Military Honors Funeral

At least three states have acted to ensure that veterans receive an honor guard burial: Missouri, Illinois, and Wisconsin.

Missouri RSMO 41.958.1. directs that when requested by the commander of any recognized veterans’ organization, military commander or by any friend or relative of a deceased person or the director of a funeral home for any deceased person who served in the armed forces of the United States during a time of war or is otherwise entitled to military honors at the person’s burial, interment or memorial service, the Adjutant General shall, subject to appropriation, order the appropriate requested uniformed honor detail to attend and render the appropriate services or request and coordinate the appropriate detail with a recognized veterans’ organization. Subject to appropriation, the Adjutant General shall ensure that appropriate service records are collected authorizing the honor detail, shall ensure that the honor detail meets the appropriate military requirements for uniform and conduct, shall ensure that if a recognized veterans’ organization renders the services, the organization is compensated for services through the Missouri National Guard Trust Fund, shall provide assistance in training honor details for recognized veterans’ organizations, and shall serve as the coordinator for military funerals and such details when requested. The amount paid veterans’ organizations shall be determined by the Adjutant General. The amount authorized by this section shall be paid from funds appropriated from the Missouri National Guard Trust Fund.

Wisconsin Act 136 of 1999 directs that the state Adjutant General may activate members of the National Guard for the purpose of serving on an honors detail of a military honors funeral for a deceased veteran. The Department of Veterans Affairs shall administer a program to coordinate the provision of military honors funerals to deceased veterans by local units of member organizations of the council on veterans programs and by members of the Wisconsin National Guard activated under s. 21.11 (3). From the appropriation under s. 20.485 (2) (q), the department shall reimburse a local unit of a member organization of the council on veterans programs for the costs of providing a military honors funeral to a deceased veteran. The reimbursement may not exceed $50 for each military honors funeral.

This SSL draft is based on Illinois law. It establishes a Military Funeral Honors Program to ensure, subject to the appropriation of adequate funds, an appropriate final tribute to deceased veterans and governors in the absence of federal military funeral honors or funeral honors provided by veteran organizations. The rendering of military funeral honors is the ceremonial paying of respects and final demonstration of gratitude to those who, in times of war and peace, have faithfully defended freedom.

Submitted as:
Illinois
Public Act 92-0076

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act to Establish a Military Funeral Honors Program.”

Section 2. [Purpose.] This Act establishes the Military Funeral Honors Program to ensure, subject to the appropriation of adequate funds, an appropriate final tribute to deceased veterans and governors in the absence of federal military funeral honors or funeral honors provided by veteran organizations. This Act establishes procedures that ensure this tribute on behalf of a grateful citizenry to honor deceased veterans in recognition of their service to this state and to the United States of America. The rendering of military funeral
honors is the ceremonial paying of respects and final demonstration of gratitude to those who, in times of war and peace, have faithfully defended freedom.

Section 3. [Administration.] The [Adjutant General], as [Director of the Department of Military Affairs], shall administer the Military Funeral Honors Program.

Section 4. [State Funeral Honors.] The funeral honors entitlement established by this Act may be provided to an eligible veteran only if a request for military funeral honors has been made on behalf of the deceased veteran to federal authorities and military funeral honors are not to be provided by federal authorities, regardless of the reason. Governors are entitled to funeral honors without a federal request.

Section 5. [Eligibility.] Only veterans and governors are eligible for military funeral honors under this Act. In this Act, “veteran” means a resident who is a veteran as defined in subsection (h) of Section 1491 of Title 10 of the United States Code. Governors are eligible for military funeral honors because of their service as Commander-in-Chief of the military forces of this state.

Section 6. [Waiver Authority.]
(a) With approval of the [Governor], the [Adjutant General] may waive the requirement established in Section 4 of this Act if the [Adjutant General] determines in writing that it is in the best interests of the state to do so.
(b) Waiver authority under this Section may be delegated only to the [Assistant Adjutant General for Army] or the [Assistant Adjutant General for the Air National Guard].

Section 7. [Policy.]
(a) A member of the Army National Guard or the Air National Guard may be ordered to funeral honors duty in accordance with this Act. That member shall receive an allowance of [fifty (50)] dollars for any day on which a minimum of [two (2)] hours of funeral honors duty is performed. Members of the National Guard ordered to funeral honors duty in accordance with this Act are considered to be in the active service of the state for all purposes except for pay, and the provisions of [insert citation] apply if a member of the National Guard is injured or disabled in the course of those duties.
(b) The Adjutant General may provide support for other authorized providers who volunteer to participate in a funeral honors detail conducted on behalf of the [Governor]. This support is limited to transportation, reimbursement for transportation, expenses, materials, and training.

Section 8. [Rules.] The [Adjutant General], as [Director of the Department of Military Affairs], must adopt appropriate rules to implement this program.

Section 9. [Availability of Funds.] Nothing in this Act establishes any entitlement to military funeral honors if the [Adjutant General] determines that state National Guard personnel are not available to perform those honors or if adequate appropriated funds are not available to fund this program.

Section 10. [Severability.] [Insert severability clause.]

Section 11. [Repealer.] [Insert repealer clause.]

Section 12. [Effective Date.] [Insert effective date.]