

**NOTICE OF INTENT**  
**Office of the Governor**  
**Department of Veterans Affairs**

Cemeteries (LAC 4:VII.992)

Under the authority of R.S. 29:252-261, 288-290, 295, 381-391, R.S. 36:781-787, R.S. 42:17.2, and R.S. 46:121-123, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend Department of Veterans Affairs regulations, LAC 4:VII.992.

The revisions are necessary to provide greater clarity to the rules previously promulgated in 2024, the last time that the Department of Veterans Affairs promulgated new rules. The proposed rules improve readability and clarity of intent, and add two new additional documents that may be accepted as proof of Louisiana residency for the purposes of burial eligibility.

**Title 4**  
**ADMINISTRATION**  
**Part VII. Governor's Office**

**Chapter 9. Veterans' Affairs**

**Subchapter E. Veterans' Cemeteries**

**§992. Burial Eligibility for Members of the Louisiana National Guard, Reserve Components of the Armed Forces, and Their Dependents**

A. Pursuant to Louisiana R.S. 29:295(E) and 38 U.S.C. 2408, the following deceased members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces, and their dependents, are eligible for burial in veterans cemeteries operated by the Department of Veterans Affairs.

1. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who, having drilled for six years or been activated pursuant to Title 32 of the United States Code with total drilling time with that activation six years or more, was a Louisiana resident at the time of death or at time of service and who was discharged or released from federal and state service with an honorable discharge, as shown by a discharge certificate or NGB 22, and had never been imprisoned pursuant to an order of confinement for one year or more subsequent to a felony conviction.

2. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who, having drilled or been activated pursuant to Title 32 of the United States Code, was a Louisiana resident at the time of death or time of service and whose death occurs under honorable conditions while a member of the Louisiana National Guard or the reserve component, and had never been imprisoned pursuant to an order of confinement for one year or more subsequent to a felony conviction.

3. Any spouse, minor child, or unmarried adult child of any member described above.

a. Minor child means an unmarried child under 18 years of age.

b. Unmarried adult child means a child who became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution.

B. The person applying for burial of an eligible member of the Louisiana National Guard, reserve component of the Armed Forces, or their dependent is responsible for providing documents with the application that verify eligibility.

C. For members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces eligible for burial pursuant to Subsection A.1 and 2 of this Section, the cost of burial shall be the amount of a burial plot allowance at the time of death established by the United States Department of Veterans Affairs, according to 38 U.S.C. 2303(b)(1) and (c), for veterans who are eligible for burial in a national cemetery. If funds have not been appropriated by the legislature or the United States Department of Veterans Affairs for the cost of burial, the applicant shall pay the cost of burial prior to interment.

D. For spouses, minor children, and unmarried adult children eligible for burial pursuant to Subsection A.3 of this Section, the cost of burial including the marker shall be the amount set by R.S. 29:295(C), and shall be paid by the applicant prior to interment unless funds have not been appropriated by the legislature or the United States Department of Veterans Affairs.

a. Spouses and children shall not be buried at the cemetery if the veteran is deceased and not buried at the cemetery, unless both are deceased and to be interred at the same time, or scheduled disinterment or re-interment to be moved to the cemetery.

E. If a headstone or marker must be reordered due to incorrect information provided by the applicant, the applicant shall pay the cost of a replacement headstone or marker.

F. To establish that the residency requirement has been met, the applicant must present a document that includes the veteran's name and a Louisiana residence address either during military service or at time of death. Cemetery will determine if the document is acceptable. Some examples are:

1. Unexpired Louisiana driver's license or Louisiana special identification card;
2. Louisiana voter registration card;
3. Louisiana vehicle registration;
4. Homestead tax exemption form;
5. Louisiana full time resident income tax return (signed and marked as received by the Louisiana Department of Revenue).
6. NGB 22 showing Louisiana address as home of record.
7. Reserve discharge or contract document showing Louisiana address as home of record.

G. This Section does not apply to veterans who qualify for burial in national veterans cemeteries as provided in 38 U.S.C. 2402 and 38 C.F.R. 1.620 and therefore qualify for burial in a veterans cemetery pursuant to R.S. 29:295.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 29:295.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:502 (April 2024), LR 51:

**Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;

2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Connor Junkin, Executive Counsel, Department of Veterans Affairs, 602 N. 5<sup>th</sup> Street, Baton Rouge, Louisiana 70802 and must be received no later than 4 p.m. on Monday, August 11, 2025. All written comments must be signed and dated.

Charlton Meginley  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Cemeteries**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not result in any costs or savings to state or local governmental units.

The proposed rule change makes technical changes, clarifies burial eligibility for members of the Louisiana National Guard, reserve components of the armed forces, and their dependents, and adds that a NGB 22 or reserve discharge/contract document can be used to establish residency requirements.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated impact on state or local governmental revenues resulting from the change.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will not affect competition and employment.

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