

An Act

ENROLLED SENATE
BILL NO. 340

By: Simpson, Rosino and Weaver
of the Senate

and

Hardin (Tommy) of the House

An Act relating to soldiers and sailors; amending Section 1, Chapter 394, O.S.L. 2016 (72 O.S. Supp. 2018, Section 34), which relates to burial; clarifying terms; increasing maximum reimbursement rate for unpaid expenses resulting from interment or cremation; modifying eligibility requirements; updating references; transferring certain responsibilities; and providing an effective date.

SUBJECT: Cremation or interment expenses

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 394, O.S.L. 2016 (72 O.S. Supp. 2018, Section 34), is amended to read as follows:

Section 34. A. The Oklahoma Department of Veterans Affairs shall establish a program to provide assistance for the proper interment or cremation of honorably discharged indigent veterans of the United States Armed Forces. The program shall aid in obtaining any available burial benefits from the United States Department of Veterans Affairs or through private organizations. The program shall provide for a burial grant for any indigent veteran or any person who qualifies for financial assistance reimbursement as determined by the Oklahoma Department of Veterans Affairs, for unpaid expenses directly resulting from interment or cremation.

Maximum reimbursement shall not exceed ~~Five Hundred Dollars~~ ~~(\$500.00)~~ One Thousand Dollars (\$1,000.00) per indigent veteran application.

B. Eligibility ~~and approval~~ requirements for the program shall be as follows:

~~1. The indigent veteran has been determined to be homeless as defined as follows: a homeless veteran is an individual without permanent housing who may live on the streets, stay in a shelter, mission, abandoned building or in any other unstable or non-permanent situation, and who is eligible under 38 Code of Federal Regulation 38.620;~~

~~2. The deceased shall be a veteran as defined by 38 U.S.C. 101(2) and verified by discharge records. An Oklahoma resident who served in the National Guard or Reserve Component whose only service is active duty training or inactive duty for training but meets all other 38 Code of Federal Regulations 38.620 statutes is eligible for the Indigent Veteran Burial Revolving Fund Section 2 of this title;~~

2. No one shall have claimed the remains of the deceased Veteran;

3. The ~~Veteran~~ veteran shall have died in Oklahoma;

~~4. The Veteran shall have been homeless and indigent at the time of death~~ The veteran shall not have been in the custody of the Department of Corrections at the time of death;

~~5. The Veteran's estate did not possess money or other assets to pay for or defray funeral expenses~~ The applicant shall provide documentation establishing the burial location of the deceased veteran's remains in a cemetery or the location where the deceased veteran's cremains have been permanently placed; and

~~6. There is no other person obligated by law to pay for funeral expenses of the deceased;~~ The applicant shall provide documentation establishing that the deceased veteran received a proper memorial headstone or marker at the place of his or her interment as provided for in Section 2306 of Title 38 of the United States Code or that a memorial headstone or marker meeting the same physical standards for

size, material, composition, placement and informational content was provided in the event the deceased veteran did not qualify under the provisions of Section 2306 of Title 38 of the United States Code.

~~7.~~ C. The Executive Director of the Oklahoma Department of Veterans Affairs or his or her designee shall make final approval of Indigent Veteran Burial Applications~~;~~

~~8.~~ ~~The approving authority,~~ shall determine whether the deceased meets eligibility criteria and ~~approves~~ may approve funds to ~~defray burial~~ reimburse the costs of interment or cremation. ~~Reimbursement is limited to Five Hundred Dollars (\$500.00) per application;~~

~~9.~~ D. Reimbursement ~~will~~ shall be paid from the Indigent Veteran Burial Revolving Fund. If there are insufficient resources in the Indigent Veteran Burial Revolving Fund, payment ~~will~~ shall be made from the Oklahoma Department of Veterans Affairs Revolving Fund~~;~~ and.

~~10.~~ Once funds are available in the Indigent Veteran Burial Revolving Fund, the Oklahoma Department of Veterans Affairs may be reimbursed for payments made from the Oklahoma Department of Veterans Affairs Revolving Fund.

~~Rules and application~~ E. Application processes for the implementation of this program shall be ~~promulgated~~ developed by the ~~Executive Director of the~~ Oklahoma Department of Veterans Affairs.

F. Rules for the implementation of this program shall be promulgated by the Oklahoma Veterans Commission.

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 6th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____