



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **86-04**
RULE NAME **VA Headstones or Markers**

CITE AUTHORITY **W.Va. Code §29-22A-10**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Saturday, June 28, 2014 2:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**West Virginia Department of Veterans Assistance
Cabinet Secretary Rick Thompson
1514-B Kanawha Boulevard East
Charleston, West Virginia 25311**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-04



Rule Id: 9465



Document: 25819



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Veterans' Assistance Department of

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 86-04

RULE NAME VA Headstones or Markers

CITE AUTHORITY W.Va. Code §29-22A-10

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Redesignating the West Virginia Division of Veterans Affairs as the West Virginia Department of Veterans Assistance.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Veterans' Assistance Department of

RULE TYPE Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 86-04

RULE NAME VA Headstones or Markers

CITE AUTHORITY W.Va. Code §29-22A-10

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There is no fiscal impact on the cost and revenues of the Department of Veterans Assistance.

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Veterans' Assistance Department of

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 86-04

RULE NAME VA Headstones or Markers

CITE AUTHORITY W.Va. Code §29-22A-10

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.0	0.0	0.0
PERSONAL SERVICES	0.0	0.0	0.0
CURRENT EXPENSES	0.0	0.0	0.0
REPAIRS AND ALTERATIONS	0.0	0.0	0.0
ASSETS	0.0	0.0	0.0
OTHER	0.0	0.0	0.0
ESTIMATED TOTAL REVENUES	0.0	0.0	0.0

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 86-04



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Veterans' Assistance Department of

RULE TYPE Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 86-04

RULE NAME VA Headstones or Markers

CITE AUTHORITY W.Va. Code §29-22A-10

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

none

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **86-04**
RULE NAME **VA Headstones or Markers**

CITE AUTHORITY **W.Va. Code §29-22A-10**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

none

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 86-04



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Veterans' Assistance Department of
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 86-04
RULE NAME VA Headstones or Markers

CITE AUTHORITY W.Va. Code §29-22A-10

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND
STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Redesignating the WV Division of Veterans Affairs as the West Virginia Department of
Veterans Assistance.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-04



Rule Id: 9465



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TITLE 86

LEGISLATIVE RULE

WEST VIRGINIA ~~DIVISION OF VETERANS AFFAIRS~~ DEPARTMENT OF
VETERANS ASSISTANCE

SERIES 4

VA HEADSTONES OR MARKERS

§86-4-1. General.

1.1. Scope. -- To establish guidelines for the administration of funds and payment for veteran headstones or markers.

1.2. Authority. -- W. Va. Code §29-22A-10.

1.3. Filing Date. -- April 27, 2005.

1.4. Effective Date. -- April 28, 2005.

§86-4-2. Definitions.

2.1. "Agency Application Form" means form prepared by the ~~WV Division of Veterans Affairs~~ West Virginia Department of Veterans Assistance for use in determining eligibility for said funds.

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

2.3. "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.

2.4. "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.

2.5. "Means Test and Geographic-based Means Test Threshold" means the threshold

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SERIES 4

VA HEADSTONES OR MARKERS

4.3. The award will pay the cost of the installation of the federal veterans' grave marker for an eligible veteran.

4.4. The application shall contain the following information: name of veteran; serial number; date of birth; date of death; enlistment and discharge dates; branch of service and rank; character of discharge; cemetery (name, address, county); grave number (lot, block, section); nearest relative and relative's address; designation of type of headstone, claimant's name, address, social security number; applicant's monthly income information.

4.5. The ~~director~~ Secretary shall within ninety (90) days of receipt of a completed application, notify the applicant of the status of the application and the eligibility of the deceased veteran for an award from the John "Jack" Bennet Fund.

§86-4-5 Eligibility.

5.1. The eligibility of a deceased veteran to receive a John "Jack" Bennet Fund award shall be based on the following elements:

5.1.1. Period of time the deceased veteran has been buried without having a federal grave marker in place,

5.1.2. Availability of other financial resources for payment of the setting of the federal grave marker, which shall be determined by the Means Test and Geographic-based Means Test Threshold for the calendar year in which the application is made, and

5.1.3. Availability of funds in the John "Jack" Bennet Fund Account.

5.2. The ~~director of veterans affairs~~ Secretary of Veterans Assistance shall make discretionary award determinations based on the factors established in 5.1.1 through 5.1.3.

§86-4-6. Expenditure of Funds.

6.1. Awards shall be based on the fund solvency and shall conform to the West Virginia Public Service Commission Rules for the Government of Fees for Installation of United States Department of Veterans Affairs Grave Markers, 150 CSR 28.