

HOUSE BILL NO. HB0029

Burials for indigent persons.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to indigent person burial expenses;
2 providing for reimbursement of burial expenses for indigent
3 persons; imposing a surcharge for death certificates;
4 creating an account; specifying applicability; and
5 providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 18-3-504(c), 19-14-101(a), 35-1-428
10 by creating a new subsection (c) and 42-2-103(c) are
11 amended to read:

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13 **18-3-504. Powers and duties generally.**

14

1 (c) Each board of county commissioners shall provide
2 for the burial or cremation of the human remains of any
3 deceased person not receiving personal opportunities with
4 employment responsibilities (POWER) assistance,
5 supplemental security income or Medicaid under the Wyoming
6 Public Assistance and Social Services Act at the time of
7 death and without sufficient means in his own estate or
8 other resources to provide burial or cremation. The amount
9 paid under this subsection for burial or cremation shall
10 not exceed one thousand five hundred dollars (\$1,500.00).
11 Each board shall account for the county expenses incurred
12 under this subsection during a fiscal year. By August 1 of
13 each year, a county may request reimbursement by the
14 department of family services for the expenses incurred
15 under this subsection for the preceding fiscal year. The
16 department of family services shall reimburse the expenses
17 in accordance with W.S. 35-1-428(c).

18

19 **19-14-101. Burial of indigents.**

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21 (a) The board of county commissioners of each county
22 shall provide for the preparation of the body and
23 transmittal to and burial in the veteran's cemetery of any

1 other than a dishonorably discharged veteran of the armed
2 forces of the United States who served on behalf of the
3 United States in any war or conflict as defined in section
4 101, title 38, United States Code and who dies leaving
5 insufficient funds to defray the necessary funeral
6 expenses. The amount expended for transporting the body
7 shall not exceed five hundred dollars (\$500.00). The amount
8 paid under this section for burial shall not exceed one
9 thousand five hundred dollars (\$1,500.00). Each board shall
10 account for the county expenses incurred under this
11 subsection during a fiscal year. By August 1 of each year,
12 a county may request reimbursement by the department of
13 family services for the expenses incurred under this
14 subsection for the preceding fiscal year. The department of
15 family services shall reimburse the expenses in accordance
16 with W.S. 35-1-428(c).

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18 **35-1-428. Fees for copies and searches; surcharges.**

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20 (c) In addition to the fees imposed by department of
21 health rules under subsection (a) of this section and the
22 surcharges imposed under subsection (b) of this section,
23 the department shall collect a surcharge of five dollars

1 (\$5.00) for each copy of a death certificate issued
2 pursuant to this article. Revenues collected from the
3 surcharge imposed under this subsection shall be deposited
4 by the department in the indigent persons burial account,
5 which is hereby created. All funds within the account shall
6 be invested by the state treasurer and all investment
7 earnings from the account shall be deposited in the
8 account. Subject to legislative appropriation, the
9 department of family services shall disperse one-half (1/2)
10 of the funds within the account to counties that made a
11 request for reimbursement under W.S. 18-3-504(c) or
12 19-14-101(a) and the remaining one-half (1/2) of funds
13 shall be available to the department of family services for
14 expenses incurred under W.S. 42-2-103(c). If a legislative
15 appropriation is insufficient to reimburse all county
16 reimbursement requests, the department of family services
17 shall disperse the available funds so that each county that
18 made a reimbursement request receives equal percentage
19 reimbursements.

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21 **42-2-103. Provision of assistance and services;**
22 **duties of department; burial assistance; department of**
23 **health state supplemental security income program.**

1

2 (c) Notwithstanding any other provision of this
3 article and subject to the availability of funds, the
4 department shall pay the burial or cremation expenses of
5 any recipient of aid under the personal opportunities with
6 employment responsibilities (POWER) program, supplemental
7 security income or Medicaid at the time of his death and
8 without sufficient means in his own estate or other
9 resources to provide burial or cremation. The amount paid
10 under this subsection shall not exceed one thousand dollars
11 (\$1,000.00) after consideration of funds available to the
12 recipient from all other sources. In determining
13 eligibility under this subsection, the department shall not
14 consider as available funds, an amount up to or equal to
15 one thousand five hundred dollars (\$1,500.00) of the corpus
16 of a Medicaid qualifying trust meeting the requirements of
17 W.S. 42-4-113. No board of county commissioners shall be
18 responsible for any burial or cremation expenses in excess
19 of the amount paid under this subsection. Burial or
20 cremation expenses under this subsection shall not include
21 those expenses relating to cemetery costs.

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1 **Section 2.** This act shall only apply to expenses
2 incurred under W.S. 18-3-504(c), 19-14-101(a) and
3 42-2-103(c) on or after the effective date of this act.

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5 **Section 3.** This act is effective July 1, 2021.

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(END)