

The Senate Committee on Veterans, Military, and Homeland Security offered the following substitute to HB 53:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 2 of Chapter 4 of Title 38 of the Official Code of Georgia
2 Annotated, relating to Georgia veterans cemeteries, so as to allow certain persons to be
3 buried in Georgia veterans cemeteries; to provide for definitions; to provide for fees; to
4 provide for legislative findings; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds the following:

- 9 (1) At present, National Guard and other reserve component members of the United States
10 armed forces, their spouses, and their children are generally not eligible to be buried in a
11 national or state veterans cemetery;
- 12 (2) The federal Burial Equity for Guards and Reserves Act of 2021 prohibits the
13 Department of Veterans Affairs from establishing a condition for a federal cemetery grant
14 that restricts the ability of states to bury certain reserve component members, their spouses,
15 and their children at state owned veterans cemeteries solely because such individuals are
16 ineligible for burial in a national veterans cemetery;

(3) Consequently, this state may authorize certain reserve component members, their spouses, and their children to be buried at a Georgia veterans cemetery without the threat of loss of federal veterans burial grants;

(4) Approximately 25 other states have revised their laws since the enactment of the federal Burial Equity for Guards and Reserves Act of 2021;

(5) The Department of Veterans Affairs does not provide a plot allowance or marker for interment at Georgia veterans cemeteries; and

(6) Legislation is needed to honor Georgians who honorably served in reserve components of the United States armed forces and their families and fees need to be charged for services provided.

SECTION 2.

Part 3 of Article 2 of Chapter 4 of Title 38 of the Official Code of Georgia Annotated, relating to Georgia veterans cemeteries, is amended by revising Code Section 38-4-70, relating to cemeteries established and eligibility for interment, as follows:

"38-4-70.

(a) As used in this Code section, the term:

(1) 'Full term' means the length of service agreed to by an enlisted or commissioned person in the armed forces of the United States.

(2) 'Reserve component' means, with respect to the United States armed forces, the Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Space Force Reserve, Coast Guard Reserve, Army National Guard, and Air National Guard.

~~(a)~~(b) The Department of Veterans Service is authorized to establish, operate, and maintain Georgia veterans cemeteries in this state; provided, however, that the Georgia veterans cemetery in existence on July 1, 2002, shall be known as the 'Georgia Veterans Memorial Cemetery.'

(b)(c) The Department of Veterans Service has the primary responsibility for verifying eligibility for interment in a Georgia veterans cemetery. Eligibility criteria for interment in a Georgia veterans cemetery is as follows:

(1) The the same as required for interment in a national cemetery as provided by federal law and rules and regulations applicable thereto; or

(2) The following individuals shall qualify for interment in a Georgia veterans cemetery pursuant to the federal Burial Equity for Guards and Reserves Act of 2021, provided such individuals completed a full term of service and became deceased on or after August 1, 1990:

(A) A member of a reserve component whose service was terminated under honorable conditions;

(B) A member of the Reserve Officers' Training Corps of the Army, Navy, Air Force, or Space Force who died under honorable conditions while a service member; or

(C) A spouse, minor child, or unmarried adult child of any service member described in paragraph (1) or (2) of this subsection.

(d) The Department of Veterans Service is authorized to charge a fee for burial services in Georgia veterans cemeteries for each person being buried. Such fees may be based on the allowance paid for the burial of an eligible veteran in a national veterans cemetery or such other amount as the commissioner of veterans service determines is appropriate."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.