

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 82

(By Mr. Swann)



PASSED March 8, 1939

In Effect from Passage

787

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House Bill No. 82
(BY MR. SWANN)

[Passed March 8, 1939; in effect from passage.]

AN ACT to amend article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be numbered section ninety, providing for decorations to be known as the West Virginia distinguished service medal, and the West Virginia service medal, and the method of awarding such decorations.

Be it enacted by the Legislature of West Virginia:

That a decoration to be known as the "West Virginia Distinguished Service Medal" shall be procured and presented as follows:

Section 1. *Who May Be Awarded West Virginia Distinguished Service Medal.* The "West Virginia Distinguished Service Medal" may be awarded by the military board of the

4 state of West Virginia to be created as hereinafter pro-
5 vided:

6 (a) To former governors, who are now alive, present and
7 future governors of the state of West Virginia as commander-
8 in-chief of the West Virginia national guard;

9 (b) To such officers and enlisted men in the West Vir-
10 ginia national guard as may have, or may hereafter render
11 conspicuous or distinguished service in the line of duty, or
12 who have displayed, or may hereafter display, conspicuous
13 courage and gallantry while on duty with the West Vir-
14 ginia national guard;

15 (c) To men serving in the West Virginia national guard
16 who are holders of congressional medals of honor, United
17 States distinguished service medals, United States distin-
18 guished service cross, or equivalent awards of the United
19 States navy;

20 (d) To men of West Virginia who served, or shall here-
21 after serve in the armed forces of the United States in time of
22 war and who may have rendered or shall hereafter render
23 conspicuous or distinguished service in the line of duty;

24 (e) To not more than two civilians in any one year who

25 shall have rendered, in the judgment of the military board of
26 the state of West Virginia, conspicuous or distinguished serv-
27 ice to the West Virginia national guard;

28 (f) The military board of the state of West Virginia shall
29 be empowered to award the West Virginia distinguished
30 service medal posthumously to the next of kin of any officer
31 or enlisted man entitled thereto under the foregoing para-
32 graphs. No posthumous award shall be made in the case of a
33 civilian.

34 (g) In the event any officer or enlisted man of the West
35 Virginia national guard shall, in the opinion of the military
36 board of the state of West Virginia, render service or per-
37 form an act which would entitle him to the award of the
38 West Virginia distinguished service medal, and the award of
39 such medal has already been made to him, he shall for such
40 subsequent award be entitled to wear on the ribbon of the
41 medal and on the ribbon bar denoting ownership of such
42 medal a miniature gold mountain laurel blossom (the state
43 flower).

Sec. 2. *Who May Be Awarded West Virginia Service*
2 *Medal.* A decoration to be known as the "West Virginia Serv-

3 ice Medal'' shall be procured and presented by the adjutant
4 general of West Virginia as follows:

5 (a) To all officers and enlisted men and all former officers
6 and enlisted men of the West Virginia national guard who
7 have five years of honorable service.

8 (b) For each succeeding five years of honorable service
9 there shall be awarded a metallic emblem to be worn on the
10 ribbon bar denoting ownership of such medal, the following:

11 Ten years' service the Roman Numeral "X"

12 Fifteen years' service the Roman Numeral "XV"

13 Twenty years' service the Roman Numeral "XX"

14 Twenty-five years' service "Eagle"

15 Thirty years' service, "Eagle-V"

16 Thirty-five years' service, "Eagle-X"

17 In computing service there shall be taken into account the
18 time served in the United States armed forces as a part of
19 West Virginia's quota to these forces.

Sec 3. *Regulations for Wearing Medal.* The regulations
2 for wearing the West Virginia distinguished service medal
3 and the West Virginia service medal, or the appropriate
4 ribbon designating the ownership of such medals, shall con-

5 form in all respects to the United States army regulations
6 as prescribed for medals, decorations and service ribbons for
7 the national guard.

Sec. 4. *Precedence of Medal.* The West Virginia distin-
2 guished service medal and the West Virginia service medal
3 of the West Virginia national guard will be worn after
4 decorations and campaign medals awarded by the United
5 States of America and before or ahead of all foreign decora-
6 tions.

Sec. 5. *Contents of Distinguished Service Medal; How*
2 *to Be Worn.* The West Virginia distinguished service medal
3 shall be of fourteen carat gold and of an appropriate design
4 to be selected by the military board of the state of West
5 Virginia. The medal shall be worn suspended by a ring from
6 watered silk ribbon of suitable length and width, of colors
7 to be selected by the military board of the state of West
8 Virginia, and all medals to be serially numbered on the rim.

Sec 6. *Contents of Service Medal; How to Be Worn.* The
2 West Virginia service medal shall be of a medal of bronze
3 of the same size, weight and color of bronze as the victory
4 medal awarded by the United States of America, and to be

5 of such design as may be selected by the military board
6 of the state of West Virginia, and is to be suspended by a
7 ring from watered silk ribbon of suitable length and width,
8 of colors to be selected by the military board of the state
9 of West Virginia.

Sec. 7. *Governor to Appoint Board of Award.* The Gov-
2 ernor, as commander-in-chief of the West Virginia national
3 guard, shall appoint a permanent board of awards to be
4 known as the military board of the state of West Virginia
5 to consist of three members, at least two of whom shall be
6 members of the West Virginia national guard on active duty.
7 The term of office for these members shall be four years or
8 until their successors are appointed.

9 The members of this board shall receive no salary or other
10 compensation for their services, but each member shall be
11 allowed and paid for actual expenses in traveling and other
12 personal expense incurred in the performance of their duty.
13 The board shall select a secretary who shall make and keep
14 a record of its proceedings, which record is to be lodged in
15 the adjutant general's office and is to be preserved therein

16 as a part of the permanent military records of the state of
17 West Virginia.

Sec. 8. *Board to Submit Designs and Prices to Governor.*

2 The military board of the state of West Virginia will secure
3 appropriate designs from designers and bids from manufac-
4 turers who are competent in their judgment to design and
5 make the type of medal desired for the state of West Virginia
6 for both the distinguished service medal and the service
7 medal, and will submit the designs and bids thereon, to-
8 gether with its recommendations thereon, to the Governor,
9 who shall make a final selection of the design and the manu-
10 facturer of both medals.

Sec. 9. *Board to Pass on Awards of Medals.* The military
2 board of the state of West Virginia is given power to pass
3 on recommendations for the award of the West Virginia
4 distinguished service medal, and is given express power to
5 originate such recommendations and to pass thereon and to
6 prescribe appropriate ribbons designating ownership of both
7 medals.

Sec. 10. *Vote Necessary for Award.* The affirmative vote
2 of two members of the board and the approval of such finding

3 by the Governor is necessary for the award of the West Vir-
4 ginia distinguished service medal, but a recommendation
5 which has failed to receive the approval of a majority vote
6 on two separate occasions shall not again be acted on.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 17th day of March,
1939...



SECRETARY OF STATE

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

E. O. Wiseman

Chairman Senate Committee

Will H. Walker

Chairman House Committee

Originated in the

House of Delegates

Takes effect

from

passage.

Charles D. Smith

Clerk of the Senate

Geo. S. Hall

Clerk of the House of Delegates

Wm. M. Brown

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within.....this the.....

day of....., 1933.



Governor.