

RECEIVED

97 MAY -7 AM 11:02

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

(By Senator HELVICK, ET AL)



PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

RECEIVED

97 MAY -7 AM 11:32

OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 339

(SENATORS HELMICK, PREZIOSO, ROSS, SCHOONOVER,
SHARPE, WHITE, PLYMALE, CRAIGO, ANDERSON
AND SPROUSE, *original sponsors*)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eighteen, relating to requiring the department of health and human resources to provide payment for funeral expenses for indigent persons; providing for the filing of an affidavit; providing for payment from legislative appropriations; and establishing a criminal penalty for false swearing.

Be it enacted by the Legislature of West Virginia:

That article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eighteen, to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-18. Funeral expenses for indigent persons; filing of affidavit to certify indigency; penalties for false swearing; payment by division.

1 (a) The department of health and human resources shall
2 pay for reasonable funeral service expenses for indigent
3 persons, in an amount not to exceed seven hundred fifty
4 dollars.

5 (b) For purposes of this section, the indigency of a
6 deceased person is determined by the filing of an affidavit
7 with the department, in a form provided by and deter-
8 mined in accordance with the income guidelines as set
9 forth by the department: (1) Signed by the heir or heirs-
10 at-law, which states that the estate of the deceased person
11 is pecuniarily unable to pay the costs associated with a
12 funeral; or (2) signed by the county coroner or the county
13 health officer, the attending physician or other person
14 signing the death certificate, or the state medical exam-
15 iner, stating that the deceased person has no heirs or that
16 heirs have not been located after a reasonable search, and
17 that the deceased person had no estate or the estate is
18 pecuniarily unable to pay the costs associated with a
19 funeral.

20 (c) Payment shall be made by the department to the
21 person or persons who have furnished the services and
22 supplies for the indigent person's funeral expenses, or to
23 the persons who have advanced payment for same, as the
24 department may determine, pursuant to appropriations for
25 expenditures made by the Legislature for such purpose.

26 (d) For purposes of this section, "reasonable funeral
27 service expenses" means expenses for services provided by
28 a funeral director for the disposition of human remains.

29 (e) Any person who knowingly swears falsely in an
30 affidavit required by this section, shall be guilty of a

31 misdemeanor and, upon conviction thereof, shall be fined
32 not more than one thousand dollars or confined in the
33 county or regional jail for a period of not more than six
34 months, or both.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schoner
.....
Chairman Senate Committee

Nick Fontana
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Kenneth Helms
.....
Clerk of the Senate

Brian W. Gray
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *7th*
day of *May*, 1997.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/28/97

Time 2:25 pm