



SENATE BILL 1888

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 46,
Chapter 6, relative to state veterans' cemeteries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 46-6-105, is amended by deleting the section and substituting instead the following:

46-6-105. Eligibility for interment.

(a)

(1) An individual is eligible for interment in a state veterans' cemetery

who:

(A) Meets the eligibility criteria set forth in 38 U.S.C. § 2402; or

(B) Was a member of a reserve component of the armed forces

of the United States, the army national guard, or the air national guard

who:

(i) Was discharged or released under honorable

conditions; and

(ii) Completed the term of service obligation for which the

member was contracted, excluding time served in the individual

ready reserve or inactive national guard.

(2) For a person eligible under subdivision (a)(1)(B), the eligibility for interment of the person's spouse, surviving spouse, minor child, and dependent incapacitated child shall be determined pursuant to 38 U.S.C. § 2402.

(b) A person is not eligible for interment or memorialization in a state veterans' cemetery if such interment or memorialization would be prohibited under 38 U.S.C. §

2411. For purposes of verifying eligibility for interment under this chapter, the department shall accept the following discharge or service-related documents:

- (1) NGB Form 22;
- (2) NGB Form 438 or 439;
- (3) DD Form 214;
- (4) DD Form 256, 256AF, or 257;
- (5) Most recent discharge orders issued by the appropriate service

branch; and

(6) Any other official document that satisfies the requirements for proof of service and character of discharge under 38 CFR 3.203.

(c) Nothing shall be implemented pursuant to this section in a manner that jeopardizes the receipt of federal funds for the construction, expansion, or operation of state veterans' cemeteries.

SECTION 2. Tennessee Code Annotated, Section 46-6-107, is amended by deleting the section and substituting instead the following:

46-6-107.

The department of veterans services shall not charge a fee for the interment of:

(1) A veteran who is eligible for interment under § 46-6-105(a)(1)(A);

(2) A member of a reserve component of the armed forces, including the army national guard or air national guard, who is eligible under § 46-6-105(a)(1)(B);

(3) The most recent spouse of an individual described in § 46-6-105(a);

or

(4) A minor child or dependent incapacitated child of such an individual, as determined under § 46-6-105(a)(2).

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect upon becoming law, the public welfare requiring it.

Amendment No. 1 to HB1635

Crawford
Signature of Sponsor

AMEND Senate Bill No. 1888

House Bill No. 1635*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 46-6-105, is amended by deleting the section and substituting instead the following:

46-6-105. Eligibility for interment.

(a)

(1) An individual is eligible for interment in a state veterans' cemetery

who:

(A) Meets the eligibility criteria set forth in 38 U.S.C. § 2402; or

(B) Was a member of a reserve component of the armed forces of the United States, the army national guard, or the air national guard

who:

(i) Was discharged or released under honorable conditions; and

(ii) Served in a reserve component of the armed forces of the United States, the army national guard, or the air national guard honorably for not less than eight (8) years, collectively, or who was called up on state orders irrespective of time honorably served.

(2) For a person eligible under subdivision (a)(1)(B), the eligibility for interment of the person's spouse, surviving spouse, minor child, and dependent incapacitated child must be determined pursuant to 38 U.S.C. § 2402.

(b) A person is not eligible for interment or memorialization in a state veterans' cemetery if such interment or memorialization would be prohibited under 38 U.S.C. § 2411. For purposes of verifying eligibility for interment under this chapter, the department shall accept the following discharge or service-related documents:

- (1) NGB Form 22;
- (2) NGB Form 438 or 439;
- (3) DD Form 214;
- (4) DD Form 256, 256AF, or 257;
- (5) Most recent discharge orders issued by the appropriate service

branch; and

(6) Any other official document that satisfies the requirements for proof of service and character of discharge under 38 CFR 3.203.

(c) The department shall not implement any provision of this section in a manner that jeopardizes the receipt of federal funds for the construction, expansion, or operation of state veterans' cemeteries.

SECTION 2. Tennessee Code Annotated, Section 46-6-107, is amended by deleting the section and substituting instead the following:

46-6-107.

The department of veterans services shall not charge a fee for the interment of:

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(3) The most recent spouse of an individual described in § 46-6-105(a);

or

(4) A minor child or dependent incapacitated child of such an individual, as determined under § 46-6-105(a)(2).

SECTION 3. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

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