary.

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

WV Legislature

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

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

WV Legislature

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

(a) There is continued the Veterans Council consisting of 11 members who must be citizens and residents of this state and who have served in and been honorably discharged or separated under honorable conditions from the Armed Forces of the United States, and whose service was within a time of war as defined by the laws of the United States.

(b) Where feasible, members of the council shall be veterans who are active in the veteran community and who have been recommended by a West Virginia veterans service organization, with consideration given to ensure a diverse representation of service branches in council membership. Additionally, no more than seven members of the council shall reside in any one congressional district. The members of the veterans council shall be selected with special reference to their ability and fitness to effectuate the purposes of this article. If an eligible veteran is not available or cannot be selected, a veteran who is a citizen and resident of this state, who served in and was honorably discharged or separated under honorable conditions from the Armed Forces of the United States, and who served during any time of war or peace, may be selected.

(c) The secretary and such officers, assistants, and employees as the secretary considers advisable, shall administer the West Virginia Department of Veterans Assistance.

WV Legislature

§9A-1-2a.

Repealed.

Acts, 2010 Reg. Sess., Ch. 32.

WV Legislature

§9A-1-3. Appointment of veterans' council members; term of office; removal.

The term of office of the members of the veterans' council is six years, and members must be appointed by the Governor by and with the advice and consent of the Senate: Provided, That upon the expansion of the council from seven to nine members, the Governor shall initially appoint one new member for a term of four years and shall initially appoint the other new member for a term of six years. Thereafter the successors of these members shall be appointed for the term of six years. In case of a vacancy in the veterans' council, the appointment is for the remainder of the unexpired term. A member of the veterans' council is subject to removal by the Governor for cause, but may have upon his or her own request an open hearing before the Governor on the complaints or charges lodged against him or her. The action of the Governor is final.

WV Legislature

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

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

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

WV Legislature

§9A-1-5. Compensation to and expenses of Secretary and Veterans' Council members; meetings of Veterans' Council.

(a) The secretary shall receive an annual salary as provided in section two-a, article seven, chapter six of this code and necessary traveling expenses incident to the performance of his or her duties.

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

(c) The Veterans' Council shall meet on the call of its chairman, except as otherwise provided.

(d) The Veterans' Council shall meet not more than once every two months at such times as may be determined by and upon the call of the chairman for a period of not more than two days, unless there should be an emergency requiring a special meeting or for a longer period and so declared and called by the Governor or by the chairman with the approval of the Governor.

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

WV Legislature

§9A-1-6. Oaths.

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

WV Legislature

§9A-1-7. Definitions.

(a) The word, "veterans," shall be construed to mean any person who shall have served in the Armed Forces of the United States as defined in section one of this article.

(b) The term, "federal agency," shall mean any agency, department or bureau created and established by the act of Congress, or executive order of the president of the United States.

(c) The word or term, "administrator," shall be construed to designate and refer to the administrator of veterans' affairs of the United States.

(d) The term or words, "federal act," shall mean any law of the United States.

WV Legislature

§9A-1-8. Offices.

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

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

WV Legislature

§9A-1-9. Duties of department.

The department of veterans' assistance shall:

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

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

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

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

WV Legislature

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

The secretary is the executive and administrative head of the department and has the power and duty, subject to the provisions of section four of this article, to:

(a) Supervise and put into effect the purposes and provisions of this article and the rules for the government of the department;

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

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

(d) Sign and execute, in the name of the state by West Virginia Department of Veterans' Assistance, any contract or agreement with the federal government or its agencies, other states, subdivisions of this state, corporations, associations, partnerships or individuals;

(e) Supervise the fiscal affairs and responsibilities of the department;

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

(g) Establish any regional or area offices throughout the state that are necessary to promote efficiency and economy in administration;

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

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

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

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

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

(m) Invoke any legal, equitable or special remedies for the enforcement of his or her orders

WV Legislature

or the provisions of this article;

(n) Appoint the officers and heads of divisions of the department, and of regional or area offices, and employ assistants and employees, including case managers and counselors, that are necessary for the efficient operation of the department;

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

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

(q) Award grants, in his or her discretion, subject to available appropriations, to provide for the transportation of veterans to veterans' hospitals from the veteran's home or local Veterans' Assistance offices.

(r) Enter into an agreement with the Commissioner of the Department of Agriculture to transfer without consideration all or part of the approximately seventeen acres of the Department of Agriculture property in Beckley, West Virginia, located adjacent to the Jackie Withrow Hospital which was formerly known as Pinecrest Hospital, for construction of a veterans skilled nursing facility.

WV Legislature

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

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

(b) All interest or other returns earned on the investment of the moneys in the fund shall be credited to the fund.

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

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

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

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

(g) Funds from the Veterans Facility Support Fund for the acquisition, design, construction, equipping, furnishing, including, without limitation, the payment of debt service on bonds issued to finance the veterans nursing home shall be transferred to the Veterans Nursing Home Building Fund upon written request of the secretary.

WV Legislature

§9A-1-11a. Establishment of Veterans Cemetery Fund.

There is hereby created in the state Treasury a special revenue fund to be designated and known as the Veterans Cemetery Fund which shall consist of excess revenues derived from the veterans instant lottery scratch-off game as appropriated to the fund by the Legislature and all interest or other returns earned from investment of the fund. Funds may also be derived from any gift, grant, bequest, endowed fund or donation which may be received by any veterans cemetery created by statute from any governmental entity or unit or any person, firm, foundation or corporation. Any balance, including accrued interest or other earnings, in this special fund at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the fund.

WV Legislature

§9A-1-12. Legal assistance.

The Attorney General of the state and his or her assistants, and the prosecuting attorneys of the various counties, shall render to the Veterans' Council or secretary, such legal services as may be required in the discharge of the provisions of this article.

WV Legislature

§9A-1-13.

Repealed.

Acts, 2014 Reg. Sess., Ch. 186.

WV Legislature

§9A-1-14.

Repealed.

Acts, 2014 Reg. Sess., Ch. 186.

WV Legislature

§9A-1-15.

Repealed.

Acts, 2014 Reg. Sess., Ch. 186.

WV Legislature

§9A-1-16. West Virginia veterans service decoration; West Virginia Service Cross.

(a) A West Virginia veterans service decoration may be awarded to any resident of West Virginia who served in any of the federally recognized military services for a period at a time during which there was armed conflict.

(b) A West Virginia Service Cross and ribbon bar, along with a certificate signed by the Governor, may be awarded to any veteran who meets the criteria set forth in subsection (a) of this section, and who also was awarded a federal achievement medal, commendation medal, meritorious service medal, or a medal for valor by one of the federally recognized military services.

(c) West Virginia National Guard members may also be authorized to receive and wear the medals and ribbons authorized under the provisions of this section in an order of precedence determined by the Adjutant General.

(d) The secretary may propose rules pursuant to §29A-3-1 *et seq*. of this code to implement the provisions of this section.

WV Legislature

§9A-2-1. State homes for veterans.

(a) In consultation with the Governor and other appropriate state agencies, the Division Of Veterans' Affairs shall establish and maintain a home for qualified veterans. The home in Barboursville shall be designated as the sole veterans home of its type in the state. As used in this article the term “qualified veteran” means a veteran as determined by the Division of Veterans' Affairs, who meets the requirements under federal regulations and laws.

(b) Any individual enlisting for the first time on or after September 8, 1980, who fails to complete at least 24 months of his or her enlistment is not eligible for any right, privilege or benefit for which eligibility is based on active duty in the Armed Forces. This provision does not apply when a person: (1) Is discharged because of hardship; (2) is retired or separated because of disability; or (3) is later determined to have a service connected disability incurred during a completed period of enlistment.

(c) In the event that a residential vacancy exists at any veterans home or facility created and established pursuant to this article, a veteran who has been a resident of the State of West Virginia for one year or more prior to filing for admission shall be given preference in filling such residential vacancy over nonresident veterans.

(d)(1) The secretary shall study: (1) The need for additional veterans homes; (2) general housing needs for veterans; (3) and other veteran needs relating to housing.

(2) On or before November 1, 2019, the secretary shall submit its study to the Joint Committee on Health and the Joint Committee on Government and Finance regarding the housing needs of veterans, including draft legislation addressing those needs, where the need is greatest and the need for additional veterans homes.

WV Legislature

§9A-2-2. Funds collected from the federal government; others sources; use of funds.

The division of veterans' affairs is hereby authorized and directed to receive moneys from the federal government, any agency thereof, from state appropriations, from resident contributions or from any other appropriate source, for the purpose of maintaining the state veterans' home at Barboursville, which purpose shall include, but not limited to, expenditures for improvement and renovation of physical facilities, personal care costs and medical, nursing and dental services.

The money so collected shall be placed in special accounts according to the source of funds and limitation on the use of the funds. These accounts shall be administered by the director of the West Virginia division of veterans' affairs. These funds shall be deposited in the state Treasury and paid out only on such vouchers as may be authorized and approved by the director of the West Virginia division of veterans' affairs, in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by that division. These funds shall only be used as directed or restricted by the source of the funds.

WV Legislature

§9A-2-3. Powers of division of veterans' affairs.

The division of veterans' affairs is authorized and empowered to establish rules and regulations providing for the tenure, treatment, eligibility and discharge of eligible veterans at the veterans' home. The rules shall be promulgated to ensure that the division, in carrying out its duties, shall comply with all federal requirements imposed on such a facility. Moreover, notwithstanding any code provisions to the contrary, rules shall be promulgated that: (1) Meet federal standards for domiciliary care; (2) define domiciliary; (3) define admittance to comply with state and federal requirements including current West Virginia resident or enlisted in service from West Virginia, war time service or service during a declared national emergency, Veterans Administration eligibility requirements for per diem, honorably discharged, suffering from a disability due to age, disease or defect that prevents them from earning a living.

WV Legislature

§9A-2-4.

Repealed.

Acts, 1975 Reg. Sess., Ch. 211.

WV Legislature

§9A-3-1. Department empowered to establish and maintain cemetery.

The Department of Veterans’ Assistance is hereby empowered to establish and maintain a state veterans' cemetery which shall be centrally located within the state and easily accessible. Interment in the state veterans' cemetery shall be available to all persons who are residents and citizens of the state and who have served in the Armed Forces of the United States, including the Army, Air Force, Navy, Marine Corps, Space Force, and Coast Guard, and who have a discharge other than dishonorable.

Further, the Department of Veterans’ Assistance is hereby granted authority to acquire and transfer real property to the United States Department of Veterans Affairs contingent upon the utilization of such real property by that federal agency for the establishment of a new national cemetery or for the expansion of an existing national cemetery.

For the purposes set forth in this article the Department of Veterans’ Assistance is hereby authorized to receive funds by gift, grant, appropriation or by any other means from any source available or to become available.

WV Legislature

§9A-3-2. Department to promulgate rules and regulations and make facilities available.

The department shall promulgate rules and regulations not inconsistent herewith for the administration of the veterans' cemetery and shall make available to all persons eligible for the benefit thereof the facilities at such cemetery upon request.

WV Legislature

§9A-4-1. Purpose.

(a) The Legislature finds that West Virginia veterans represent a strong and productive part of the workforce of this state. They are frequently disadvantaged in their pursuit of civilian employment as a result of military service and delayed entry into the civilian labor market. It is, therefore, in the public interest and welfare that veterans continue to be provided the traditional priority of services in workforce development programs administered under the provisions of the federal Workforce Investment Act of 1998.

(b) The purpose of this article is to require all federal and state funded employment and training programs offered within West Virginia to adopt a written policy providing priority of service to veterans of the United States Military over other individuals seeking employment and training services.

WV Legislature

§9A-4-2. Definitions.

(a) "Eligible veteran" means a person who:

(1) Served on active duty and was discharged or released from active duty with an honorable discharge or because of a service connected disability;

(2) As a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge or ribbon is authorized and was discharged or released from duty with an honorable discharge; or

(3) Served as a member of a National Guard or Reserve component and completed his or her military obligation and received an honorable discharge from the National Guard or Reserve component or was discharged from the National Guard or Reserve component because of a service connected disability.

(b) "Priority of service" means the right to priority in any employment or training program offered citizens of West Virginia which is funded, in whole or in part, through federal or state moneys.

(c) "Reserve component" means any branch of the military, including any military defense forces.

(d) "Training program" means a program that provides training leading to qualification for employment, or improved skills, or both, funded, in whole or in part, through the workforce investment act or another federal or state act administered through the state and having as its primary purpose workforce development.

(e) "Training provider" means any private or public entity which has been certified by competent authority to provide training funded by federal or state funds appropriated in the budget under the jobs training partnership act or another federal or state act having as its primary purpose workforce development.

www.legislature

§9A-4-3. Program eligibility.

For a veteran to receive a priority in services designation for a federal or state funded training program, the veteran shall first meet the eligibility criteria and qualifications of the specific program.

WV Legislature

§9A-4-4. Application for priority of services.

A veteran shall make application for a priority of services designation with the training provider by completing required documentation and identifying to the satisfaction of the training provider his or her eligibility in accordance with subsection (b), section two of this article.

WV Legislature

§9A-4-5. Priority of services.

An eligible veteran who has applied for and received a priority of services designation and who has otherwise met the eligibility criteria for employment training through a federal or state funded program shall be placed in a pool of eligible applicants, ordered on the date of eligibility. If both veterans and nonveterans are certified eligible on the same day, veterans shall be afforded priority in enrollment in the following manner:

(A) First priority shall be awarded to service-connected disabled veterans;

(B) Second priority shall be awarded to other eligible veterans;

(C) Third priority shall be awarded to nonveterans.

WV Legislature

§9A-4-6. Federal law.

Provisions of this article shall be superseded by federal laws and regulations which are more stringent or which provide specific veterans preference or priority of service relative to administering employment and training programs.

WV Legislature

§9A-5-1. Legislative finding and purpose.

(a) The Legislature hereby finds that there exists a health care crisis among our state's veterans and their families, with veterans in this state dying by suicide at a rate of nearly 60 percent higher than nonveterans.

(b) The Legislature finds there are significant resources available to help combat this crisis, but that these resources are not well-known or easily available to veterans and their families.

(c) The Legislature hereby specifically authorizes and directs the Department of Veterans' Assistance to develop and implement programs to assist at-risk veterans, including establishing partnerships with veteran service organizations, government agencies, military organizations, private entities, and mental health providers engaged with their local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors, among the veteran population in this state.

WV Legislature

§9A-5-2. Assistance to at-risk veterans; partnerships.

(a) As used in this article, “at-risk veteran” means a person who is currently serving in the armed forces on active duty, reserve status, or in the National Guard, or a person who served on active duty, reserve status, or in the National Guard, or who was discharged, and who may be at risk of suicide owing to a physical or mental health condition that is related to his or her service.

(b) In addition to the duties and powers otherwise provided to the department under this chapter, the department shall develop and implement programs to assist at-risk veterans and their families combat suicide and its contributing factors.

(c) The department may enter into partnerships or agreements with veteran service organizations, government agencies, military organizations, private entities, and mental health providers engaged with their local veteran communities to provide or connect veterans and their families to resources that may be available through any source, including state, federal, or private resources.

(d) The department shall provide for the annual education of its employees on the warning signs of suicide and the resources available to assist in suicide prevention. This education may be accomplished through an employee’s self-review of suicide prevention materials and resources approved by the U. S. Department of Veterans Affairs.

WV Legislature

§9A-5-3. Grant-making authority.

(a) In addition to all other funding allocated to the department, the secretary is directed to seek funds, grants, and other sources of assistance from other agencies of government, as well as the private sector to accomplish the purposes of this article.

(b) The secretary, in his or her discretion, may make grants or otherwise transfer funds held by the department from any available source to provide assistance to at-risk veterans or their families, including by providing funding to veteran service organizations, government agencies, military organizations, private entities, and mental health providers, for the purposes of this article.

(c) The department shall maintain records of any monies transferred or expended under this article and shall comply with all relevant reporting requirements.

WV Legislature

§9A-6-1. West Virginia Military Hall of Fame.

(a)(1) The secretary shall create a West Virginia Military Hall of Fame with the mission to honor veterans of West Virginia who have distinguished themselves on the field of battle and who have also made significant contributions to the state or their communities following their military service. The honorees must:

(A) Have been honorably discharged or separated under honorable conditions from the Armed Forces of the United States and be of good moral character; and

(B) Be natural born citizens of West Virginia; or

(C) Entered into or have been discharged from the Armed Forces in West Virginia; or

(D) Have resided in West Virginia for at least 8 years.

(2) Nominations shall include a nomination form approved by the secretary, a DD214 or other supporting Department of Defense personnel records, or national or state archive records substantiating the nominee's military service, and a copy of any citation received, including any supporting documentation.

(b) In order to be considered, a nominee must have been awarded any of the following during his or her time in service:

(1) Medal of Honor;

(2) Army Distinguished Service Cross;

(3) Navy Cross;

(4) Air Force Cross;

(5) Coast Guard Cross;

(6) Silver Star;

(7) Distinguished Flying Cross;

(8) Bronze Star Medal with "V" Device;

(9) Air Medal with "V" Device;

(10) Commendation Medal With "V" Device;

(11) Joint Service Achievement Medal With "V" Device; or

(12) Purple Heart.

WV Legislature

(c) There shall be created the West Virginia Military Hall of Fame Board consisting of seven members who shall be residents of this state and who have served in and been honorably discharged or separated under honorable conditions from the Armed Forces of the United States. In addition to the seven members of the board, the secretary shall be an ex officio member and shall serve as its chair.

(d) Where feasible, members of the board shall be veterans who are active in the veteran community, with consideration given to ensure a diverse representation of service branches in board membership. Additionally, no more than four members shall be from the same congressional district.

(e) The secretary shall promulgate rules for legislative approval in accordance with §29A-3-1 *et seq*. of this code to implement the purpose and mission of the Military Hall of Fame.

WV Legislature