

1 AN ACT relating to interment in state veterans' cemeteries and declaring an  
2 emergency.

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

4 ➔Section 1. KRS 40.315 is amended to read as follows:

5 (1) The Department of Veterans' Affairs shall establish and maintain state veterans'  
6 cemeteries in the Commonwealth for the purpose of providing for the interment of  
7 veterans of the ~~United States~~ Armed Forces ***of the United States*** and for their  
8 ***eligible*** next of kin, as determined by the department.

9 (2) ***Eligibility for interment at a Kentucky state veterans' cemetery shall include:***

10 ***(a) Persons who are eligible for interment in a veterans' national cemetery***  
11 ***pursuant to 38 U.S.C. sec. 2402 and regulations promulgated thereunder;***

12 ***and***

13 ***(b) Any member of a reserve component of the Armed Forces, the Army***  
14 ***National Guard, or the Air National Guard not otherwise qualified in***  
15 ***paragraph (a) of this subsection, if:***

16 ***1. The member completed the initial period of service as required by 10***  
17 ***U.S.C. sec. 651(a) and was discharged under conditions other than***  
18 ***dishonorable; or***

19 ***2. The member of the Army National Guard or the Air National Guard***  
20 ***died while on state active duty or while serving under Title 32 of the***  
21 ***United States Code.***

22 ***(3) For a person eligible under subsection (2)(b) of this section, the eligibility for***  
23 ***interment of the person's spouse, surviving spouse, minor child, and dependent***  
24 ***incapacitated child shall be determined pursuant to 38 U.S.C. sec. 2402(a)(5).***

25 ***(4)*** The Kentucky state veterans' cemeteries shall be under the administrative authority  
26 and control of the Department of Veterans' Affairs. The department ~~of Veterans'~~  
27 ~~Affairs~~ may promulgate administrative regulations necessary to operate the

1 cemeteries in compliance with applicable state and federal statutes and regulations.

2 ~~(5)(3)~~ **The department shall provide interment service in accordance with 38**  
3 **U.S.C. secs. 2404 and 2408.**

4 **(6) No person convicted of a state or federal criminal capital offense shall be eligible**  
5 **for interment in a Kentucky state veterans' cemetery.**

6 **(7)** The department~~[of Veterans' Affairs]~~ is authorized to seek federal and private  
7 funding for the construction, renovation, and operation of Kentucky state veterans'  
8 cemeteries.

9 ➔Section 2. This Act takes effect January 1, 2026.