

CHAPTER 378 (HB 278)

AN ACT relating to military burial honors, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

- (1) *The Commonwealth of Kentucky recognizes the need to provide for honorable burials for Kentuckians who have served their state and nation in the Armed Forces. Historically these burial services have been conducted by the active military units in Kentucky, the Kentucky National Guard, the military reserves, and the veterans' service organizations. However, increasing death rates, declining military resources, and an aging membership of veterans' service organizations present the need for new initiatives in support of military burial honors.*
- (2) *To correct this situation, and recognizing the immediate need, the Department of Military Affairs shall oversee a military burial honors program, in coordination with the Department of Veterans' Affairs, on behalf of the Commonwealth of Kentucky.*
- (3) *The Department of Military Affairs, in consultation with and as a supplement to the Department of Defense, active United States military commands in Kentucky, the Department of Veterans Affairs, the military reserves, and veterans service organizations, shall implement and administer the provisions of Sections 1 to 4 of this Act through the promulgation of administrative regulations. These regulations shall be in accordance with the provisions of KRS Chapter 13A and shall comply with and supplement the Department of Defense and the Armed Services' guidance.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

- (1) *There is established and created in the State Treasury a fund entitled the "Burial Honor Guard Trust Fund" to provide funds to offset the costs of the burial honor guard program. The fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private. Moneys deposited in the fund shall be disbursed by the State Treasurer upon the warrant of the Adjutant General or his representative. Any unallocated or unencumbered balances in the fund shall be invested as provided in KRS 42.500(9), and any income earned from the investments along with the unallotted or unencumbered balances in the fund shall not lapse, and shall be deemed a trust and agency account and made available solely for the purposes and benefits of the burial honor guard program.*
- (2) *The fund shall be used to support the costs, beyond federal reimbursements, that the Department of Military Affairs and the Department of Veterans Affairs incur and deem necessary in providing and supporting the personnel and activities of Sections 1 to 4 of this Act.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Military Affairs shall promulgate administrative regulations to implement the burial honor guard program.*

- (2) *The Department of Military Affairs shall coordinate military burial honors for those who are determined to be eligible by federal and state regulations.*
- (3) *The Department of Veterans Affairs shall coordinate the burial honors program with veterans' service organizations, Kentucky veterans and their dependents, and the United States Department of Veterans Affairs in support of the Department of Military Affairs.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

- (1) *Recognizing the participation of secondary school students in the military burial honor program, excused absences may be granted by local school boards to students of secondary school JROTC programs or other students who participate in the burial honor guard program. This includes time spent training, traveling, and participating in the burial honor guard program.*
- (2) *Local school boards may also adopt a policy to allow students to participate in the military burial honor guard program as a part of the instructional program.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *An excused absence may be granted, subject to approval by the local school board, to all students of Kentucky secondary schools who participate in the burial honor guard program, as set out in Sections 1 to 4 of this Act. Most likely these would be students already participating in JROTC, drum corps, or other military programs, however, the burial honor guard program is not limited to these students. This excused absence should include time spent training, traveling, and participating in the burial honor guard program.*
- (2) *The local school board may also adopt a policy to allow students to participate in the military burial honor guard program as a part of the instructional program.*
- (3) *This policy of either excused absences or including burial honor guard program participation as a part of the instructional program shall not in any way penalize the local school district.*

Section 6. Whereas the Commonwealth's next fiscal year begins on July 1 and the General Assembly finds that it is critical that the provisions of this Act take effect at the beginning of the fiscal year, an emergency is declared to exist and this Act takes effect July 1, 2000.

Section 7. This Act takes effect July 1, 2000.

Approved April 7, 2000