

FILED

2001 MAY -2 A 11: 14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 253

(By Senator Helmick, et al **)**

PASSED April 14, 2001

In Effect 90 days from **Passage**

FILED

2001 MAY -2 A 11: 17

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Senate Bill No. 253

(BY SENATORS HELMICK, ROSS, SHARPE, MINARD, ROWE,
OLIVERIO, LOVE, MITCHELL, ANDERSON AND UNGER)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the indigent funeral and burial expense allowance.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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 one thousand two
4 hundred fifty 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 examiner
15 stating that the deceased person has no heirs or that heirs
16 have not been located after a reasonable search and that
17 the deceased person had no estate or the estate is pecuni-
18 arily unable to pay the costs associated with a funeral.

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

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

28 (e) Any person who knowingly swears falsely in an
29 affidavit required by this section shall be guilty of a
30 misdemeanor and, upon conviction thereof, shall be fined
31 not more than one thousand dollars or confined in the
32 county or regional jail for a period of not more than six
33 months, or both.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

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

The within is approved this the 1st
Day of May, 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 4:20 pm