WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3058

By Delegates Street, Chiarelli, Hillenbrand, Ridenour, Cooper, W. Hall, Phillips, Butler, Keaton, Kimble, and Maynor

[Introduced January 25, 2023; Referred to the Committee on Veterans' Affairs and Homeland Security then Finance]

Intr HB 2023R2972

A BILL to amend and reenact §15-1B-23 of the Code of West Virginia, 1931, as amended, relating to requiring the Adjutant General of the National Guard to pay local chapters of the Veterans of Foreign Wars for conducting military funerals for any branch of the military of the United States; and limiting amount paid.

Be it enacted by the Legislature of West Virginia:

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; providing funding to VFW chapters of state that conduct military funerals for any branch of the United States military.

- (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 a federally recognized unit of 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 §15-1B-9 of this code, and if such the 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 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 stepparent, 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 <u>or her</u>, 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.

Intr HB 2023R2972

(d) The Adjutant Gene	ral shall pay the necessary expenses of local chapters of Veterans of
Foreign Wars who conduct n	nilitary funerals in the state for deceased members of any military
branch of the United States:	Provided, That the expense does not exceed \$60 for any such
military	funeral.

NOTE: The purpose of this bill is to require the Adjutant General of the National Guard to pay local chapters of the Veterans of Foreign Wars for conducting military funerals for any branch of the military of the United States and limiting amount paid to no more than \$60.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.