



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Veterans Assistance Department of TITLE-SERIES: 86-05
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 86-05 West Virginia Military Hall of Fame

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: West Virginia Department of Veterans Assistance / §9A-6-1. West Virginia
Military Hall of Fame

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY
OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY
PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

West Virginia Code §9A-6-1 is the enabling statute for these rules. West Virginia Military Hall of Fame. The following are the effects of each provision of the Legislative Rule: §86-5-1 Provides the General scope and authority of the rule. §86-5-2 Provides for definitions to be utilized within the rule. §86-5-3 Provides the overall mission of the West Virginia Military Hall of Fame. §86-5-4 Creates a West Virginia Military Hall of Fame Board in compliance with the enabling statute. §86-5-5 Provides the nomination process for potential inductees into the West Virginia Military Hall of Fame. §86-5-6 Provides eligibility criteria for potential inductees into the West Virginia Military Hall of Fame. §86-6-7 provides a review and selection process to determine which potential inductees will be inducted into the West Virginia Military Hall of Fame. §86-5-8 provides guidance on the recognition of new inductees into the West Virginia Military Hall of Fame. §86-5-9 provides a process by which inductions may be revoked under narrow circumstances.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN
EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/12/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/11/2026

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Online advertising via WVDVA website, social media, media release from Gov. Morrisey's office

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Every veteran sacrificed time from their families and loved ones. Some gave it all. This Rule establishes the criteria for the State to recognize exemplary service of veterans through selection into the West Virginia Military Hall of Fame. The West Virginia Military Hall of Fame was established to recognize veterans who distinguished themselves in service and who contributed significantly to the state and community following discharge.

This Rule sets forth the process by which a veteran can be nominated for and ultimately be selected to the West Virginia Military Hall of Fame. The rule implements and administers the West Virginia Military Hall of Fame, including mission, eligibility, nominations, board membership, selection, induction, ethics, and records.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This Rule sets forth the process by which a veteran can be nominated for and ultimately be selected to the West Virginia Military Hall of Fame. The rule implements and administers the West Virginia Military Hall of Fame, including mission, eligibility, nominations, board membership, selection, induction, ethics, and records.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

It is anticipated these functions can be performed with existing resources, making it a revenue neutral rule.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jessica Wintz -- 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 86
LEGISLATIVE RULE
DEPARTMENT OF VETERANS' ASSISTANCE

SERIES 5
WEST VIRGINIA MILITARY HALL OF FAME

§86-5-1. General.

1.1. Scope. – This legislative rule includes general provisions related to the West Virginia Military Hall of Fame.

1.2. Authority. – W. Va. Code §9A-6-1.

1.3. Filing Date. –

1.4. Effective Date. –

1.5. Sunset Provision. – This rule will terminate and have no further force or effect on August 1, 2032.

1.6. Applicability. – This rule applies to the Department of Veterans' Assistance, the West Virginia Military Hall of Fame Board, and all nominees, honorees, and other participants.

§86-5-2. Definitions.

2.1. "Applicant" means the person who nominated a person for consideration for induction into the West Virginia Military Hall of Fame.

2.2. "Board" means the West Virginia Military Hall of Fame Board created in W. Va. Code §9A-6-1.

2.3. "Department" means the Department of Veterans' Assistance created in W. Va. Code §9A-1-1 *et seq.*

2.4. "Honoree" means a veteran selected for induction into the West Virginia Military Hall of Fame.

2.5. "Nominee" means the person nominated for consideration for induction into the West Virginia Military Hall of Fame.

2.6. "Secretary" means the Secretary of the Department of Veterans' Assistance as established in W. Va. Code § 9A-1-1 *et seq.*

§86-5-3. Mission.

The State of West Virginia honors the bravery and sacrifice of all members of the Armed Forces of the United States who have honorably served this country. Yet, the state also recognizes that the bravery and sacrifice of some members is extraordinary and deserves special recognition through induction into the West Virginia Military Hall of Fame. It is the mission of the Board to judiciously review each nomination, and to admit those whose service is not only exemplary, but incomparable. Even nominees who are not selected still embody what is best about this state.

§86-5-4. West Virginia Military Hall of Fame Board.

4.1. The seven public members of the board shall be appointed by the Governor. The composition of the board shall consist of representatives from the recognized branches of the Armed Forces of the United States and may include members of the state's congressionally chartered veteran services organizations.

4.2. The term for each appointed board member is four years, which shall be staggered. Vacancies are filled for the unexpired term. A board member may be reappointed.

4.3. Appointed board members shall serve without compensation, but may be reimbursed for actual, necessary expenses, in accordance with the state travel policy, and subject to available appropriations.

4.4. The Board shall meet at least annually, but may meet more frequently, upon the call of the Secretary. The Board will allow applicants, nominees, and members of the public to address the Board regarding nominees, but may limit how long each person is allowed to speak.

4.5. The Secretary is an *ex officio* voting member of the board.

§86-5-5. Nomination Process.

5.1. Any person may nominate an eligible West Virginia veteran that meets the requirements of W. Va. Code § 9A-6-1 for induction into the West Virginia Military Hall of Fame. Posthumous nominations are permitted. A person may not nominate themselves.

5.2. An applicant shall submit the following in support of a nomination:

5.2.1. A completed application, which shall be in a form and manner prescribed by the Department;

5.2.2. A DD214 or other supporting Department of Defense personnel records, or national or state archive records substantiating the nominee's military service;

5.2.3. A copy of any and all citations received by the nominee, and any supporting documentation, including the medal certificate and general orders;

5.2.4. A narrative describing, at the least, the nominee's qualifying military actions, and, unless the nominee died in service, significant contributions to West Virginia or the nominee's community following discharge, with supporting documentation; and

5.2.5. The signed authorization from the nominee or the nominee's legal representative or estate allowing verification of eligibility through the Department of Defense and national or state archives, and consent to a background check, if the Board requests

5.3. An applicant may also submit letters of recommendation in support of the nominee, and may submit other information or documents which the applicant deems relevant to the nomination.

5.4. The Board may request additional information or documentation that it deems relevant to determining whether the nominee is appropriate for induction into the West Virginia Military Hall of Fame. The Board may also conduct its own investigation, which may include interviews with the nominee, the person who made the nomination, those who served with the nominee, and other members of the nominee's family and community.

5.5. Applications may be submitted electronically, by facsimile, by U.S. Mail or by hand delivery to the Department. Any application or supporting document submitted by electronic means must be transmitted securely and, as necessary, encrypted

5.6. The Department may, from time to time, solicit nominations with set nomination windows to align with induction schedules. However, a nomination may be submitted at any time. One person may submit multiple nominations at the same time. The Board may choose to consolidate nominations.

5.7. Incomplete packages must be cured within 60 days, or the Department may reject the nomination, without prejudice and without vote of the Board. If the nominee is deceased, the Department will work with the applicant to obtain necessary documentation from the Armed Services of the United States.

§86-5-6. Eligibility.

6.1. The Board will consider the following criteria in determining whether an nominee is eligible for induction in the Military Hall of Fame under W. Va. Code § 9A-6-1:

6.1.1. The nominee must have been honorably discharged or separated under honorable conditions, unless the nominee died prior to discharge;

6.1.2. The nominee, or the person who made the nomination, must submit a narrative describing the nominee's service and post-service contributions, with supporting documentation; and

6.1.3. The nominee must be of good moral character.

6.2. The Secretary may reject the nomination and does not have to bring it to the attention of the Board for consideration, if the nomination does not meet the minimum qualifications as set forth in W. Va. Code § 9A-6-1(a)(1)(A)-(D), (a)(2), or (b).

6.3 The Secretary may present the nomination of a nominee who was killed in action to the Board if the nominee meets the requirements of W. Va. Code § 9A-6-1(a)(1)(A)-(D) (a)(2), and (b).

§86-5-7. Review and Selection Process.

7.1. Once a nominee has been declared eligible, and after all information has been retained and any investigation completed, the Board shall evaluate the nominee, where it considers the following:

7.1.1. Valor and combat distinction, including the nature of the qualifying award, circumstances, and official records;

7.1.2. Any post-service contributions, including significant, duration, and impact of the nominee's service to the State or community, leadership, and public benefit; and

7.1.3. Any other factor or criterion which the Board determines is relevant to determining whether the nominee meets the qualifications set forth in W. Va. Code § 9A-6-1..

7.2. The Board may also develop other criteria, or guidelines to help it appropriately weigh the nomination and relevant factors. It may create a uniform scoring sheet. Records relating to other scoring metrics shall be made available to the public. Notes or scores of individual board members are confidential deliberative documents.

7.3. The Board is not required to set a minimum number of inductees selected for each year, and may choose not to select any. The Board may decide to set a maximum number of inductees selected for each year. If a nomination is not selected because the annual limit has been met, then the Board may, upon its own motion, reconsider the nominee in a subsequent year without requiring further application or request.

7.4. The Board will vote on each nominee and the affirmative vote of a majority of the members of the board is necessary to select each honorees. The Secretary shall notify each applicant of the final decision relating to any nomination and the basis for the Board's decision.

§86-5-8. Induction; Recognition.

8.1. When practical, the Department should hold an induction ceremony for an honoree. This may be held as an annual event, and may include all honorees for the year.

8.2. The Department should provide public recognition for the honorees. At a minimum, the Department shall maintain an official roll of honorees, which shall be published on its website. The Department may also maintain other physical recognition of the honorees.

§86-5-9. Revocation; Corrections.

9.1. The Board may revoke an induction if:

9.1.1. A qualifying award was rescinded;

9.1.2. Material fraud in the nomination process is substantiated; or

9.1.3. The minimum qualifications set forth in W. Va. Code §9A-6-1 were not met.

9.2. If the Secretary or the members of the Board receive credible and material information of any grounds for revocation under section 9.1 of this rule, , the Secretary shall provide notice to the public and the honoree, or an appropriate representative of the honoree, of the grounds for revocation and provide an opportunity for the public, honoree, and representative of the honoree to be heard prior to any decision by the Board on whether to revoke the induction. .

9.3. The Department may correct clerical errors in the rolls, materials, or public information.