

No: 117

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



## ENROLLED

SENATE BILL NO. 117

(By Senator Tonkovich, Mr. President)



PASSED March 12, 1988

In Effect 90 days from Passage



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**Senate Bill No. 117**

(BY SENATOR TONKOVICH, MR. PRESIDENT)

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[Passed March 12, 1988; in effect ninety days from passage.]

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AN ACT to amend and reenact article one-g, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to service medals; procedure for award of distinguished service medal or legion of merit; adjutant general to establish other awards; precedence of medals; creation and appointment of military awards board; terms and expenses for board members; design of medals; multiple decorations; and procurement of decorations.

*Be it enacted by the Legislature of West Virginia:*

That article one-g, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 1G. SERVICE MEDALS.**

**§15-1G-1. The West Virginia distinguished service medal.**

- 1 The “West Virginia distinguished service medal” may be
- 2 awarded:
- 3 (a) To former or present governors of the state of West
- 4 Virginia as commanders in chief of the West Virginia
- 5 national guard;
- 6 (b) To such officers and enlisted men in the West
- 7 Virginia national guard as may have, or may hereafter

8 render conspicuous or distinguished service in the line of  
9 duty, or who have displayed, or may hereafter display,  
10 conspicuous courage and gallantry while on duty with the  
11 West Virginia national guard;

12 (c) To individuals serving in the West Virginia national  
13 guard who are holders of congressional medals of honor,  
14 United States distinguished service medals, United States  
15 distinguished service cross or equivalent awards of the  
16 United States navy;

17 (d) To West Virginians who served in the armed forces of  
18 the United States in time of war and who have rendered  
19 conspicuous or distinguished service in the line of duty;

20 (e) To not more than two civilians in any one year who  
21 shall have rendered, in the judgment of the military board  
22 of the state of West Virginia, conspicuous or distinguished  
23 service to the West Virginia national guard, the state of  
24 West Virginia or the United States of America.

25 The West Virginia distinguished service medal may be  
26 awarded posthumously to the next of kin of any officer,  
27 enlisted man or civilian entitled thereto under the foregoing  
28 subdivisions.

#### **§15-1G-2. West Virginia legion of merit.**

1 The "West Virginia legion of merit" may be awarded for  
2 exceptional meritorious service, achievement or bravery:

3 (a) To present or former officers and enlisted members  
4 of the West Virginia national guard;

5 (b) To present or former members of active military  
6 components, national guard members of other states and  
7 other reserve components;

8 (c) To civilians who have rendered conspicuous or  
9 distinguished service to the West Virginia national guard,  
10 the state of West Virginia or the United States of America.

#### **§15-1G-3. Procedure for award of distinguished service medal and legion of merit.**

1 The military awards board hereinafter established shall  
2 recommend to the governor the approval or disapproval of  
3 all nominations for the award of the distinguished service  
4 medal or the legion of merit. If the justification contained in  
5 a nomination for the distinguished service medal does not  
6 meet the criteria established for such award, the board may  
7 recommend in lieu thereof the approval of the legion of  
8 merit.

**§15-1G-4. Other West Virginia awards and decorations.**

1 The adjutant general is authorized to establish other West  
2 Virginia awards and decorations to recognize officers and  
3 members of the West Virginia national guard or other  
4 individuals as may be deemed appropriate.

5 Such awards and decorations will be established by the  
6 issuance of appropriate orders by the adjutant general and  
7 furnished at the expense of the state. The adjutant general  
8 shall establish procedures for the granting of such awards  
9 or decorations.

**§15-1G-5. Precedence of medals.**

1 The order of precedence for wearing West Virginia  
2 medals is as follows:

- 3 (1) West Virginia distinguished service medal;
- 4 (2) West Virginia legion of merit;
- 5 (3) Other West Virginia awards and decorations in the  
6 order of precedence as established by the adjutant general.

**§15-1G-6. Board of awards.**

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

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

**§15-1G-7. Design of medals.**

1 The military awards board of the state of West Virginia  
2 shall design, or have designed, the distinguished service  
3 medal, the legion of merit, and other West Virginia awards  
4 and decorations and shall submit the designs and bids

5 thereon, together with its recommendations thereon, to the  
6 governor for final approval.

**§15-1G-8. Devices for the award of multiple West Virginia decorations.**

1 In the event any person shall render service or perform  
2 acts entitling such person to the award of a West Virginia  
3 decoration, and the award of such decoration has  
4 previously been made, the person shall, for each subsequent  
5 award be entitled to wear a bronze oak leaf cluster. A silver  
6 oak leaf cluster shall be used in lieu of five bronze oak leaf  
7 clusters.

**§15-1G-9. Procurement of West Virginia decorations.**

1 The adjutant general shall annually submit to the  
2 Legislature a request for an appropriation sufficient to  
3 cover the cost of all West Virginia decorations established  
4 in accordance with this article.

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

*Bruce O. Williams*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Todd C. Wells*  
Clerk of the Senate

*Donald J. Flapp*  
Clerk of the House of Delegates

*Don Tarlton*  
President of the Senate

*Bob C. Wilson*  
Speaker House of Delegates

The within *approved* this the *28th*  
*March* day of ..... 1988.

*Richard S. Hanes*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/88

Time 3:54 p.m.

RECEIVED

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OFFICE OF DEPT VIRGINIA  
SECRETARY OF STATE