

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3221

**FISCAL
NOTE**

By Delegates Drennan, Cooper, Canterbury, Moore,

Marple, Street, D. Smith, Roop, Campbell,

Hillenbrand, and Sheedy

[Introduced March 07, 2025; referred to the

Committee on Finance]

1 A BILL to amend and reenact §9A-3-1 of the Code of West Virginia, 1931, as amended, relating to
2 creating burial equity for former members of the national guard and military reserves;
3 prescribing eligibility criteria; stating its retroactive application; establishing a Burial Equity
4 Grant Program to be administered by Veterans Affairs; and creating a Burial Equity Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. STATE CEMETERY FOR VETERANS.

§9A-3-1. Department empowered to establish and maintain cemetery.

1 (a) The department of Veterans Affairs is hereby empowered to establish and maintain a
2 state veterans' cemetery which shall be centrally located within the state and easily accessible.
3 Interment in the state veterans' cemetery shall be available to all persons who are residents and
4 citizens of the state and who have served in the Armed Forces of the United States, including the
5 army, air force, navy, marine corps, and coast guard, and who have a discharge other than
6 dishonorable: *Provided, That,* interment in the state veterans' cemetery shall be available to all
7 persons who are residents and citizens and who have served in the National Guard and the
8 military reserves, including the Individual Mobilization Augmentees (IMA), Active Guard Reserve
9 (AGR), Air Reserve Technician (ART), and Traditional Reserve (TR), their spouses, and their
10 dependent children if the former member of the National Guard or military reserves was:

11 (1) Enlisted for at least four years;

12 (2) A resident and citizen of the state for two consecutive years prior to his/her death, or
13 whose four-year qualifying enlistment was in the West Virginia National Guard or West Virginia
14 military reserve; and

15 (3) Discharged for a reason other than dishonorable: *Provided, however, That the*
16 provisions of this section as applied to former members of the National Guard or military reserves
17 shall have retroactive application to those decedents who passed away after March 15, 2022.

18 (b) Further, the department of Veterans Affairs is hereby granted authority to acquire and
19 transfer real property to the United States veterans administration contingent upon the utilization

of such real property by that federal agency for the establishment of a new national cemetery or for the expansion of an existing national cemetery.

~~For the purposes set forth in this article the department of Veterans Affairs is hereby authorized to receive funds by gift, grant, appropriation or by any other means from any source available or to become available.~~

(c) The Burial Equity Grant Program is hereby established.

(1) The grant program shall be administered by the department of Veterans Affairs. The department shall provide application forms and procedures to administer the grant.

(2) The family of anyone eligible under this section for burial in the state cemetery for veterans may apply to the grant program for funding to cover all or some of the costs associated with burial up to \$1,000.

(3) Grants shall be issued on first-come-first-serve basis.

(d) There shall be created in the State Treasury a special revenue fund designated the Burial Equity Fund.

(1) The fund shall be administered by the department of Veterans Affairs. Expenditures from the fund shall be made solely for the purposes of providing grants authorized by this section.

(2) The fund shall consist of moneys appropriated by the Legislature, with an initial appropriation of \$50,000 by September 1, 2025, moneys received from the federal government, and moneys received from private donations, grants, bequests, and all other moneys received from all sources for the purposes stated herein.

(3) Any funds remaining in the fund at the end of the fiscal year shall not revert to the general revenue but shall remain in the fund solely for the purposes stated in this section.

(4) The moneys accrued in the fund, any earnings thereon, and any yields from investments by the State Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in this code section.

NOTE: The purpose of this bill is to create burial equity for former members of the national guard and military reserves. The bill prescribes eligibility criteria; states its retroactive application; establishes a Burial Equity Grant Program to be administered by Veterans Affairs; and creates a Burial Equity Fund.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.