

House Bill 985 (AS PASSED HOUSE AND SENATE)

By: Representatives Bonner of the 73rd, Hitchens of the 161st, Werkheiser of the 157th, Mathis of the 133rd, Donatucci of the 105th, and others

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 revise the terms of eligibility
3 for persons to be buried in Georgia veterans cemeteries; to provide for a definition; to require
4 an affidavit in certain circumstances; to provide for applicability; to provide for fees; to
5 provide for the Veterans Service Board to have certain discretion; to provide for related
6 matters; to provide for legislative findings; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) There were members of a Hmong Laotian special guerilla unit that fought valiantly
11 alongside American troops during the Vietnam War and were Georgians at the time of their
12 death;
- 13 (2) The federal Hmong Veterans Service Recognition Act of 2018 allows for the remains
14 of these individuals to be buried in national veteran cemeteries and does not prohibit states
15 from passing laws to include such persons in state veteran cemeteries; and

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16 (3) Authorizing the burial of the remains of such persons in this state would honor the
 17 service of Georgians and their families who served honorably during the Vietnam War.

18 **SECTION 2.**

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

22 "38-4-70.

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

24 (1) 'Full term of service' means the length of service agreed to by an enlisted or
 25 commissioned person in the ~~armed forces of the United States~~ United States armed forces
 26 or, if conscripted, for a period of not less than 24 consecutive months.

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

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

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

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

39 (2) ~~The following individuals shall qualify~~ An individual qualifying for interment in a
 40 Georgia veterans cemetery pursuant to the federal Burial Equity for Guards and Reserves
 41 Act of 2021, ~~provided such individuals completed a full term of service and became~~

42 ~~deceased on or after August 1, 1990~~ who shall have entered service after January 1, 1973,
43 and completed at least 24 months of honorable service and shall have been:

44 (A) A member of a reserve component ~~whose service was terminated~~ who was
45 discharged under honorable conditions or whose death occurred while his or her service
46 was under honorable conditions;

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

49 (C) A spouse, minor child, or unmarried adult child of any service member described
50 in paragraph (1) or (2) of this subsection: in subparagraph (A) or (B) of this paragraph,
51 as defined in U.S.C. Title 38 Part II Chapter 24, Section 2402(a)(5), in effect on
52 January 1, 2026, where the member of a reserve component served under honorable
53 conditions;

54 (3) An individual who was a Georgia resident at the time of his or her death and served
55 honorably with a Hmong Laotian special guerrilla unit in support of the United States
56 Armed Forces at any time during the period beginning on February 28, 1961, and ending
57 on May 7, 1975, and who was lawfully admitted to the United States as a permanent
58 resident and whose family member submits the following to the Department of Veterans
59 Service:

60 (A) An affidavit stating when the person served, where the person served, the unit in
61 which the person served, and the capacity in which the person served;

62 (B) Any available corroborating witness affidavits;

63 (C) Any available official documentation of service;

64 (D) Any other documents supporting the affidavit; and

65 (E) A copy of the person's United States Certificate of Naturalization with his or her
66 Registration Number or Alien Registration Number to retrieve naturalization records
67 or

68 (4) Such other deceased person whose circumstances are in substantial but not complete
69 compliance with the eligibility requirements of this Code section, if the Veterans Service
70 Board or its designee decides to allow such person to be buried at a Georgia veterans
71 cemetery.

72 (d) Notwithstanding any other provision of this Code section, the prohibitions for burial
73 in a national veterans cemetery under 38 U.S.C. Section 2411, in effect on January 1, 2026,
74 and concerning certain criminal offenses, shall also apply to Georgia veterans cemeteries.

75 ~~(d)~~(e) The Department of Veterans Service is authorized to charge a fee for burial services
76 in Georgia veterans cemeteries for each person being buried. Such fees may be based on
77 the allowance paid for the burial of an eligible veteran in a national veterans cemetery or
78 such other amount as the commissioner of veterans service determines is appropriate. All
79 such moneys collected shall be sent to the general fund of this state."

80

SECTION 3.

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