

ORIGINAL HOUSE
BILL NO. HB0029

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

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

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

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

18-3-504. Powers and duties generally.

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

19-14-101. Burial of indigents.

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

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

(c) In addition to the fees imposed by department of health rules under subsection (a) of this section and the surcharges imposed under subsection (b) of this section, the department shall collect a surcharge of five dollars (\$5.00) for each copy of a death certificate issued pursuant to this article. Revenues collected from the surcharge imposed under this subsection shall be deposited by the department in the indigent persons burial account, which is hereby created. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be deposited in the account. Subject to legislative appropriation, the department of family services shall disperse one-half (1/2)

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of the funds within the account to counties that made a request for reimbursement under W.S. 18-3-504(c) or 19-14-101(a) and the remaining one-half (1/2) of funds shall be available to the department of family services for expenses incurred under W.S. 42-2-103(c). If a legislative appropriation is insufficient to reimburse all county reimbursement requests, the department of family services shall disperse the available funds so that each county that made a reimbursement request receives equal percentage reimbursements.

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk