

1 **SENATE FLOOR VERSION**

2 April 3, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1052

6 By: Burns and Luttrell of the
7 House

8 and

9 Simpson and Rosino of the
10 Senate

11 **[soldiers and sailors - interment or cremation
12 assistance for indigent veterans - reimbursement for
13 unpaid interment or cremation - eligibility
14 requirements - effective date]**

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

16 SECTION 1. AMENDATORY Section 1, Chapter 394, O.S.L.

17 2016 (72 O.S. Supp. 2018, Section 34), is amended to read as

18 follows:

19 Section 34. A. The Oklahoma Department of Veterans Affairs
20 shall establish a program to provide assistance for the proper
21 interment or cremation of honorably discharged indigent veterans of
22 the United States Armed Forces. The program shall aid in obtaining
23 any available burial benefits from the United States Department of
24 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

1 determined by the Oklahoma Department of Veterans Affairs, for
2 unpaid expenses directly resulting from interment or cremation.
3 Maximum reimbursement shall not exceed ~~Five Hundred Dollars~~
4 ~~(\$500.00)~~ One Thousand Dollars (\$1,000.00) per indigent veteran
5 application.

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

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

14 2. The deceased shall be a veteran as defined by ~~38 U.S.C.~~
15 ~~101(2) and verified by discharge records. An Oklahoma resident who~~
16 ~~served in the National Guard or Reserve Component whose only service~~
17 ~~is active duty training or inactive duty for training but meets all~~
18 ~~other 38 Code of Federal Regulations 38.620 statutes is eligible for~~
19 ~~the Indigent Veteran Burial Revolving Fund~~ Section 2 of this title;

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

22 3. The Veteran shall have died in Oklahoma;

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

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

6 6. ~~There is no other person obligated by law to pay for funeral~~
7 ~~expenses of the deceased;~~ The applicant shall provide documentation
8 establishing that the deceased Veteran received a proper memorial
9 headstone or marker at the place of his or her interment as provided
10 for in Section 2306 of Title 38 of the United States Code or that a
11 memorial headstone or marker meeting the same physical standards for
12 size, material, composition, placement and informational content was
13 provided in the event the deceased Veteran did not qualify under the
14 provisions of Section 2306 of Title 38 of the United States Code.

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

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

22 ~~9. D.~~ D. Reimbursement ~~will~~ shall be paid from the Indigent
23 Veteran Burial Revolving Fund. If there are insufficient resources
24 in the Indigent Veteran Burial Revolving Fund, payment ~~will~~ shall be

1 made from the Oklahoma Department of Veterans Affairs Revolving
2 Fund; ~~and~~.

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

7 E. Rules and application processes for the implementation of
8 this program shall be promulgated by the Executive Director of the
9 Oklahoma Department of Veterans Affairs.

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

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
12 April 3, 2019 - DO PASS AS AMENDED
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