

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 340

By: Simpson, Rosino and **Weaver**
of the Senate

6 and

7 Hardin (Tommy) of the House

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10 An Act relating to soldiers and sailors; amending
11 Section 1, Chapter 394, O.S.L. 2016 (72 O.S. Supp.
12 2018, Section 34), which relates to burial;
13 clarifying terms; increasing maximum reimbursement
14 rate for unpaid expenses resulting from interment or
15 cremation; modifying eligibility requirements;
16 updating references; transferring certain
17 responsibilities; and providing an effective date.

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

19 SECTION 1. AMENDATORY Section 1, Chapter 394, O.S.L.
20 2016 (72 O.S. Supp. 2018, Section 34), is amended to read as
21 follows:

22 Section 34. A. The Oklahoma Department of Veterans Affairs
23 shall establish a program to provide assistance for the proper
24 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

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

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

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

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

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

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

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

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

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

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

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

22 8. ~~The approving authority,~~ shall determine whether the
23 deceased meets eligibility criteria and ~~approves~~ may approve funds
24 to ~~defray burial~~ reimburse the costs of interment or cremation.

1 ~~Reimbursement is limited to Five Hundred Dollars (\$500.00) per~~
2 ~~application;~~

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

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
20 dated 03/25/2019 - DO PASS, As Coauthored.

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