WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

Con. Sub. for
HOUSE BILL No. 2655

(By Delegate Weston)

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Passed March 19, 1990

In Effect 90 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.
(a) The adjutant general shall pay the necessary expenses for the presentation of a flag of the United States with care to the person designated to direct disposition of the remains of a deceased person who served in a federally recognized unit of the national guard of this state, upon request of such designated person, if the deceased member of the national guard has not been dishonorably discharged from service as provided for in section nine of this article, and if such deceased person is not otherwise eligible to receive such flag under any other provision of the laws of this state or federal law. Such flag shall be provided in order that the casket of the deceased person may be draped in a flag of the United States.

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

(c) For the purposes of this section, the term “parent” includes a natural parent, a step-parent, a parent by adoption or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him, and preference under this clause shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 28th day of _______ 1990.

Governor