

**CHAPTER 43****(HB 231)**

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 40 IS CREATED TO READ AS FOLLOWS:

- (1) *The Commonwealth of Kentucky recognizes the vast majority of honorable burials for Kentuckians who have served their state and nation in the Armed Forces are conducted by the veterans' service organizations. The active military units in Kentucky, the Kentucky National Guard, and the military reserves are providing burial honors details as available manpower permits. Year 2000 data from the Department of Defense shows over 497,000 veterans died, but only 91,074 military funeral honors were performed. Although the veterans' service organizations provide untold thousands of unofficial services, many Kentucky veterans are still being buried without honors, including firing details, color guard, and pallbearers.*
- (2) *To correct this situation, the Department of Veterans' Affairs shall oversee a Veterans' Service Organization Burial Honor Guard Program.*
- (3) *The Department of Veterans' Affairs shall implement and administer the provisions of this section through the promulgation of administrative regulations. These regulations shall be in accordance with the provisions of KRS Chapter 13A.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

- (1) *There is established and created in the State Treasury a fund entitled the "veterans' service organization burial honor guard trust fund" to provide funds to offset the costs of the Veterans' Service Organization 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 commissioner of the Department of Veterans' Affairs or his or her 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 Veterans' Service Organization Burial Honor Guard Program.*
- (2) *The fund shall be used to support the costs which veterans' service organizations incur in providing and supporting a well-equipped, properly trained, and certified burial honor guard.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Veterans' Affairs shall promulgate administrative regulations to implement the Veterans' Service Organization Burial Honor Guard Program.*
- (2) *The Department of Veterans' Affairs shall coordinate with the veterans' service organizations to determine the eligibility of the organization under administrative regulations to be promulgated by the Department of Veterans' Affairs.*

- (3) *The Department of Veterans' Affairs shall coordinate the Veterans' Service Organization Burial Honor Guard Program with veterans' service organizations, Kentucky veterans and their dependents, the Kentucky Funeral Directors' Association, the Department of Military Affairs, the United States Army Reserve, and the Casualty Assistance Commands of Fort Campbell and Fort Knox.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

- (1) *Recognizing the participation of secondary school students in the Veterans' Service Organization Burial Honor Guard Program, excused absences may be granted by local school boards to students of secondary school JROTC programs or other students who participate in the Veterans' Service Organization Burial Honor Guard Program. This includes time spent training, traveling, and participating in the Veterans' Service Organization Burial Honor Guard Program.*
- (2) *Local school boards may also adopt a policy to allow students to participate in the Veterans' Service Organization 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 Veterans' Service Organization Burial Honor Guard Program. Most likely these would be students already participating in JROTC, drum corps, or other military programs; however, the Veterans' Service Organization Burial Honor Guard Program is not limited to these students. This excused absence should include time spent training, traveling, and participating in the Veterans' Service Organization Burial Honor Guard Program.*
- (2) *The local school board may also adopt a policy to allow students to participate in the Veterans' Service Organization Burial Honor Guard Program as a part of the instructional program.*
- (3) *This policy of either excused absences or including Veterans' Service Organization 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, 2002.

**Approved March 12, 2002**