

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. Whereas service members and their families deserve the dignity and
10 honor of being laid to final rest in a place sacred to the honor and memory of their service
11 and sacrifice, an emergency is declared to exist, and this Act takes effect upon its passage
12 and approval by the Governor or upon its otherwise becoming a law.