AN ACT to amend the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new chapter, numbered chapter nine-a, relating to veterans and to establish a state agency to aid, assist, counsel and advise, and look after the rights and interests of all persons known as veterans who have served in the armed forces of the United States in the army, navy, marine corps or coast guard in times of war as defined by the laws of the United States and whose separation therefrom has been other than dishonorable and who are citizens and residents of this state, and the widows, dependents and orphans, who are or have become citizens and residents of this state, of all such persons known as veterans who have served in the armed forces of the United States in the army, navy, marine corps or coast
guard in times of war as defined by the laws of the United States and whose separation therefrom has been other than dishonorable; to transfer to such state agency from the department of public assistance and the office of the state veterans' service officer all the property, equipment, files, records and documents pertaining to veterans, their widows, dependents and orphans; to repeal article eight, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, and any and all amendments thereto, and all other acts, or parts of acts, inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, be repealed, and that said code be amended by adding thereto a new chapter to be designated chapter nine-a, to read as follows:

Section 1. General Purposes.—A state agency to be known as the “West Virginia Department of Veterans’ Affairs” is hereby created and established for the purpose of aiding, assisting, counseling and advising, and looking after the rights and interests of, all persons known as
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6 veterans who have served in the armed forces of the
7 united states in the army, navy, marine corps or coast
guard as defined by the laws of the united states
and whose separation therefrom has been other than
dishonorable and who are citizens and residents of this
state, and the widows, dependents and orphans, who
are or have become citizens and residents of this state, or
all persons known as veterans who have served in the
armed forces of the united states in the army, navy,
marine corps or coast guard as defined by the laws of
the united states and whose separation therefrom has
been other than dishonorable.

sec. 2. administration.—there shall be a "veterans'
2 council" which shall consist of five members who shall be
3 citizens and residents of this state, who have served in and
4 been honorably discharged or separated under honorable
5 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 united states, either public law no. 2—73rd
7 congress or public law no. 346—78th congress, and any
8 and all amendments thereto. the members of the vet-
erans' council shall be selected with special reference to their ability and fitness to effectuate the purposes of this act. The West Virginia Department of Veterans' Affairs shall be administered by a director, and such deputy directors, assistants and employees as may be deemed advisable.

Sec. 3. Terms of Veterans' Council Members.—The term of office of the members of the veterans' council shall be six years, and they shall be appointed by the governor by and with the advice and consent of the senate: Provided, however, That upon the adoption of this act, the governor as aforesaid shall appoint two members for a term of two years, two members for a term of four years, and one member for a term of six years, and thereafter the successors of each member shall be appointed for the term of six years. In case of a vacancy in the veterans' council, the appointment shall be for the remainder of the unexpired term. A member of the veterans' council shall be subject to removal by the governor for cause, but shall have upon his own request an open hearing before the governor on the complaints or charges lodged against him. The action of the governor shall be final.
Sec. 4. Functions.—It shall be the duty and functions of the veterans' council to determine the general administrative policies of the department, to select at their first meeting in each fiscal year commencing on the first day of July a chairman to serve one year, to promulgate such rules and regulations as may be necessary, to examine into the efficiency of the department from time to time, to exercise general supervision over the operations of the department, to advise the governor and the Legislature with respect to legislation affecting the interests of veterans, their widows, dependents and orphans, to make annual reports to the governor respecting the service of the department, and to prescribe the duties of the director. Such director shall have the same eligibility and qualifications prescribed for members of the veterans' council. The governor shall appoint a director for a term of six years, by and with the advice and consent of the Senate. Before making such appointment, the governor shall request the council of the West Virginia Department of Veterans' Affairs to furnish a full and complete report concerning the qualifications and suitability of the pro-
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posed appointee. The director shall be subject to re-
moval by the governor for cause, but shall have on his
own request an open hearing before the governor on the
complaints or charges lodged against him. The action of
the governor shall be final. The director ex officio shall
be the executive secretary of the veterans' council, keep
the minutes of each meeting and be in charge of all records
of the department.

Sec. 5. Compensation.—The director shall receive a sal-
ary of six thousand dollars per annum, payable in monthly
installments, and, in addition, the necessary traveling
expenses incident to the performance of his duties. The
salaries of the deputy directors, assistants and employees
shall be fixed by the veterans' council. The members of
the veterans' council shall receive no salary, but each
member shall receive an honorarium of ten dollars for
each day actually in attendance at a meeting and his
actual traveling expenses incurred in the performance
of his duties under this act. 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.

The veterans' council shall hold its initial meeting on the call of the governor, and thereafter shall meet on the call of its chairman, except as otherwise provided. With the exception of the first three meetings of the veterans' council, none of which shall be of a duration longer than two weeks each, for organizational purposes, 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 so declared and called by the governor or by the chairman with the approval of the governor. A majority of the members of the veterans' council shall constitute a quorum for the conduct of official business.

Sec. 6. Oaths.—The members of the veterans' council, the director, and his deputy directors, shall take and subscribe to the oath prescribed by article four, section five of the state constitution before entering on their du-
ties. Their oaths shall be filed with the secretary of state.

Sec. 7. Definitions.—(a) The word, "veteran," 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 act.

(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.

Sec. 8. Offices.—The offices of the director shall be located at the state capitol or other place provided in the capitol city. The director shall keep his offices open at all reasonable times for the transaction of business. The offices and meeting place of the veterans' council shall be in the offices of the director: 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.

Sec. 9. Duties of Department.—The Department of
Veterans' Affairs of West Virginia shall:

(1) Assist veterans, their widows, dependents and or-
phans 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 act;

(2) Contact all veterans' organizations in this state
through their duly elected or appointive officers to effectu-
ate the purposes of this act 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, pen-
sions, 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, dependents and orphans.

Sec. 10. Powers and Duties of Director.—The director shall be the executive and administrative head of the department, and as such shall have the power and duty, subject to the provisions of section four hereof, to

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

(b) Prescribe methods pertaining to investigations, re-investigations, of all claims, and to the rights and interests of all veterans, their widows, dependents and orphans;
(c) Prescribe uniform methods of keeping all records, and case records of the veterans, their widows, dependents and orphans;

(d) Sign and execute, in the name of the state by “West Virginia Department of Veterans’ Affairs,” and by and with the consent of the veterans’ council, 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 act and with the standards required by any federal act or any federal agency;

(g) Establish such regional or area offices throughout the state as may be necessary to promote efficiency and economy in administration;

(h) Make such reports as will comply with the requirements of any federal act or federal agency and the provisions of this act;

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

(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 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, dependents and orphans, and to promote the efficiency of the department;

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

(n) Appoint the deputy directors and heads of divisions of the department, and of regional or area offices, and
employ such assistants and employees as may be necessary for the efficient operation of the department;

(o) Delegate to all or any of his appointees, assistants or employees all powers and duties vested in the director, except the power to sign and execute contracts and agreements, but the director shall be responsible for the acts of such appointees, assistants and employees;

(p) Remove at his will and pleasure any appointee, assistant or employee.

Sec. 11. Advisory Council.—There is hereby established an advisory council to the West Virginia Department of Veterans' Affairs, which shall meet on the call of the chairman of the veterans' council with the veterans' council at any of its regular or special meetings, in connection with the establishment of policies and rules and regulations of the department to effectuate the purposes of this act and promote the efficient operation of the department, but the advisory council shall have no vote. The director, in carrying out his powers and duties, shall have the right to call on the individual members of the advisory council, and through them...
on their department, agency or organization, and also to call on such other departments or agencies of the state as may be necessary, for advice, aid and assistance. The members of the advisory council shall be the state superintendent of free schools, secretary of agriculture, adjutant general, state banking commissioner, state health commissioner, president of the board of governors of West Virginia university, president of the state board of control, state road commissioner and director of the state department of public assistance or their duly authorized and accredited representatives.

Sec. 13. Legal Assistance.—The attorney general of the state and his assistants, and the prosecuting attorneys of the various counties, shall render to the veterans' council or director, without additional compensation, such legal services as may be required in the discharge of the provisions of this act.

Sec. 14. Succession of Offices and Property.—Upon this act taking effect, the West Virginia Department of Veterans' Affairs shall have possession of and there shall be transferred from the department of public assistance and
the office of the state veterans' service officer to the de-
partment any unexpended funds appropriated for the
state veterans' service officer and all the property, equip-
ment, files, records and documents pertaining to veterans,
their widows, dependents and orphans.

Sec. 15. Provisions Severable.—The provisions of this
act shall be construed as severable, and should any sec-
tion or part thereof be held unconstitutional, or for any
other reason invalid, the remaining provisions shall not
be affected thereby.

Sec. 16. Acts Repealed.—Article eight, chapter nine of
the code of West Virginia, one thousand nine hundred
thirty-one, and any and all amendments thereto, and all
acts, or parts of acts, general or special, in conflict or in-
consistent with or superseded by this act are hereby re-
pealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect July 1, 1945

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

Approved this the 16 day of March, 1945.

Governor.