

Text of State Statutes – Burial of Indigent Veterans

Arizona

§ 11-311. Appointment of veteran to supervise burial

The board of supervisors shall appoint any honorably discharged veteran of any branch of the military establishment of the United States who is a resident of the county to oversee the final disposition of indigent veterans and their spouses whose final arrangements are coordinated through the county pursuant to § 36-831. A person appointed pursuant to this section shall ensure that arrangements made by the county conform to the proper practices for veterans and that, if burial occurs, the burial is made in a veterans' cemetery or a portion of a cemetery that is designated for the burial of veterans and spouses of veterans.

California

§ 929. Burial or cremation

The necessary expenses, not to exceed three hundred fifty dollars (\$350), for burial or cremation of any indigent veteran may be paid out of the money available under this article.

Connecticut

§ 27-118. Burial expenses

When any veteran dies, not having sufficient estate to pay the necessary expenses of the veteran's last sickness and burial, as determined by the commissioner after consultation with the probate court for the district in which the veteran resided, the state shall pay the sum of one thousand eight hundred dollars toward such funeral expenses, and the burial shall be in some cemetery or plot not used exclusively for the burial of the pauper dead, and the same amount shall be paid if the body is cremated, but no amount shall be paid for the expenses for burial or cremation unless claim therefor is made within one year from the date of death, except that in cases of death occurring abroad, such claim may be made within one year after the remains of such veteran have been interred in this country. No provision of this section shall prevent the payment of the sum above named for the burial of any person, otherwise entitled to the same, on account of such burial being made outside the limits of this state. Upon satisfactory proof by the person who has paid or provided for the funeral or burial expense to the commissioner of the identity of the deceased, the time and place of the deceased's death and burial and the approval thereof by the commissioner, said sum of one thousand eight hundred dollars shall be paid by the Comptroller to the person who has paid the funeral or burial expense or, upon assignment by such person, to the funeral director who has provided the funeral. Whenever the Comptroller has lawfully paid any sum toward the expenses of the burial of any deceased veteran and it afterwards appears that the deceased left any estate, the Comptroller may present a claim on behalf of the state against the estate of such deceased veteran for the sum so paid, and the claim shall be a preferred claim against such estate and shall be paid to the Treasurer of the state. The commissioner, upon the advice of the Attorney General, may make application for administration upon the estate of any such deceased veteran if no other person authorized by law makes such application within sixty days after such payment has been made by the Comptroller.

Delaware

§ 110. Burial expenses of indigent person

An indigent person's remains may be buried at public expense on the order of the Division of Social Services. Uniform standards for such burial shall be established by the Department of Health and Social Services. The fee shall be established by the Department at the lowest cost for which burial services which meet the standards can be locally obtained. In the event that funds are available from social security, Veterans' Administration or any other benefits or insurance, the compensation allowed to be paid for burial shall be reduced by the amount available from such benefits or insurance.

Hawaii

§ 363-2. Office of veterans' services; director

(a) The office of veterans' services shall be responsible for the conduct or supervision of all activities provided for by this chapter and for the formulation and adoption of all policies and rules for the administration of this chapter and is established in the department of defense for administrative purposes.

(b) The head of the office shall be known as the director of the office of veterans' services. The director shall be nominated and appointed by the governor without regard to chapters 76 and 89. Effective July 1, 2005, the director shall be paid a salary set by the appointing authority that shall not exceed sixty-nine per cent of the salary of the director of human resources development. The director shall be included in any benefit program generally applicable to the officers and employees of the State.

(c) The director shall have the following principal functions, duties, and powers:

(1) Serve as the principal official in state government responsible for the performance, development, and control of programs, policies, and activities under this chapter;

(2) Oversee, supervise, and direct the performance by the director's subordinates of activities in such areas as planning, evaluation, and coordination of veterans programs and development of a statewide service delivery network;

(3) Assess the policies and practices of other agencies with respect to delivery of services and benefits to veterans;

(4) Administer funds allocated for the office, and apply for, receive, and disburse grants and donations from all sources for veterans programs and services provided under this chapter;

(5) Establish a clearinghouse for complaints of persons regarding services to veterans, or operations of state and county agencies affecting veterans, investigate such complaints, and refer the complaints and the director's findings to the appropriate agency for corrective action;

(6) Adopt, amend, and repeal rules pursuant to chapter 91 for the purposes of this chapter;

(7) Employ and retain such staff as may be necessary for the purposes of this chapter, in conformance with chapters 76, 89, and the appropriate collective bargaining agreements, executive orders, executive directives, or rules, except for the position of coordinator and executive secretary to the director, who shall be hired without regard to chapters 76 and 89;

(8) Contract for or grant such services as may be necessary for the purposes of this chapter, including a master contract with other state agencies receiving federal and state funds for programs and services for veterans, and purchase of service agreements with appropriate agencies;

(9) Oversee the development, establishment, and operation of a state veterans cemetery on Oahu; develop and administer the policies and procedures of the state veterans cemetery in accordance with the United States Department of Veterans Affairs and existing state guidelines; oversee the maintenance of state veterans cemeteries on all islands; and

(10) Act on behalf of deceased veterans found to be indigent at the time of death and without surviving immediate family members to ensure burial or cremation services are provided and that the veteran's remains are buried or inurned in a state veterans cemetery.

Illinois

5/5-27001. Appointment of person to have charge of interment

Each county board shall designate some suitable person or persons to serve without compensation, who shall cause to be properly interred the body of any honorably discharged veteran who served in the army or navy of the United States during the Civil War, Spanish-American War, Philippine Insurrection, Boxer Uprising in China, or with the armed forces of the United States in World War I, World War II, during the national emergency between June 25, 1950 and January 31, 1955, during the Viet Nam Conflict between January 1, 1961 and May 7, 1975, or with the armed forces of the United States in any congressionally sanctioned war or conflict after the Vietnam Conflict, or their mothers, fathers, husbands, wives, widows, widowers or minor children, who may hereafter die in such county, without having sufficient means to defray the funeral expenses. This Division shall not apply to such mothers, fathers, husbands, wives, widows or widowers, if they were recipients of public assistance at the time of death.

5/5-27002. Fees

The expense of such burial shall not exceed the sum of \$900; such burial shall not be made in any cemetery or burial ground used exclusively for the burial of the pauper dead, or in that portion of any burial ground so used. In case relatives of the deceased, who are unable to bear the expenses of burial, desire to conduct the funeral, they may be allowed to do so, and the expense thereof shall be paid as hereinafter provided.

5/5-27003. Expenses paid by county

The expenses of such burial and headstone shall be paid by the county in which such veteran or his or her mother, father, husband, wife, widow, widower or minor children resided at the time of such death; and the county board in such counties under township organization, or county commissioners in such counties not under township organization, is authorized and directed to audit the account, and pay the said expenses in a similar manner as other accounts against such county are audited and paid: Provided, that nothing in this Division contained shall apply to the burial of veterans who are residents of the Veterans' Home at the time of their death.

Indiana

10-17-10-1 Claims for burial allowance; reimbursement

Sec. 1. If:

(1) a person:

(A) has served as a member of the armed forces of the United States as a soldier, sailor, or marine in the army, air force, or navy of the United States or as a member of the women's components of the army, air force, or navy of the United States, is a resident of Indiana, and dies while a member of the armed forces and before discharge from the armed forces or after receiving an honorable discharge from the armed forces; or

(B) is the spouse or surviving spouse of a person described in clause (A) and is a resident of Indiana; and

(2) a claim is filed for a burial allowance:

(A) by an interested person with the board of commissioners of the county of the residence of the deceased person; and

(B) stating the fact:

(i) of the service, death, and discharge if discharged from service before death; and

(ii) that the body has been buried in a decent and respectable manner in a cemetery or burial ground;

the board of commissioners shall hear and determine the claim like other claims and, if the facts averred are found to be true, shall allow the claim in an amount set by ordinance. However, the amount of the allowance may not be more than one thousand dollars (\$1,000).

Iowa

35B.14. County appropriation

1. The board of supervisors of each county may appropriate moneys for training an executive director or administrator as provided in section 35B.6, and for the expenses for food, clothing, shelter, utilities, medical benefits, and a funeral for indigent veterans, as defined in section 35.1, as well as for their indigent spouses, surviving spouses, and minor children not over eighteen years of age, who legally reside in the county.

2. The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

3. The commission is responsible for the interment in a suitable cemetery of the body of any veteran, as defined in section 35.1, or the spouse, surviving spouse, or child of the person, if the person has died without leaving sufficient means to defray the funeral expenses. The commission may pay the expenses in a sum not exceeding an amount established by the board of supervisors.

4. Burial expenses shall be paid by the county in which the person died. If the person is a resident of a different county at the time of death, the county of residence shall reimburse the county where the person died for the cost of burial. In either case, the board of supervisors of the respective counties shall audit and pay the account from the funds provided for in this chapter in the manner as other claims are audited and paid.

Kansas

73-304. Burial of certain veterans, spouses or parents

It shall be the duty of the county commissioners in each of the counties of this state to cause to be decently interred the body of any honorably discharged person who served in the armed forces of the United States during the Spanish-American war, the Philippine insurrection, the expedition to China, world war I or world war II, or who served with the armed forces of the United States during the military, naval and air operations in Korea or other places under the flags of the United States and the United Nations or under the flag of the United States alone, or the body of the spouse or parent of any such honorably discharged person, who may hereafter die without leaving sufficient means to defray funeral expenses; or to cause the removal of the body of any member of the armed forces as above defined buried in grounds reserved exclusively for pauper dead to other portions of cemeteries or burial grounds. Such burial shall not be made in any cemetery or burial ground or that portion of the burial ground used

exclusively for the burial of pauper dead: *Provided*, That in case surviving relatives of the deceased shall desire to conduct the funeral, and are unable or unwilling to pay the charges therefor, they shall be permitted to do so, and the expense shall be paid in the amount and manner provided by K.S.A. 39-713(l) 1 of the General Statutes Supplement of 1955 or amendments thereto.

Kentucky

40.355 Indigent Veterans' Burial Program; funding; administration

(1) There is hereby established an Indigent Veterans' Burial Program and there is hereby created in the State Treasury a fund entitled the indigent veterans' burial trust fund to provide funds to defray the costs of funeral expenses for indigent veterans in the Commonwealth of Kentucky. The fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private. Moneys deposited in the fund shall be disbursed by the State Treasurer upon the warrant of the commissioner of the Department of Veterans' Affairs or his or her representative. Any unallocated or unencumbered balances in the fund shall be invested as provided in KRS 42.500(9), and any income earned from the investments along with the unallotted or unencumbered balances in the fund shall not lapse and shall be deemed a trust and agency account and made available solely for the purposes and benefits of the Indigent Veterans' Burial Program.

(2) The fund shall be used to defray the costs of funeral expenses for indigent veterans by allocating the funds to pay for the burial or cremation and burial honors of an indigent veteran of the Commonwealth of Kentucky or by allocating the funds to reimburse a veterans' service organization that paid for the cost of the burial or cremation and burial honors of an indigent veteran of the Commonwealth of Kentucky.

(3) The Department of Veterans' Affairs shall oversee the Indigent Veterans' Burial Program and trust fund.

40.357 Administrative regulations implementing Indigent Veterans' Burial Program

(1) The Department of Veterans' Affairs shall promulgate administrative regulations to implement the Indigent Veterans' Burial Program. These regulations shall be in accordance with the provisions of KRS Chapter 13A.

(2) The Department of Veterans' Affairs shall coordinate with the Department of Military Affairs and the veterans' service organizations to determine the eligibility of an indigent veteran in the Commonwealth of Kentucky for the Indigent Veterans' Burial Program under administrative regulations to be promulgated by the Department of Veterans' Affairs.

(3) The Department of Veterans' Affairs shall coordinate the Indigent Veterans' Burial Program with the Department of Military Affairs, the veterans' service organizations, the Kentucky Association of Cemeteries, and the Kentucky Funeral Directors' Association.

Massachusetts

§ 8. Payment and reimbursement of burial expenses; certificate

Amounts expended by the burial agent under the provisions of section 7 shall not exceed \$2,000 for the funeral and burial of a person under this chapter, provided that the cost of funeral and burial does not exceed \$3,000 and there are insufficient resources in the estate of such person to pay for the cost of such funeral and burial. Any resources of such person shall be deducted from the maximum cost of the funeral and burial allowance hereunder and the difference, subject to the limitation set forth in this paragraph, shall be paid by the burial agent. No city or town shall be reimbursed under this section for any amount so expended for a single burial if the total expense of such burial, exclusive of the purchase price of the grave, the cost of the grave opening and the cost of a cement vault liner if one is required by the cemetery regulations, by whomsoever incurred, exceeded \$500 for a child under the age of seven or \$900 for any other person. The burial shall not be made in a cemetery or burial ground used exclusively for the burial of persons under the provisions of chapter 117 or in any part of a cemetery or burial ground so used. Relatives of the deceased who are unable to bear the expense of burial may be allowed to conduct the funeral. The full amount so expended, the name of the deceased and, if the deceased was a veteran, the regiment, company, station, organization or vessel in which such veteran served, the date of death, place of interment and, if the deceased was a spouse or widow or widower, the name of such veteran's spouse and date of marriage and, if the deceased was a dependent child, the name of the veteran and such other details as the commissioner may require, shall be certified on oath to said commissioner in such manner as said commissioner may approve, by the burial agent and the treasurer of the city or town expending the amount, within three months after the burial. The commissioner shall endorse upon the certificate the allowance of such amounts as have been paid and reported according to the foregoing provisions and shall transmit the certificate to the comptroller.

Seventy-five per cent of the amounts so paid and allowed for burial expenses of veterans or dependents by the cities and towns wherein they reside shall be paid by the commonwealth to the several cities and towns on or before November 10 in the year after the expenditures have been made. Notwithstanding the requirements as to residence as set forth in section 5, the commissioner may authorize the burial agent of a city or town to arrange for the proper interment of the body of an indigent veteran who dies within the commonwealth.

Michigan

35.801. Veterans' funeral expenses; reimbursement by county

Sec. 1. (1) Except as otherwise provided under subsection (2), if an honorably discharged member of the armed forces of the United States who served for a period of not less than 90 days of active service, or who is discharged under honorable conditions after serving less than 90 days of active service because of a service-connected disability, during a period of time in which the United States was at war or during the Vietnam conflict, or the spouse or surviving spouse of a member of the armed forces of the United States, dies possessed of an estate, both real and personal, not exceeding the sum of \$25,000.00, over and above all encumbrances and was a resident of the state at the time of death and a resident of the state for a period of 6 months before entering the service or for a period of 3 years immediately before death, the county board of commissioners or the board of county auditors, upon application by the executor or administrator of the estate of the deceased person, or by the person who incurred or advanced expenses in connection with the burial of the honorably discharged member of the armed forces, or the spouse of the honorably discharged member of the armed forces, shall pay to the estate of the deceased person, or to the person who incurred or advanced the burial expense, the sum of \$300.00. If the investigation provided for in section 2 shows that the deceased did not leave a dependent surviving, but did leave an estate sufficient to meet lawful claims, including burial expenses, then the county board of commissioners or the board of county auditors shall not pay the expenses. The application shall be submitted within 2 years after the date of death of the deceased person.

(2) On the effective date of the amendatory act that added this subsection, 1 the estate limit provided for under subsection (1) shall be \$40,000.00. This subsection does not apply to a county if the county board of commissioners passes a resolution by majority vote that exempts the county from the requirements of this subsection.

(3) If a county makes an election under subsection (2), the county shall file a copy of the resolution with the department of management and budget. The department of management and budget shall report not less than annually to the legislature which counties, if any, have made an election under subsection (2).

(4) As used in this act, "service" includes service in the armed forces of the United States in a place of emergency, as described in section 1 of 1965 PA 190, MCL 35.61, when ordered to do so by the government of the United States.

(5) As used in this section:

(a) "Estate" means the ownership of real or personal property at the time of death, the title to which was held either in the sole name of the decedent or by the entireties, tenancy in common, or joint tenancy with the spouse, child, or parent of the decedent, but does not include real property owned by the decedent as the homestead of the decedent.

(b) "Homestead" means a dwelling or a unit in a multiple unit dwelling and includes a mobile home or trailer coach.

35.802. Veterans' funeral expenses; application for reimbursement, investigation

Sec. 2. It shall be the duty of the members of the soldiers' relief commission of each county, whenever application is made for reimbursement by the county for such funeral expenses paid or advanced, or incurred for the burial of such deceased person, to make an investigation of such claim and report their action to the clerk of the board of supervisors of the county, or to the clerk of the board of county auditors as the case may be, in all cases setting forth all the facts, together with the name, rank and command to which such soldier, sailor, marine, nurse or member of the women's auxiliary belonged, and in case of such wife or widow, the rank and command to which her husband or deceased husband belonged, the name and service rendered as such army nurse, the date of his or her death, place where buried, and his or her residence and occupation while living. They shall require such person or persons who paid, advanced or incurred such burial expenses for such deceased person to furnish the board of supervisors, or board of county auditors in counties having a board of county auditors, with a sworn itemized statement of the expense incurred in the burial of the deceased person mentioned in the application. The members of the commission, except where they are paid a salary, shall receive from the county the sum of \$2.00 per day for the time actually and necessarily employed by them in the performance of their duties.

35.803. Veterans' funeral expenses; duties of county clerk; headstones

Sec. 3. It shall be the duty of the clerk of the board of supervisors or board of county auditors as the case may be upon receiving the report and statement of expenses provided for in the preceding section, to transcribe in a book kept for that purpose all the facts contained in said report respecting such deceased soldier, sailor or marine, or the deceased wife or widow of the same, or such deceased army nurse, and to report such application and statement to the board of supervisors or the board of county auditors, as the case may be, at the next meeting thereof. It shall be the further duty of said clerk upon the death and burial of any such soldier, sailor or marine, and upon request therefor, to make application to the proper authorities under the government of the United States for a suitable headstone as is now or may hereafter be provided by act of congress, and to cause the same to be placed at the head of the grave of such deceased soldier, sailor or marine. And also, to cause a suitable headstone to be placed at the head of the grave of the deceased wife or widow of such soldier, sailor or marine or army nurse if the same shall now or hereafter be provided by act of congress.

35.804. Veterans' funeral expenses; payment

Sec. 4. All expenses incurred in such burial as provided in this act, shall be audited and paid by the board of supervisors, or board of county auditors in counties having a board of county auditors, the same as other legal charges against the county.

Nebraska

80-102. County veterans service committee; meetings; relief; persons entitled; determination; payment; tax; amount authorized

(1)(a) The county veterans service committee shall meet at least once each year or on call of the chairperson or of any three members of the committee. It shall determine the amount it considers necessary for providing aid, including food, shelter, fuel, wearing apparel, medical or surgical aid, or funeral expenses, for the purposes identified in subdivisions (b) and (c) of this subsection. The county veterans service committee shall certify the amount so determined to the county board, which amount shall be reviewed and considered by the county board in making a levy for an aid fund.

(b) The county veterans service committee shall determine the amount of aid described in subdivision (a) of this subsection for persons who are in need of the aid and who:

- (i) Served in the armed forces of the United States during a period of war as defined in [section 80-401.01](#) or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917; (ii) Were discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) or died while in service or as a direct result of that service; and
- (iii) Have legal residence in the State of Nebraska for a period of not less than one year and in the county in which application is made for a period of not less than six months.

(c) The county veterans service committee shall determine the amount of aid described in subdivision (a) of this subsection for:

- (i) Husbands and wives, surviving spouses, and minor children under eighteen years of age of veterans described in subdivision (b) of this subsection; and
- (ii) Payment of expenses of last illness and burial when a veteran described in subdivision (b) of this subsection or a surviving spouse described in subdivision (c)(i) of this subsection passes away leaving no next of kin.

(2) The county board of each county shall annually make such levy or levies as needed to raise the required aid fund referred to in subsection (1) of this section as the county board determines is necessary, not exceeding one cent on each one hundred dollars upon the taxable value of all the taxable property of such county. Any unexpended balance of the aid fund at the end of any fiscal year shall remain in the fund, without reappropriation, for future use. The committee or a majority thereof shall fix the amount to be paid to each claimant, subject to any amounts in the aid fund, and promptly disburse the same to or for the benefit of the claimant. The county clerk shall issue a warrant to the committee or to the county veterans service officer as directed by the committee upon the county treasurer for such amount as the committee shall from time to time request and as amounts in the aid fund permit. The committee shall at the end of each year make a detailed report of its transactions to the county board. Such reports shall be accompanied with vouchers for all money disbursed.

New Hampshire

165:16 Burial Expenses.

Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA 165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

New Jersey

38:17-1. Interment of veterans of the United States Armed Forces; funeral expenses

The board of chosen freeholders in each of the counties shall designate a proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the bodies of all honorably discharged veterans of the United States Armed Forces, including the bodies of all honorably discharged members of the American Merchant Marine who served during World War II and have been declared by the United States Department of Defense to be eligible for federal veterans' benefits, who die without leaving means sufficient to defray funeral expenses. The expense of such funeral shall not exceed in any case the sum of \$1,250 for burial or cremation.

New Mexico

N.M. Admin. Code 8.106.502

(some sections omitted)

8.106.502.8 BURIAL ASSISTANCE - FUNERAL EXPENSES:

A. General: The department may provide up to \$200.00 towards the funeral expenses recipients of financial and medical assistance if the deceased's available resources are insufficient to pay for the funeral, the persons legally responsible for the support of the deceased are unable to pay the funeral expenses, and no other person or organization, or state agency will undertake to pay for the expense. The spouse of the deceased with whom the deceased was living at the time of death and the parents of minor unmarried children are considered legally responsible relatives.

B. Applications and interviews: A request for payment of funeral expenses may come from the family, the mortuary, or other persons furnishing funeral services to any project area. In order to evaluate available resources it may be necessary to interview the family or requestor. Burial expenses for a deceased individual shall be processed no later than 30 calendar days after receipt.

C. Eligibility: Payment towards the burial expenses for a categorically eligible individual may be made when the resources considered available to meet the cost of the funeral are less than \$600. Resources that shall be considered available include:

- (1) cash available to the deceased at the time of death;
- (2) any insurance benefits designated for use in meeting the individual's funeral costs;
- (3) any other death or burial benefits from sources such as social security or railroad retirement benefits, veterans benefits, legally responsible relatives or the estate of the deceased;
- (4) real property owned by the deceased, with no surviving heir, shall be considered a resource;
- (5) gifts, contributions or written commitments to help pay the cost of the funeral, which are made by any individual not having a legal support obligation for the deceased.

D. Constructing the benefit group: To be eligible for inclusion in the burial assistance benefit group, a deceased individual must have been a recipient of NMW, GA, refugee assistance, ARSCH or medicaid benefits from the state of New Mexico. The benefit group consists of the deceased individual.

E. Covered services: Funeral costs that are considered include necessary compulsory expenditures arising immediately upon and due to death, including:

- (1) embalming;
- (2) purchase of a coffin, burial shroud and burial plot;
- (3) burial or cremation services, including the cost for opening and closing the grave;
- (4) customary ceremonies, rites and services, excluding food, beverages or other similar consumables attendant on disposition of the remains; and
- (5) transportation of the deceased from the mortuary to a nearby cemetery.

F. Payment: When resources are determined to be less than \$600, a payment of up to \$200 may be made towards the cost of the funeral. The amount of the payment shall not exceed \$200.

New York

§ 148. Burial of members of the armed forces of the United States and their families; headstones

1. Burial. (a) The board of supervisors in each of the counties, or the board of estimate in the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any honorably discharged member of the armed forces of the United States, or the body of any minor child or either parent, or the spouse or unremarried surviving spouse of any such member of the armed forces of the United States, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray his or her funeral expenses.

(b) Notwithstanding any other provision of this section, such counties or city, as the case may be, shall receive reimbursement for such expense subject to the reimbursement limitations provided for in subdivision five of section one hundred forty-one of the social services law, provided that such expense is otherwise eligible for state reimbursement pursuant to the provisions of such section.

(c) If the deceased has relatives who desire to conduct the burial, but are unable to pay the charge therefor, such sum shall be paid by the county treasurer or other fiscal officer, to the person, association or commission so conducting such burial, upon due proof of the claim, made to such person, association or commission of the death or burial of such person, and audit thereof.

(d) Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of needy persons deceased, and the board of supervisors of each county is hereby authorized and empowered to purchase and acquire lands, or to appropriate money for the purchase and acquisition of lands, for a cemetery or cemetery plot for the burial of any such persons and also to provide for the care, maintenance or improvement of any cemetery or plot where such persons are buried or may hereafter be buried.

2. Headstones. (a) The grave of any such person whose body has been heretofore or shall hereafter be so interred, or who shall have been heretofore buried in any of the counties of this state, but whose grave is not marked by a suitable headstone, if such person has died or shall die without leaving means to defray the expense of such headstone, or whose grave shall have remained unmarked for five years by a suitable headstone, shall be marked by a headstone bearing the name of the deceased, the war in which he served, and, if possible, the organization to which he belonged or in which he served.

(b) The headstone at the grave of the spouse or surviving spouse of such honorably discharged member of the armed forces of the United States shall contain the name of the deceased, the war in which his or her spouse served and, if possible, the organization to which he or she belonged or in which he or she served.

(c) Such headstone shall be of such design and material as shall be approved by the board of supervisors.

(d) Where a headstone or the foundation thereof as herein provided, shall have become damaged by accident or the elements, it may be repaired, provided the expense is less than the cost of a new headstone.

(e) The board of supervisors of the county of which such deceased person was a resident at the time of his or her death is hereby authorized and directed to audit the account and pay the expenses of such burial and headstone, and a reasonable sum for the services and necessary expenses of the person or commission so designated. In case such person shall be at the time of his or her death an inmate of any state institution, including state hospitals and soldiers' homes, or any institution, supported by the state and supported by public expense therein, the expense of such burial and headstone shall be a charge upon the county of his or her legal residence.

(f) Where the providing of a headstone is authorized in any case pursuant to this section, and in lieu of making such provision as hereinbefore set forth, the board responsible for payment of the cost thereof may make application for a headstone in such case to any officer, board, body or agency of the United States required by or pursuant to the laws thereof to furnish a headstone without charge to mark the grave of the deceased person in such case and, in the event such headstone is accordingly furnished, may audit the account and pay the expense incident to the obtaining and for the erection thereof, including any necessary transportation charges, in an amount not in excess of the maximum sum authorized to be expended for a headstone as provided in paragraph (c) of this subdivision.

3. Reports. It shall be the duty of the person or commission in this section provided, prior to the annual meeting of the board of supervisors to make an annual report to such board of supervisors of all the applications since the last annual report for burial and the erection of tombstones as provided herein, together with the amounts allowed. All applications herein referred to shall accompany said annual report and be placed and kept on file with the board of supervisors.

Ohio

5901.25 Burial of indigent veterans or certain of their family members

The board of county commissioners shall require the veterans service commission, upon application and with the approval of the family or friends of the deceased, to contract, at a fair and reasonable price, with the funeral director selected by the family or friends, and cause to be interred or cremated in a decent and respectable manner the body of any veteran, or the parent, spouse, or surviving spouse of any such veteran, who dies without the means to defray the necessary funeral or cremation expenses. Such a burial may be made in any cemetery or burial ground within the state, other than those used exclusively for the burial of paupers and criminals.

Oregon

408.730. Indigent veterans cared for by veterans organizations

(1) The commander or executive head of any veterans organization organized under a charter issued by an Act of Congress, proposing to undertake the relief provided for in ORS 408.720, shall file with the county clerk of the county in which the veterans organization may be situated, the names of its commander or executive head and its relief committee, if any. The commander or executive head shall also file a notice in writing that such veterans organization will undertake the relief of the indigent persons provided for in ORS 408.720, and by the fourth Monday in January of each year shall file with the county clerk a similar notice, and render and file a detailed statement of the relief furnished during the preceding year, including the amount thereof, the names of the persons to whom furnished and on whose recommendation, and such other facts and suggestions as are deemed material.

(2) The commander or executive head shall also file a bond, with one or more sureties, to be approved by the county court or judge thereof, or board of county commissioners, in a sum not less than \$100 and not more than \$1,000. The amount of the bond shall be fixed by the court, judge or board. It shall run to the county, and be conditioned by stating that if said commander or executive head faithfully applies all funds that come into the hands of the commander or executive head for that purpose, to the relief of the indigent persons named in ORS 408.720, it is void. If the bond is enforced there shall be recovered from the principal and sureties thereon the amount which is found to be misappropriated, which shall be paid into the county treasury.

(3) If the county operates on a fiscal year ending on June 30, the notice, statement and bond required by this section may be filed on the fourth Monday in July of each year rather than on the fourth Monday of January. If the statement required by subsection (1) of this section is filed at the time provided in this subsection, this statement shall cover the preceding fiscal year.

(4) On the approval and filing of the bond, and on the recommendation of the relief committee of any such veterans organization, orders shall be drawn in favor of the commander or executive head in the same manner as orders are now drawn for the relief of the poor. The orders shall designate thereon the names of the persons for whom the relief is intended and, in like manner, a sum not exceeding \$100 may be drawn to pay the funeral expenses of an indigent veteran, and the indigent wives, widows and the minor children of such veterans.

Pennsylvania

§ 1908. Definitions

(A) The term deceased service person, as used in this subsection, shall mean and include:

(1) Any deceased person who, at the time of his or her death, was serving (whether or not in a combat zone) in the Army, Navy, Air Force, Marine Corps, Coast Guard, or any women's organization officially connected therewith, during any war or armed conflict in which the United States has been, is now or shall hereafter be engaged, or who, at the time of his or her death, was serving in a zone where a campaign or state or condition of war or armed conflict then existed, in which the United States was, is or shall be a participant. The existence of a campaign or state or condition of war or armed conflict, and the participation of the United States therein, as well as the fact that the deceased person served in a zone where such campaign or state or condition of war or armed conflict existed, shall, in each case, be established by the records of the Department of Defense of the Federal Government; or

(2) Any deceased person, who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise; or who at the time of his or her death was continuing in such service after the cessation of the war, armed conflict, campaign or state or condition of war during or in which he or she served; or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War, who was not duly mustered into the service of the United States, but was honorably discharged or relieved from such service.

(b) The term "legal residence" as used in this subsection, shall be construed as synonymous with "domicile" and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it, or of returning to a former residence at some future period. Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be prima facie in the county where he or she made his or her abode at the time of his or her death.

§ 1909. Funeral expenses of deceased service persons

(a) Any county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) and may contribute an additional sum of twenty-five dollars (\$25) towards the funeral expenses of each deceased service person in the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death. In the case of any deceased service person who died while in the service, application need not be made within one year after the date of his or her death, but may be made at any time thereafter.

(b) Payments shall be made under the following circumstances:

(1) Where the deceased service person at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or she was buried in the county. It is hereby declared to be the intent of the General Assembly that every deceased service person having a legal residence in this Commonwealth at the time of his or her death shall be entitled to the benefits of this section, regardless of where he or she may have died or where he or she may be buried, and that the liability therefor shall be on the county, where the deceased service person shall have had his or her legal residence at the time of his or her death.

(2) Where the deceased service person died and was buried in the county, but at time of his or her death did not have legal residence within this Commonwealth, if the county commissioners of the county where he or she died are notified in writing by any organization of veterans that the body is unclaimed by relatives or friends, and upon investigation shall find such condition to exist.

(3) Where a deceased service person has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries the soldier in a cemetery in the City of Erie, Pennsylvania, or the home furnishes clothing, casket and shipping case, and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars (\$75) or so much thereof as was actually expended by the home.

§ 1910. Burial of spouses of deceased service persons

Upon due application and proof, the county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) and may contribute an additional sum of twenty-five dollars (\$25) from the county funds towards the funeral expenses of any spouse of any deceased service person, who at the time of his or her death had a legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county. The county shall not contribute any moneys toward the funeral expenses of any spouse of a deceased service person who had remarried after the death of such deceased service person, nor unless application for the payment of such moneys shall be made within one year after the date of the death of such spouse.

§ 1911. Payment

(a) It shall be the duty of the county to cause a voucher check to be drawn upon the treasury of their county in the sum of seventy-five dollars (\$75), or one hundred dollars (\$100) if the additional sum of twenty-five dollars (\$25) is authorized, for each body buried in accordance with the provisions of this subdivision, to be paid out of the funds of the county, and such checks shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid, otherwise to the undertaker performing the services with notice to the applicant.

(b) Application for such contribution shall be made by the personal representative of such deceased service person or deceased service person's spouse, if there be such personal representative, and if no such personal representative has qualified then by any next of kin, individual, or veterans' organization, who or which assumes responsibility for the cost of burial of the body. The application shall be sustained by affidavit as to the facts.

(c) The application shall be on forms prescribed by the Department of Military Affairs and shall set forth whether or not the funeral expenses have been paid. The application shall have attached thereto a certified copy of the death certificate and a certification by the undertaker, who had charge of the burial of the body, and to the effect that the undertaker did render such service.

§ 1912. Notification to county commissioners

The coroners and all other public officers, agents and servants and all officers, agents and servants of any county, city, township, borough, district or other municipality, or of any prison, morgue, hospital, home or other public institution, having the control or custody of the body of the deceased service person whose body is entitled to be buried under the provisions of this subdivision, shall, immediately upon the death or arrival of the body of such deceased service person, notify the county commissioners of the county wherein such death occurred, or wherein such deceased service person shall have had his legal residence.

(§1913 Omitted – Markers for Graves;Headstones)

§ 1914. Burial plots

The county commissioners of the several counties are hereby authorized to purchase plots of ground, in any cemetery or burial ground in their respective counties, for the interment of deceased service persons whose bodies are entitled to be buried under the provisions of this subdivision, and to cause to be drawn a voucher check upon their county treasury for the payment of the same. The purchase price of said plots of ground shall not be charged against or allotted as part of the cost of burial of such deceased service persons who may be buried in any of said plots under the provisions of this subdivision.

(§1915 Omitted – Care of Graves and Markers)

§ 1916. Proof of service, et cetera

(a) In each case, where application is made for a contribution toward the funeral expenses of a deceased service person, or the surviving spouse of a deceased service person, or for a headstone or concrete base or lettering or bronze memorial tablet, the county commissioners shall, before expending any money therefor, require proof of the following facts:

(1) The service of the deceased service person which entitles him or his surviving spouse to the benefits of this subdivision. Such proof shall be by the production of an honorable discharge or other official record showing service during any war in which the United States is or was engaged, or by the records of the Department of Defense of the Federal Government, or by copies thereof filed in the Department of Military Affairs showing the existence of a campaign or state or condition of war, the participation of the United States therein, and the service of the deceased service person in a zone where such campaign or state or condition of war existed.

(2) The death of the deceased service person.

(3) In the case of the burial of the surviving spouse of a deceased service person, the death of such surviving spouse, and the fact that the spouse was married to the deceased service person at the time of his death, and that the spouse has not since remarried. The proof required by clauses one and two of this subsection shall also be required in such cases.

(4) Except in cases where persons not having a legal residence within this Commonwealth are entitled to any of the benefits of this subdivision, the legal residence within the county of the deceased service person, or of the surviving spouse of a deceased service person, as the case may be.

(b) Death shall in all cases be proved by death certificate where the same is procurable, otherwise by affidavit of one or more persons personally acquainted with the deceased, and the fact of his or her death, or by proof of the record of death kept by the attending physician, or by proof of the record of burial kept by the undertaker by whom he or she was buried, or by the church burial association or cemetery company maintaining the graveyard, burial ground or cemetery in which he or she was buried.

(c) Where any proof required by this subdivision has been furnished to the county commissioners, no further proof of the same facts shall be required in order to obtain any other benefit under the provisions of this subdivision.

Rhode Island

(§30-25-1 Omitted- Firing Squad for Funerals)

(§30-25-2 Omitted- Appropriations for Firing Squads)

§ 30-25-3. Burial at public expense

Whenever any person who served in the army, navy, air force, or marine corps of the United States during any period of war, and was honorably discharged therefrom, shall die within this state without leaving means sufficient to defray necessary funeral expenses, he or she shall be buried and the expenses thereof paid in the manner provided in this chapter.

§ 30-25-4. Designation of person to conduct burial--Burial by relatives or friends--Maximum allowance

The town council of any town, and the city council of any city, shall annually designate some proper person, other than those designated by law for the care of paupers or the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor, airperson, or marine, who may not have left sufficient means to pay his or her funeral expenses; and in case the deceased has relatives or friends who desire to conduct the burial, and who are unable or unwilling to pay the charge thereof, they shall be allowed to conduct the funeral, and the cost of the interment shall be paid to them or their representatives by the town or city treasurer upon due proof; provided, however, that claim for the payment of the burial expenses under the provisions of this chapter shall be made within sixty (60) days after the decease of the honorably discharged soldier, sailor, airperson, or marine; and provided, further, that the whole expense of the funeral shall not in any case exceed the sum of fifty-five dollars (\$55.00).

§ 30-25-5. Place of burial--Disinterment from pauper cemetery

Any interment provided for by the provisions of this chapter shall not be made in any cemetery or plot used exclusively for the pauper dead; and if any deceased honorably discharged soldier, sailor, airperson, or marine may have already died and been buried in any place used exclusively for the burial of paupers, he or she shall be removed therefrom as soon as may be after the attention of the town or city council, within whose limits the person may have been buried, shall have been called thereto.

(Sections Omitted)

South Dakota

33A-5-1. Authority of county veterans' service officer or field officer

Upon notice to the county or tribal veterans' service officer or field officer of the Department of Veterans Affairs of the death within the county of a person entitled to burial benefits under this chapter, or at the officer's own initiative in a proper case, the veterans' service officer or field officer shall implement the provisions of this chapter in reference to the burial of the deceased.

33A-5-2. Eligibility of veterans and veterans' spouses

Any veteran as defined by § 33A-2-1 or the veteran's spouse shall be buried at the expense of the state if:

- (1) The veteran was a citizen of the United States and a resident of South Dakota for one year preceding the veteran's entrance into military service or preceding the veteran's death;
- (2) The veteran's estate or the estate of the veteran's spouse, whether living or deceased, or the immediate family or relatives of the veteran or the veteran's spouse are unable to defray the expenses of the veteran's or the veteran's spouse's funeral; and
- (3) The surviving spouse or relatives of the deceased veteran furnish an affidavit acceptable to the county or tribal veterans' service officer or field officer of the Department of Veterans Affairs that the estate of the decedent or of his or her surviving spouse is not sufficient to defray the funeral expenses.

33A-5-3. Maximum amount expended for burial--Claim filed with department

The state shall pay for burial and funeral expenses, including cost of burial lot, a sum not exceeding one hundred dollars. No payment or reimbursement for burial and funeral expenses may be allowed unless a claim for the

payment or reimbursement is filed or presented to the Department of Veterans Affairs within one year after the date of the burial.

33A-5-4. Headstone provided by federal government to be erected--Maximum expense--Time for claim

If a headstone is provided by the United States government for the purpose of marking the grave of a veteran who had been a resident of South Dakota for one year preceding entrance into military service or preceding death or if a memorial headstone or marker is provided by the United States government to commemorate any member of the armed forces of the United States dying in the service, whose remains have not been recovered or identified or were buried at sea, the veterans' service officer or field officer shall cause the headstone or memorial headstone or marker to be erected. The expense of erecting the headstone or memorial headstone or marker shall be paid by the state and may not exceed one hundred dollars. No payment for the expense is allowed unless a claim is filed or presented to the Department of Veterans Affairs within one year subsequent to the date the headstone or memorial headstone or marker is erected.

33A-5-5. Procedure for payment of expenses

All expenses incurred under the provisions of §§ 33A-5-2 to 33A-5-4, inclusive, shall be approved, allowed, and certified by the county or tribal veterans' service officer or field officer of the Department of Veterans Affairs upon forms provided by the Department of Veterans Affairs. The county or tribal veteran's service officer or field officer shall forward the forms to the Department of Veterans Affairs. The department shall certify and forward the forms to the state auditor. Upon receipt of the certified forms, the state auditor shall draw a warrant on the state treasurer in favor of the person or persons entitled to the payment for the amount specified on the forms.

33A-5-6. Appropriation for expenses

There is hereby annually appropriated out of the money in the state treasury a sum sufficient to carry out the provisions of §§33A-5-2 to 33A-5-5, inclusive.

33A-5-7. County appropriations to purchase burial plots--Conditions

Any county may appropriate money with which to purchase lots or plots of ground in any cemetery or burial ground for the burial of any veteran as defined by § 33A-2-1, or the veteran's spouse, if the veteran or the veteran's spouse had a legal residence within the county at the time of his or her death.

Vermont

§ 2301. Burial responsibility

(a)(1) When a person dies in this State, or a resident of this State dies within the State or elsewhere, and the decedent was a recipient of assistance under Title IV 1 or XVI 2 of the Social Security Act, or nursing home care under Title XIX 3 of the Social Security Act, or assistance under State aid to the aged, blind or disabled, or an honorably discharged veteran of any branch of the U.S. Armed Forces to the extent funds are available and to the extent authorized by Department rules, the decedent's burial shall be arranged and paid for by the Department if the decedent was without sufficient known assets to pay for burial. The Department shall pay burial expenses for individuals that meet the requirements of this section in an amount not to exceed a maximum established by rule and shall establish by rule a process for reducing the maximum payment amount by the amount of other assets available from the decedent's estate or from the decedent's spouse to pay for the burial. The maximum payment by the Department does not preclude other individuals from paying for or receiving contributions to pay for additional disposition expenses.

(2) The Department shall notify the directors of all funeral homes within the State and within close proximity to the State's borders of its rules with respect to those services for which it pays and the amount of payment authorized for those services. All payments shall be made directly to the appropriate funeral director. In order to receive payment under this section, the funeral director shall provide the Department and the party making the funeral arrangements with an itemized invoice for the specific services that are to be provided at public expense.

(3) As a condition of payment when arrangements are made other than by the Department, the funeral director shall determine from the person making the arrangements if the decedent was a recipient of assistance or an eligible veteran as specified in subdivision (a)(1) of this subsection, and if the decedent was such a recipient, give notice to the person making the arrangements of the Department's rules.

(4) If the funeral home director does not advise the person making the arrangements of the Department's rules then that person shall not be liable for expenses incurred.

(b) When a person dies while an inmate of a State institution and the inmate is without sufficient known assets to pay for burial, the burial shall be arranged and paid for by the State institution.

(c) In all other cases, the Department shall arrange for and pay up to the maximum amount established by rule for the burial of eligible persons who die in this State or residents of this State who die within the State or elsewhere when the persons are without sufficient known assets to pay for their burial.

(d) As used in this chapter, "burial" means the final disposition of human remains, including interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite; "Department" means the Department for Children and Families; and "funeral" means the ceremonies prior to burial by interment, cremation, or other method.

Washington

73.08.070. County burial of indigent deceased veterans

(1) The legislative authority for each county must designate a proper authority to be responsible, at the expense of the county, for the burial or cremation of any deceased indigent veteran or deceased family member of an indigent veteran who died without leaving means sufficient to defray funeral expenses. The costs of such a burial or cremation may not exceed the limit established by the county legislative authority nor be less than three hundred dollars.

(2) If the deceased has relatives or friends who desire to conduct the burial or cremation of such deceased person, then a sum not to exceed the limit established by the county legislative authority nor less than three hundred dollars shall be paid to the relatives or friends by the county auditor, or by the chief financial officer in a county operating under a charter. Payment shall be made to the relatives or friends upon presenting to the auditor or chief financial officer due proof of the death, burial or cremation, and expenses incurred.

(3) Expenses incurred for the burial or cremation of a deceased indigent veteran or the deceased family member of an indigent veteran as provided by this section shall be paid from the veterans' assistance fund authorized by RCW 73.08.080.

Wisconsin

45.61. Wisconsin veterans cemeteries

(1) Construction and operation of cemeteries. Subject to authorization under ss. 13.48(10) and 20.924(1), the department may construct and operate veterans cemeteries in central, northwestern, and southeastern Wisconsin and may employ any personnel that are necessary for the proper management of the cemeteries. The cemetery in central Wisconsin is the Central Wisconsin Veterans Memorial Cemetery. The cemetery in southeastern Wisconsin is the Southern Wisconsin Veterans Memorial Cemetery. The cemetery in northwestern Wisconsin is the Northern Wisconsin Veterans Memorial Cemetery. The department may acquire, by gift, purchase, or condemnation, lands necessary for the purposes of the cemeteries. Title to the properties shall be taken in the name of this state. Every deed of conveyance shall be immediately recorded in the office of the proper register of deeds and thereafter filed with the secretary of state. The department may accept for the state all gifts, grants, and bequests for the purposes of maintenance, restoration, preservation, and rehabilitation of the veterans cemeteries constructed under this subsection. All cemeteries operated by the department are exempt from the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

(2) Eligibility. The following persons are eligible for burial at a cemetery constructed and operated under sub. (1):

(a) A person who died while on active duty or who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her entry into active service and his or her dependent child and surviving spouse.

(am) A person who died while on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces.

(b) A person who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her death and his or her dependent child and surviving spouse.

(c) The spouse or dependent child of a person who meets one of the following conditions:

1. Is serving on active duty at the time of the spouse's or dependent child's death if the person was a resident of this state at the time of his or her entry or reentry into active service.

2. Was a resident of this state at the time of his or her entry or reentry into active service and was discharged or released from

active duty in the U.S. armed forces under honorable conditions.

3. Was discharged or released from active duty in the U.S. armed forces under honorable conditions if the person and spouse or dependent child were residents of this state at the time of the spouse's or dependent child's death.

(d) A person who was a resident of this state at the time of his or her entry or reentry into service in any national guard or a reserve component of the U.S. armed forces or who was a resident of this state for at least 12 consecutive months immediately preceding his or her death, and the person's spouse, surviving spouse, and dependent children, if the person is eligible for burial in a national cemetery under 38 USC 2402.

(e) A person who was discharged or released from active duty in the U.S. armed forces under honorable conditions and who was a resident of this state for at least 12 consecutive months after entering or reentering service on active duty.

(f) A person who is a member of a veterans home under s. 45.50.

(3) Fees and costs. The department may charge a fee for burials under this section and may promulgate rules for the assessment

of any fee. The cost of preparing the grave and the erection of a marker for a person described under sub. (2)(a), (b), (d), or

(e) shall be paid from the appropriation under s. 20.485(1)(gk).

(4) Application. (a) Application for burial shall be made to the department. The surviving spouse of the person described under sub. (2)(a), (b), (d), or (e), if that person is interred at the Central Wisconsin Veterans Memorial Cemetery, shall have the privilege of selecting a plot next to that person if available. The department shall hold the plot for the surviving spouse for a period of one year from the date of granting the privilege, but may extend the hold, on request, for additional one-year periods.

(b) In processing applications for burial plots, the department shall maintain a waiting list for each of the cemeteries operated under sub. (1) and shall give priority to state residents on each waiting list.

(5) Expenses. (a) Expenses incident to the burial under this section of persons described in sub. (2)(a) and (b) to (e) shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid from the appropriation under s. 20.485(1)(gk) for members of veterans homes, and the amount expended for those expenses shall not exceed the amount established for funeral and burial expenses under s. 49.785(1)(b).

(b) Expenses incident to the burial under this section of persons described in sub. (2)(am) shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid by the relatives who requested the burial.

Wyoming

§ 19-14-108. Veterans' cemetery; acquisition and maintenance; eligibility for burial

(a) Military department, with the approval of the veterans' commission, may acquire a site in this state to be used to establish a cemetery for the interment of veterans of the United States armed forces and for qualified family members of eligible veterans. The approval of the local governing body of the county in which the proposed site is located shall be obtained prior to any acquisition of land for this purpose. The department, with the approval of the commission, is empowered to receive any lands granted to the state or any of its political subdivisions. All military cemeteries currently owned by the state of Wyoming shall be operated and controlled by the military department.

(b) The military department shall supervise and control a veterans' cemetery established under this section. All personnel, equipment and support necessary for maintenance and operation of the cemetery shall be included in the budget of the military department. All employees shall be under the state personnel system.

(c) Any veteran who received any discharge, other than a dishonorable discharge, from the armed forces of the United States is eligible for burial in the state veterans' cemetery and any indigent veteran shall be buried in the cemetery without charge except such funds as may be available from the veteran's administration and the social security burial allowance, if any, shall be paid to the cemetery director. Such funds collected shall be applied to the cemetery for capital improvements and shall not be paid to the general fund of the state.

(d) Any eligible veteran, qualified family member, or the survivors of an eligible veteran or qualified family member, or a county under W.S. 19-14-101, in the veteran's behalf, may apply for a burial plot in the state veterans' cemetery by submitting a request to the cemetery director on forms supplied by the military department and available from the cemetery director. The department, in consultation with the commission, shall allot

available burial plots on a first come, first served basis. There shall be no charge made for any burial plot. There shall be no charge for the interment of any eligible veteran. The director of the Oregon Trail veteran's cemetery shall apply to the veterans administration for payment of any allowable plot or interment allowance.

(e) A spouse or a handicapped or minor child of a veteran who qualifies for burial as provided in subsection (c) of this section may also qualify for burial in the state veterans' cemetery, if the interment of the qualified family member is in the same burial plot as that provided for the veteran and the interment is either above or below the veteran. The department, in consultation with the commission, shall establish a fee schedule which may be adjusted from time to time for burial of family members. The fees shall cover as nearly as practicable the actual costs of interments. The department, in consultation with the commission, may accept the social security burial allowance, if any, of the qualified family member in an amount not to exceed the actual cost of the interment.