

1 AN ACT relating to interment in state veterans' cemeteries.

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

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

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

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

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

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

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

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

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

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

1 ~~(5)(3)~~ *The Department of Veterans' Affairs shall provide interment service in*
2 *accordance with 38 U.S.C. secs. 2404 and 2408.*

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

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

8 ➔Section 2. Section 1 of this Act may be cited as the Michael Stallings Interment
9 Rights Act.

10 ➔Section 3. This Act takes effect January 1, 2025.