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West Virginia
Division of Veterans Affairs

1321 Plaza East - Suite 101
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Telephone: (304) 558-3661
February 9, 1998

G. L. HARPER
DIRECTOR

CHARLES PRATHER
FISCAL OFFICER

M. J. DePERSIG
CHIEF VETERANS AFFAIRS OFFICER

"FACTS & CIRCUMSTANCES CONSTITUTING THE EMERGENCY"

During the 1995-96 legislative session H.B. 4169 provided funds designated as the John F. "Jack" Bennett Fund to set US Department of Veterans Affairs Headstones/Markers on the graves of deceased veterans whose widows were deemed "indigent" and did not have funds to set the markers.

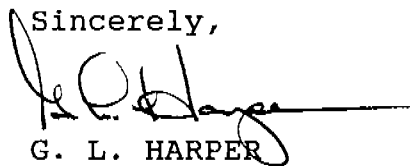
According to the legislation, it appeared \$20,000.00 would be provided upon completion of the Veterans Memorial on the capitol grounds and when said memorial obligations were paid in full.

A legal review by the Attorney General's Office recently determined the memorial did not need to be paid in full and the monies would be transferred from the Cultural & History Accounts to the WV Division of Veterans Affairs within the next two weeks.

In order for said funds to be dispersed in an expedient manner, I hereby request special consideration for an emergency legislative rule. (I did not expect funding to be available until FY 97-98, therefore, I had not filed rules during the prescribed times).

If additional information/clarification is desired, please contact me at 558-3661.

Sincerely,



G. L. HARPER
Director

GLH:sk

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: VA Headstones or Markers
Type of Rule: X Legislative Interpretive Procedural
Agency WV Division of Veterans Affairs
Address 1321 Plaza East - Suite 101
Charleston, WV 25301-1400

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER H.B. 4169			\$20,000.		

2. Explanation of above estimates:

Funding provided from lottery receipts as per H.B. 4169

3. Objectives of these rules:

To adhere to conditions of H.B. 4169

Rule Title: VA Headstones/Markers

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

State will receive taxes on fees charged for setting markers.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

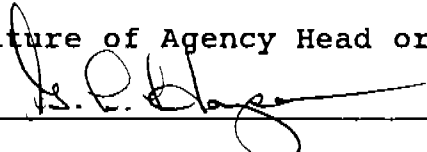
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 2-9-98

Signature of Agency Head or Authorized Representative



FILED
MAR 12 1 20 PM '98
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 86
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF VETERANS AFFAIRS

SERIES 4
VA HEADSTONES OR MARKERS

§86-4-1. General.

1.1. Scope -- To establish guidelines for the administration of funds by H.B. 4169.

1.2. Authority -- WV Code §§9A-1-1.

1.3. Filing Date --

1.4. Effective Date --

§86-4-2. Definitions.

2.1. "Indigent Widow/Next of Kin" means survivor responsible for setting US Department of Veterans Affairs furnished headstone or marker and whose income is within the US federal poverty levels.

2.2. "Designated Agency" means an agency, department, division or office of state or local government, or a program supported by state funds, which is designated to provide financial assistance.

2.3. "Agency Application Form" means form prepared by the WV Division of Veterans Affairs for use in determining eligibility for said funds.

2.4. "Applicant" means a person who submits an application for financial assistance in setting of US Department of Veterans Affairs grave marker.

§86-4-3. Priority in Setting Markers.

The director of veterans affairs shall determine the grave markers that have been in storage at the state's perpetual care cemeteries for the longest period of time and ensure those markers are installed on a priority basis as funding permits.