WEST virginia legislature

2023 regular session

Committee Substitute

for

House Bill 3254

By Delegates Street, Pinson, Butler, Keaton, Holstein, Forsht, Gearheart, Crouse, Howell, Hott and Householder

[Originating in the Committee on Finance;  
February 22, 2023]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to establishing the Hershel “Woody” Williams State Military Funeral Honor Guard; authorizing the Honor Guard to render professional military funeral honors under certain circumstances; providing eligibility; providing the adjutant general with certain authority; and providing effective date.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. Public Safety.

ARTICLE 1B. NATIONAL GUARD.

§15-1B-28. Hershel "Woody" Williams State Military Funeral Honor Guard.

(a) Legislative findings. - The West Virginia Legislature recognizes the many achievements that the great West Virginian, U.S.M.C. Hershel "Woody" Williams achieved for the State of West Virginia. As a member of the United States Marine Corps, he served in the Battle of Iwo Jima. His actions in the battle contributed significantly to its outcome and saved many American lives. As a result of the heroism Williams displayed, he received the Congressional Medal of Honor from President Harry Truman on October 5, 1945. Williams materially improved the lives of countless veterans while working as a Veterans Service Officer for the federal Veterans Administration for 33 years, after which he focused on improving the circumstances of homeless veterans as a primary advocate for and first director of the West Virginia Department of Veterans Assistance Barboursville Veterans Home, a VA-supported domiciliary. In the decades following the war, Williams used his platform to lead the charge in an effort to honor America’s Gold Star servicemen and women – those who paid the ultimate price by giving their life in defense of America – as well as the families of the fallen.

(b) The Adjutant General is hereby authorized to establish a Military Funeral Honor Guard program to render professional military funeral honors to West Virginia eligible veterans when requested by a family member. The name of the program established by this section shall be known as the Hershel "Woody" Williams State Military Funeral Honor Guard.

(c) The Adjutant General is authorized to procure any uniforms, arms, equipment, vehicles, and supplies necessary in furtherance of this program. The uniforms, arms, and equipment for performance duties shall be those prescribed by applicable federal laws and regulations.

(d) An honor guard detail for the burial of an eligible veteran shall be in accordance with service tradition and consist of not less than two members of the West Virginia National Guard. The honor detail will, at a minimum, perform a ceremony that includes the folding and presenting of an American flag to the next of kin and the playing of Taps. Taps will be played by a bugler, if available, or by electronic recording.

(e) The Adjutant General shall determine eligibility. The person requesting an honor guard detail shall provide proof of military service in the form of a DD-214, NGB 22 or other similar Statement of Service. An eligible veteran is a West Virginia resident who: (1) died while on active duty; or (2) served in the active military, naval, or air service, or were members or former members of the selected reserves; and were discharged or released from that service by means of an “honorable” or “under honorable conditions” discharge.

(f) As a part of the military honor guard program, the Adjutant General may contract with a war veterans organization, as defined in 26 U.S.C. §501(c)(19), or a veterans association, as defined in 26 U.S.C. §501(c)(23), to conduct a military funeral in the state for an eligible veteran: *Provided,* That payment for a military funeral conducted by a war veterans organization or a veterans assocation may not exceed $60.

(g) This section shall take effect on July 1, 2023, for funerals occurring on or after January 1, 2024.