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STATE OF NEW HAMPSHIRE
DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

NEW HAMPSHIRE STATE VETERANS CEMETERY
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Shawn P. Buck
Director

May 18, 2022

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, New Hampshire 03301


REQUESTED ACTION

Authorize adoption of changes to eligibility requirements for interment in the NH State Veterans Cemetery as a result of the passage of the Burial Equity for the Guards and Reserves Act, as required by RSA 110:B-78. Effective upon Governor and Council approval.

EXPLANATION

The recently enacted Burial Equity for Guards and Reserves Act allows states to inter members of the National Guard and Reserves who were not called to active duty nor eligible for retirement pay. New Hampshire may now inter members of the National Guard and Reserves who served at least one enlistment or, in the case of an officer, the period of initial obligation. Their qualified dependents (spouse, dependent child) are also eligible. Cost and residency requirements are outlined in the addendum to the eligibility standards.

Respectfully submitted,

For 
David J. Mikolaities
Major General, NHNG
The Adjutant General

NH State Veterans Cemetery
Addendum to Eligibility Standards for Members of the National Guard and Reserves

Pursuant to the Burial Equity for Guards and Reserves Act, dated March 15, 2022, burial of members of the Selected Reserve (Army, Air Force, Coast Guard, Marine Corps, Navy, Air National Guard or Army National Guard) at the NH State Veterans Cemetery will follow eligibility criteria established in NCA Directive 3210/1, U.S. Code Title 38, NH Revised Statute § 21:50 (2019) , and NHSVC eligibility guidelines (<http://www.nhsvc.com/eligibility-operations>) with the following additional criteria:

- Served at least one term of enlistment or, in the case of an officer, the period of initial obligation, or were discharged for disability incurred or aggravated in line of duty or died while a member of the Selected Reserve.
- Applicants must provide official paperwork that indicates the term of service and characterization of discharge. A list of acceptable discharge documents can be found at <https://www.va.gov/records/discharge-documents/>. It is the applicant's responsibility to provide necessary documentation to prove contracted time of service and characterization of discharge.
- Qualified dependents (spouse, dependent child) are eligible in accordance with NCA Directive 3210/1, Section III.

Cost/Residency

- For approved Selected Reserve applicants who are NH residents at the time of death there is no cost for interment.
- For approved Selected Reserve dependents who are NH residents at the time of death there is a \$350 fee due on the date of interment.
- For approved Selected Reserve applicants and dependents who are NOT NH residents at the time of death, the interment fee will reflect the current plot allowance set forth by the Department of Veterans Affairs rounded up to the nearest \$50 increment. The VA plot allowance is updated annually on October 1st.
- State residency is determined in accordance with DSMV 634A (Rev. 6/2019). Proof of residency at the time of death must be provided prior to scheduling a burial service.

NH STATE VETERANS CEMETERY – ELIGIBILITY & OPERATIONS

Section I – Eligibility Requirements

A. Eligibility for interment in the New Hampshire State Veterans Cemetery (NHSVC) or receipt of a memorial marker is based on laws passed by Congress and incorporated into Title 38 of the United States Code (Veteran's Benefits). Interment at NHSVC or the provision of a memorial marker will be permitted only after eligibility has been conclusively determined in accordance with the requirements and procedures reflected in the Department of Veterans Affairs (VA) National Cemetery Administration (NCA) directive 3210/1, U.S. Code Title 38, NH Revised Statute § 21:50 (2019), and the Burial Equity Act for Guards and Reserves Act (2022).

B. For interment at the NHSVC, the veteran's character of discharge or separation from military service cannot be dishonorable or bad conduct. Typically, an honorably discharged veteran who served on active duty is eligible. ***Honorably discharged members of the Selected Reserve (Army, Air Force, Coast Guard, Marine Corps, Naval Reserve, Air National Guard or Army National Guard) are eligible if they qualify for military retirement pay upon reaching age 60, were placed on and completed Federal Active Duty (other than Active Duty for Training) during their term of service, completed at least one term of enlistment or, in the case of an officer, period of initial obligation, were discharged for disability incurred or aggravated in line of duty, or died while a member of the Selected Reserve.***

C. Veterans may pre-apply for interment at the NHSVC. Determination of eligibility is based on the most current NCA directives, ***including the Burial Equity for Guards and Reserves Act (2022)***. As NCA directives change, the NHSVC will adopt the most current NCA rules and guidelines.

D. The NHSVC requires a completed application form to establish eligibility of the veteran and dependent(s). The cemetery director is responsible for determining eligibility.

E. It is the responsibility of the veteran, the veteran's next-of-kin, or a designated agent to furnish documentation necessary to establish eligibility *prior* to any veteran or dependent interment. Applicants must provide official paperwork that indicates the term of service and characterization of discharge. A list of acceptable discharge documents can be found at <https://www.va.gov/records/discharge-documents/>.

F. Eligibility for dependents is based on the veteran's eligibility IAW NCA Directive 3210/1, Section III. Below are the most common examples of dependents. Inquire with the cemetery office or refer to NCA Directive 3210/1, Section 3 for other examples.

(1) Non-veteran spouse of eligible veteran

(2) Unmarried minor child of an eligible veteran (including adopted child or stepchild who is a member of the veteran's household). A minor child is a person who is unmarried and under 21 years of age, or under 23 years of age if pursuing a full-time course of instruction at an approved educational institution.

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(3) An unmarried adult child of a veteran 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.

Section II - Operations

A. Cemetery Location

110 Daniel Webster Highway (Route 3)
Boscawen, New Hampshire 03303-2413

B. Hours of Operation

- (1) Office: 8 a.m. to 4 p.m. Monday - Friday (except state holidays).
- (2) Cemetery Grounds: Open from Sunrise to Sunset - 7 days a week.

C. Committal Services

(1) Committal services may be conducted in either the chapel or at the gravesite, but not both. When using the chapel, the casket will be removed from that location by the funeral director and brought to the gravesite for interment. Cremated remains will be removed by the funeral director, military honor guard, or cemetery staff and brought to the gravesite or columbarium for interment.

(2) Committal services are held Monday - Friday. The cemetery director may authorize weekend or holiday services under extenuating circumstances.

(3) Committal services are limited to 20 minutes to allow for timely interments and preparation for succeeding services. Interments are completed immediately after the committal service.

(4) Families/visitors are requested to leave the chapel/gravesite area immediately after completion of the committal service.

(5) Services are scheduled on a first come, first-served basis. Services will be scheduled between the hours of 9:00 AM and 3:00 PM. Full-casket burials are conducted from 10:00 AM - 2:00 PM. We require two (2) hours between full-casket burials except as authorized by the cemetery director.

(6) Additions/changes to this schedule are at the discretion of the cemetery director.

(7) Request for casket burial without professional burial services will be accepted if the request meets the requirements under New Hampshire Revised Statutes Annotated Title 26 Cemeteries; Dead Bodies, Chapter 290 Burials and Disinterment, Custody of Remains of Deceased Persons Section 290:16.

D. Gravesite

Military rank or civilian stature are not given consideration in location of individual graves. Gravesite selection is made in the order the burial is scheduled. The veteran and eligible dependent(s) share a

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gravesite. Specific gravesites are not reserved unless both spouses are eligible veterans in which case the adjacent gravesite may be reserved for the surviving spouse.

E. Columbarium

Military rank or civilian stature are not given consideration in the location of an individual niche. Niche selection is made in the order the inurnment is scheduled. Eligible dependent(s) share the niche with the veteran. Columbarium niches are not reserved unless both spouses are eligible veterans in which case the adjacent niche may be reserved for the surviving spouse.

F. Funeral Services/Memorial Services

Funeral or memorial services are not permitted at the NH State Veterans Cemetery. Open caskets are not allowed on NH State Veterans Cemetery property.

G. Winter Burials

The NH State Veterans Cemetery conducts burials year-round. Full-casket burials will not be scheduled before 10:00 AM or after 2:00 PM. In certain circumstances, when severe frost conditions are encountered, the cemetery director may require an additional day to schedule a burial.

H. Cemetery Brochure and Guidelines

A cemetery brochure and guidelines concerning floral tributes, decorations of gravesites, gravesite flags, and cemetery grounds are available online, posted at the cemetery, and are available in the administrative office.

Section III – Grave Markers

A. Headstone/Markers

Government issued upright granite headstones are used throughout the cemetery. Columbarium niche covers will be granite. Niche markers are bronze in accordance with NCA guidelines. Private headstones or memorial monuments at gravesites are not allowed.

B. Memorial Markers

Memorial markers are provided for eligible veterans whose remains are not recovered or identified, are buried at sea, donated to science, or cremated and scattered. There is one government-furnished marker per gravesite. Veterans that have a government-furnished memorial marker in another location are not eligible for a memorial marker.

C. Inscription and inscription layout of headstone or niche markers will be formatted in accordance with Veterans Administration policies as directed by the VA Office of Memorial Programs Service.

Section IV - Vaults/Grave Liners

A. Outer Burial Containers are required for full-casket services. Vaults are NOT required for burial of in-ground cremains.

NH STATE VETERANS CEMETERY – ELIGIBILITY & OPERATIONS

B. Vault material is determined by accepted industry practices.

C. Certain sections of the cemetery are equipped with pre-placed Outer Burial Containers (OBC). For full-casket sections not equipped with OBCs, coordination of cost, delivery, and installation of the OBC by a professional vault company is the responsibility of the funeral director or designated family representative.

Section V - Fees

A. Spouses/Eligible Dependents

On the day of interment, the dependent's survivor, legal representative, or administrator of the estate will provide the interment fee as listed on the fee schedule. Prepayment of interment fees are not accepted.

B. Eligible Veteran

The cemetery staff will apply to the Veteran's Administration for the veteran plot allowance to reimburse the state for expenses incurred in the burial of an eligible veteran. If the plot allowance was previously paid, the estate must provide payment equal to the plot allowance to the NHSVC prior to interment.

C. Selected Reserve

In accordance with the Burial Equity for Guards and Reserves Act (2022), the NHSVC will inter eligible members of the Selected Reserves (Army, Air Force, Coast Guard, Marine Corps, Navy, Air National Guard or Army National Guard) and their dependents using the following fee schedule:

- (1) For approved Selected Reserve applicants who are NH residents at the time of death there is no cost for interment.***
- (2) For approved Selected Reserve dependents who are NH residents at the time of death there is a \$350 fee due on the date of interment.***
- (3) For approved Selected Reserve applicants and dependents who are NOT NH residents at the time of death, the interment fee will reflect the current plot allowance set forth by the Department of Veterans Affairs rounded up to the nearest \$50 increment. The VA plot allowance is updated annually on October 1st.***
- (4) State residency is determined in accordance with DSMV 634A (Rev. 6/2019). Proof of residency at the time of death must be provided prior to scheduling a burial service.***

C. Other Fees

As determined by the cemetery director, disinterment or re-interment may be subject to fees as outlined in the fee schedule.

Section VI - General Information

A. Overall supervision of the cemetery is vested in the cemetery director. The director is responsible for publishing, interpreting, and enforcing all rules and regulations with regards to the NHSVC.

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- B. It is recommended that veterans prepare applications in advance. The cemetery director will issue a Certificate of Eligibility that assures a final resting place at the NHSVC. Pre-application eliminates next-of-kin trying to find military records, which can take several days and may cause a delay in scheduling an interment. Interments will NOT be scheduled until eligibility is certified.
- C. Decedent burial records are considered permanent files and will be archived and stored by the NHSVC.
- D. Next-of-kin is defined under New Hampshire Revised Statute Annotated 290:16. Designated agent is defined under RSA 290:17.
- E. With the concurrence of the Governor and Executive Council in accordance with the provisions of RSA 4:8, the Adjutant General may accept, on behalf of the state, conditional and unconditional gifts including grants of money, material equipment, services, and facilities from any source, public or private, for the operation, maintenance, and improvement of the cemetery.
- F. Memorials and/or monuments will be placed on a memorial walkway. Memorials and monuments will not be placed in areas of the cemetery that are designated for interments. Organizations interested in installing a memorial must submit a sketch detailing material, size, and inscription. These will be submitted to the cemetery director for approval prior to fabrication of such memorials. Location of the monument is determined by the cemetery director. The sponsor of a memorial is responsible for all costs associated with installation and maintenance. Should the memorial be damaged or become unsafe, any repair or replacement is the responsibility of the donor. Recognition for donors may be done on the memorial walkway. Items donated will not contain donor names. The placement of naming opportunities will be determined by the cemetery director. The Adjutant General has the final approval for determining the acceptance of memorials.

Section VII - Military Funeral Honors

- A. The Department of Defense is mandated to provide military funeral honors for eligible veterans.
- B. The Department of Defense provides military honors at no cost to the family.
- C. Military Honors are normally requested by funeral directors and require a minimum 48 hours of advance notice. Cemetery staff may assist with requesting military honors if the family is planning the service.
- D. The Government, through the funeral director, provides burial flags.

NH STATE VETERANS CEMETERY – ELIGIBILITY & OPERATIONS

Section VIII - Political Activities

Prohibited Political Activities:

- A. New Hampshire State Veterans Cemetery grounds or property will not be used for endorsement of any political candidate or party.
- B. No political activities such as campaign speeches, rallies, or meetings will take place on cemetery grounds.
- C. Cemetery employees acting in their official capacity will not endorse any political candidate.
- D. Political banners, posters, literature, bumper stickers, decals, or similar items are never authorized for display or distribution on cemetery grounds.
- E. No political solicitation will take place on NHSVC grounds.

Section IX - New Hampshire Revised Statutes Chapter 110B

The foregoing regulations of the New Hampshire State Veterans Cemetery are made in accordance with Chapter 110-B of the New Hampshire Revised Statutes Annotated. Eligibility requirements are governed by the Department of Veteran Affairs National Cemeteries Directives. These regulations are not all-inclusive but are intended as a general statement of the official policy of the Adjutant General. Authority for administration of these rules and implementation of the general policy is delegated to the cemetery director or authorized representative.

NH STATE VETERANS CEMETERY – FEE SCHEDULE

Eligible Veteran (National Cemetery Administration—NCA)	No Fee (see below)
Eligible Dependent (NCA)	\$350.00
Selected Reserve Veteran– NH resident	No Fee (see below)
<i>Selected Reserve Dependent– NH resident</i>	<i>\$350 (see below)</i>
<i>Selected Reserve Veteran – NH non-resident</i>	<i>\$850 (see below)</i>
<i>Selected Reserve Dependent – NH non-resident</i>	<i>\$850 (see below)</i>

Fees include the grave site, opening and closing of the grave, engraved headstone or niche marker, and perpetual care. For full-casket burials, pre-placed outer burial containers (OBC) are available free of charge in newer burial sections. In older full-casket sections, the family is responsible for the cost, delivery, and installation of an OBC through a funeral home.

See NH State Veterans Cemetery Eligibility & Operations dated May 2022 for Selected Reserve eligibility.

State residency is determined in accordance with DSMV 634A (Rev. 6/2019). Proof of residency for Selected Reserve at the time death must be provided prior to scheduling a burial service.

Note: The NHSVC receives a plot allowance from the Department of Veterans Affairs (VA) determined by the date of death for a veteran eligible based on NCA Directive 3210/1 and public law affecting the NCA according to the following dates:

- Prior to June 18, 1973, there were no plot allowances
- \$150.00 if the Veterans death occurred between June 18, 1973, and November 30, 2001
- \$300.00 if death occurred between December 1, 2001, and September 30, 2011
- \$700 if the death occurred between October 1, 2011, and September 30, 2012
- \$722 if the death occurred after October 1, 2012
- \$734 if the death occurred after October 1, 2013
- \$745 if the death occurred after October 1, 2014
- \$747 if the death occurred after October 1, 2015
- \$749 if the death occurred after October 1, 2016
- \$762 if the death occurred after October 1, 2017
- \$780 if the death occurred after October 1, 2018
- \$796 if the death occurred after October 1, 2019
- \$807 if the death occurred after October 1, 2020
- \$828 if the death occurred after October 1, 2021

If the VA previously paid this plot allowance, the next of kin or authorized agent is required to make payment of same to the NHSVC. VA rules prohibit seeking plot allowance reimbursement if the veteran is charged a fee by a State. The VA does NOT pay plot allowance for Selected Reserve veterans.

Memorial Markers	No Fee
Memorial Markers (NCA veteran only) are provided by the U.S. Department of Veterans Affairs at no cost. A prerequisite for being eligible for a memorial marker is that the veteran cannot be memorialized in any other cemetery (i.e. have a headstone or grave marker of any kind)	

NH STATE VETERANS CEMETERY – FEE SCHEDULE

Disinterment / Relocation Fees

Full Casket

• Disinterment and re-interment within cemetery	\$700.00
• Disinterment and removed from NHSVC	\$350.00

This fee does not include the cost associated with the removal of the vault and/or the replacement of vault (if needed). This must be accomplished by a vault company and coordinated with a funeral director or designee, or the next-of-kin as defined in RSA 290:16, or designated agent under RSA 290:17.

In Ground Cremains

• Disinterment and re-interment within cemetery	\$400.00
• Disinterment and removed from NHSVC	\$200.00

Columbarium Cremains

• Removal from columbarium to in-ground within cemetery	\$300.00
• Relocate from columbarium to columbarium within cemetery	\$200.00
• Removal from columbarium and removed from NHSVC	\$100.00