

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Com. Sub. for
HOUSE BILL No. 2655

(By ~~Mr.~~ *Delegate Weston*)



Passed *March 19,* 1990

In Effect *90 Day from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2655
(By DELEGATE WOOTON)

[Passed March 10, 1990; in effect ninety days from passage.]

AN ACT to amend article one-b, chapter fifteen of the code West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-three, relating to presentation of a flag of the United States to a person designated to direct disposition of the remains of a decedent who has completed an obligatory period of service in the national guard, and who has not been dishonorably discharged, and who is not otherwise eligible to receive such flag; providing that such flag shall be used for burial; and providing for the presentation of a flag to the parent or spouse of such decedent.

Be it enacted by the Legislature of West Virginia:

That article one-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE 1B. NATIONAL GUARD.

§15-1B-23. American flag for burial of deceased members of the national guard; presentation of flag to parent or spouse.

1 (a) The adjutant general shall pay the necessary
2 expenses for the presentation of a flag of the United
3 States with care to the person designated to direct
4 disposition of the remains of a deceased person who
5 served in a federally recognized unit of the national
6 guard of this state, upon request of such designated
7 person, if the deceased member of the national guard
8 has not been dishonorably discharged from service as
9 provided for in section nine of this article, and if such
10 deceased person is not otherwise eligible to receive such
11 flag under any other provision of the laws of this state
12 or federal law. Such flag shall be provided in order that
13 the casket of the deceased person may be draped in a
14 flag of the United States.

15 (b) After the burial of the deceased member, the flag
16 so furnished pursuant to subsection (a) of this section
17 shall be given to the parent or parents or to the spouse
18 or children of the deceased person. If no claim is made
19 by a parent or spouse for the flag furnished under
20 subsection (a), the flag may be given, upon request, to
21 a close friend or associate of the deceased member.

22 (c) For the purposes of this section, the term "parent"
23 includes a natural parent, a step-parent, a parent by
24 adoption or a person who for a period of not less than
25 one year before the death of the decedent stood in loco
26 parentis to him, and preference under this clause shall
27 be given to the persons who exercised a parental
28 relationship at the time of, or most nearly before, the
29 death of the decedent.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick J. Kerry

Chairman Senate Committee

Bernard V. Kelly

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harold E. B. Baker

Clerk of the Senate

Donald G. Kepp

Clerk of the House of Delegates

Kees Sundette

President of the Senate

Paul C. Rubin

Speaker of the House of Delegates

The within is approved this the *28th*
day of *March*, 1990.

Robert C. Cavert

Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/90

Time 4:44 pm

RECEIVED

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OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA