

# **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]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §15-1B-28, relating to establishing the Hershel “Woody” Williams State Military  
3 Funeral Honor Guard; authorizing the Honor Guard to render professional military funeral  
4 honors under certain circumstances; providing eligibility; providing the adjutant general  
5 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.**

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

14 (b) The Adjutant General is hereby authorized to establish a Military Funeral Honor Guard  
15 program to render professional military funeral honors to West Virginia eligible veterans when

16 requested by a family member. The name of the program established by this section shall be  
17 known as the Hershel "Woody" Williams State Military Funeral Honor Guard.

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

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

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

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

37 (g) This section shall take effect on July 1, 2023, for funerals occurring on or after January  
38 1, 2024.