

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1052

 By: Burns

7 AS INTRODUCED

8 An Act relating to soldiers and sailors; amending
9 Section 1, Chapter 394, O.S.L. 2016 (72 O.S. Supp.
10 2018, Section 34), which relates to interment or
 cremation assistance for indigent veterans;
11 specifying certain program shall provide
 reimbursement for unpaid interment or cremation;
12 increasing maximum reimbursement; modifying
 eligibility requirements for program; and providing
 an 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

1 shall provide for a burial grant for any indigent veteran or any
2 person who qualifies for ~~financial assistance~~ reimbursement, as
3 determined by the Oklahoma Department of Veterans Affairs, for
4 unpaid expenses directly resulting from interment or cremation.

5 Maximum reimbursement shall not exceed ~~Five Hundred Dollars~~
6 ~~(\$500.00)~~ One Thousand Dollars (\$1,000.00) per indigent veteran
7 application.

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

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

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

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

24 3. The Veteran shall have died in Oklahoma;

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

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

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

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

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

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

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

10 E. Rules and application processes for the implementation of
11 this program shall be promulgated by the Executive Director of the
12 Oklahoma Department of Veterans Affairs.

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

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15 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
16 dated 02/25/2019 - DO PASS.
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