

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

Do not mark in this box
Filing Date

FILED

FEB 10 3 11 PM '90

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Division of Veterans Affairs TITLE NUMBER: 86

CITE AUTHORITY: WV Code §§9A-1-1

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

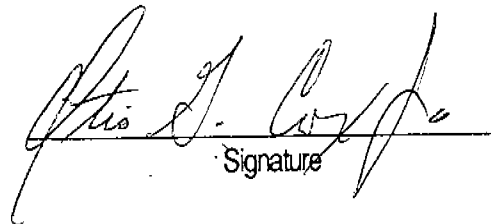
IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 4

TITLE OF RULE BEING FILED AS AN EMERGENCY: VA Headstones or Markers

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME
EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY
AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE
AS FOLLOWS:

Use additional sheets if necessary


Signature

\$3.20

CECIL H. UNDERWOOD
GOVERNOR



OTIS G. COX, JR.
SECT. MILITARY AFFAIRS & PUBLIC SAFETY

VETERANS' COUNCIL
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West Virginia
Division of Veterans Affairs

1321 Plaza East - Suite 101
Charleston, West Virginia 25301-1400
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

DATE: February 9, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: G. L. Harper, Director - WV Division of Veterans Affairs

EMERGENCY RULE TITLE: VA Headstones/Markers

1. Date of Filing _____

2. Statutory authority for promulgating emergency rule:

3. Date of filing of proposed legislative rule: _____

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?

Adopt New Language

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

None

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

N/A

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: VA Headstones or Markers

Type of Rule: ☒ 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.

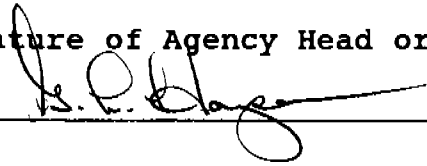
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 2-9-98

Signature of Agency Head or Authorized Representative



TITLE 86
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF VETERANS AFFAIRS
SERIES 4
VA HEADSTONES OR MARKERS

FILED
FEB 10 3 11 PM '90
OFFICE OF THE CLERK
SECRETARY OF STATE

§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.