

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST Page 1 of 2
 Bill/Resolution No.: HB 306
 Title: Veterans Burial Allowance
 Sponsor: Liska, Bussell, Ward & Uehling
 Requestor: _____

II. FISCAL DETAIL
 Agency Affected: Commerce & Econ. Develop
 Program Category Affected: Development
 BRU, Program : Subprogram(s) Affected:
 Loans & Veterans' Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING						

CAPITAL		[21,300]				
---------	--	------------	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: D. A. Hostak *D. A. Hostak* Phone: 465-2510
 Division: Loans & Veterans' Affairs Date: 4-5-83

Approved by Commissioner: Richard A. Lyon *R. Lyon* Date: 4/6/83
 Department: Commerce & Economic Development

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

It is estimated that there would be approximately a 10% reduction in the number of eligible applicants. The FY '84 budget request was for \$213,000, resulting in a reduction of \$21,300.

Introduced: 3/30/83
Referred: State Affairs
and Finance

BY LISKA, BUSSELL,
WARD AND UEHLING

1 IN THE HOUSE

2 HOUSE BILL NO. 306

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to burial allowances for veterans."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 26.10.080(a) is amended to read:

9 (a) Upon application by the personal representative or heirs,
10 the division of veterans' affairs shall pay a burial expense allowance
11 not to exceed \$750 for burial in Alaska of a veteran who was a resi-
12 dent of the state at the time of death and not eligible for a federal
13 funeral and burial benefit under 38 U.S.C. 907.

The following individuals are expected to testify on HB 306:

Representative John Liska (or staff), prime sponsor

It is estimated that there would be approximately a 10% reduction in the number of eligible applicants. The FY '84 budget request was for \$213,000, resulting in a reduction of \$21,300.

TO: John J. Liska
Representative
House of Representatives

FROM: American Legion
Department of Alaska

SUBJECT: State Burial Allowance

Under our present system, there is a \$750.00 burial allowance for all honorably discharged veterans who were residents of the State of Alaska. Under federal regulations, there is a \$1,100.00 burial allowance for those veterans who died of a service connected disability, however, this benefit is not available if there is a State, Borough or City burial allowance available for the veteran.

In order to restore the \$1,100.00 burial allowance for those veterans who died of a service connected disability, it will require a change in our regulations.

Under Section 26.10.080, Burial Allowance(a) after time of death add except those veterans who died of a service connected disability.

Alaska State Legislature

COMMITTEES

Vice Chairman — Judiciary

Vice Chairman — Legislative
Regulations Review

Resources

Finance Sub Committee on Labor



House of Representatives

John J. Liska

Write in Session

Pouch V
State Capitol,
Juneau, Alaska 99811
(907) 465-3733

Home - District 15
Star Route Box 421
Eagle River, Alaska 99577
(907) 688-2526

March 24, 1983

TO: HOUSE MEMBERS

FROM: John J. Liska, Representative - District 15

SUBJECT: Proposed Legislation Re: Veteran's Burial Allowances

Federal Statute 38 U.S.C.907 provides for an \$1,100 burial allowance to veterans who die of a service connected disability. At present, however, Alaskan veterans are denied the benefit of receiving the full amount, because this provision only applies if there is no State, Borough or City burial allowance available.

Because Alaska Statute provides for a \$750 burial allowance for these veterans, recipients in Alaska receive \$350 less than the Federal law allows.

To correct this unfairness I have submitted a proposed amendment to A.S.26.10.080 to restrict the State's funeral and burial allowance only to those veterans not eligible for the Federal Benefit.

There are two advantages: 1) Veterans will not lose their right to the full benefit provided by Federal Law because of the State's allowance, and 2) the number of benefit payments made by the State will be reduced as more veterans will be eligible under the Federal Program.

I will appreciate your support of this amendment.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

306

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

M E M O R A N D U M

March 24, 1983

SUBJECT: Veteran's burial allowances
(Work Order No. 13-1101)

TO: Representative John Liska

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

The enclosed bill draft would deny those veterans that die as a result of a service connected disability the \$750 burial allowance available under AS 26.10.080. The rationale for such an amendment to the Alaska Statutes is contained in 38 U.S.C. 907, a copy of which is attached to this memo. That section already provides for a burial allowance of \$1,100 in the case of a veteran who dies of a service connected disability.

If you have any further questions regarding this subject, please do not hesitate to contact me.

TAS:ljb

Enclosures
12/007

for burial in a national cemetery (but those persons or classes of persons (5), and (6), of this title.

and Confederate Armies of the Civil

to furnish, when requested, an appropriate marker to commemorate any veteran uncovered or identified or were buried or interred in a national cemetery area in accordance with the provisions of section 1003 of this title.

As provided under subsection (a) or (b) of this section, including but not limited to the material requested by the person entitled to such material, if the material requested is determined to be cost effective, and (2) in a case where a marker is to be placed in a national cemetery, the marker shall be suitable with the area of the cemetery.

For one or more markers under subsection (a) or (b) of this section, the Administrator, in the Administrator's discretion, for the circumstances in each case, shall be entitled to request such headstone or marker for or on behalf of such person, or for a headstone or marker for placement in a national cemetery in connection with the remains of the deceased individual. A request for such headstone or marker may be made only if the request is in accordance with the provisions of section 1003 of this title.

Added Pub.L. 93-43, § 5(a)(2), June 18, 1973, 87 Stat. 80, and amended Pub.L. 95-479, Title III, § 303(c), Oct. 18, 1978, 92 Stat. 1565.

te

1978, see section 401 of Pub.L. 95-479, set out as a note under section 314 of this title.

Amendment by Pub.L. 95-479 effective Oct. 1, 1978, see section 205(n) of Pub.L. 95-479, set out as a note under section 314 of this title.

Effective Date. Section 10(c) of Pub.L. 95-479 provided that: "Clause (2) of section 10(c) of this title, as amended by this section and section 314 of this title, shall be effective on the date of the enactment of this section and section 314 of this title."

Section 1007 of this title) and sections 6 [enacting provisions set out as a note under section 1004 of this title] and 7 [repealing sections 271 to 276, 278 to 279d, 281 to 282, 288 to 290, and 298 of Title 24, Hospitals and Asylums, and enacting provisions set out as notes under sections 271 to 276 of Title 24] of this Act shall take effect September 1, 1973, or on such earlier

date as the President may prescribe and publish in the Federal Register."

Legislative History. For legislative history and purpose of Pub.L. 93-43, see 1973 U.S.Code Cong. and Adm.News, p. 1401. See, also, Pub.L. 95-479, 1978 U.S.Code Cong. and Adm.News, p. 3347; Pub.L. 95-479, 1978 U.S.Code Cong. and Adm.News, p. 3485.

Code of Federal Regulations

Headstones, etc., see 38 CFR 1.830 et seq.

§ 907. Death from service-connected disability

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the greater of (1) \$1,100, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a)(1) and (b) of this title.

Added Pub.L. 93-43, § 5(a)(2), June 18, 1973, 87 Stat. 80, and amended Pub.L. 95-479, Title III, § 303(c), Oct. 18, 1978, 92 Stat. 1565.

Historical Note

1978 Amendment. Pub.L. 95-479 added "the greater of (1) \$1,100, or (2)" following "not exceeding".

Effective Date of 1978 Amendment. Amendment by Pub.L. 95-479 effective Oct. 1, 1978, see section 401 of Pub.L. 95-479, set out as a note under section 314 of this title.

Effective Date. Section effective Sept. 1, 1973, or such earlier date as the Presi-

dent may prescribe and publish in the Federal Register, see section 10(c) of Pub.L. 93-43, set out as a note under section 900 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-43, see 1973 U.S.Code Cong. and Adm.News, p. 1401. See, also, Pub.L. 95-479, 1978 U.S.Code Cong. and Adm.News, p. 3485.

Code of Federal Regulations

Service-connected death, see 38 CFR 3.303 et seq.

§ 908. Transportation of deceased veteran to a national cemetery

Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compen-

APPENDIX

CODE OF FEDERAL REGULATIONS

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER 1—VETERANS ADMINISTRATION

Part 3—Adjudication

As amended to March 17, 1982

SUBPART A—PENSION, COMPENSATION, AND DEPENDENCY AND INDEMNITY COMPENSATION

RATINGS AND EVALUATIONS: SERVICE CONNECTION

§ 3.307. Presumptive service connection for chronic, tropical or prisoner of war related disease; wartime and service on or after January 1, 1947

(a) General. A chronic, tropical or prisoner of war related disease listed in § 3.309 will be considered to have been incurred in service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in § 3.309(a) will be considered chronic.

[See main volume for text of (1)]

(2) Separation from service. For the purpose of paragraph (a)(3) and (4) of this section the date of separation from wartime service will be the date of discharge or release during a war period, or if service continued after the war, the end of the war period. In claims based on service on or after January 1, 1947 the date of separation will be the date of discharge or release from the period of service on which the claim is based.

[See main volume for text of (3) and (4)]

(5) Diseases specific as to former prisoners of war. The diseases listed in § 3.309(c) shall have become manifest to a degree of 10 percent or more at any time after discharge or release from active service. (38 U.S.C. 312)

(b) Evidentiary basis. The factual basis may be established by medical evidence, competent lay evidence or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the applicable period. Lay evidence should describe the material and relevant facts as to the veteran's disability observed within such period, not merely conclusions based upon opinion. The chronicity and continuity factors outlined in § 3.303(b) will be considered. The diseases listed in § 3.309(a) will be accepted as chronic, even though diagnosed as acute because of insidious inception and chronic development, except (1) where they result from intercurrent causes, for example, cerebral hemorrhage due to injury, or active nephritis or acute endocarditis due to intercurrent infection (with or without identification of the pathogenic micro-organism); or (2) where a disease is the result of drug ingestion or a complication of some other condition not related to service. Thus, leukemia will be accepted as a chronic disease whether diagnosed as acute or chronic. Unless the clinical picture is clear otherwise, consideration will be given as to whether an acute condition is an exacerbation of a chronic disease.

[See main volume for text of (c) and (d)]

(b) Disease subject to presumptive service connection

[See main volume for text of (a) and (b)]

Diseases specific as to former prisoners of war. If a veteran is (1) a former prisoner of war and (2) as such was interned or detained for not less than 30 days, the following diseases may be considered service connected if manifest to a degree of 10 percent or more at any time after discharge or release from active military, naval, or air service even though there is no record of such disease during service.

- (1) Malaria.
- (2) Beriberi (including beriberi heart disease).
- (3) Dysentery.
- (4) Leishmaniasis.
- (5) Malnutrition (including optic atrophy associated with malnutrition).
- (6) Pellagra.
- (7) Other nutritional deficiency.
- (8) Schistosomiasis.
- (9) The anxiety states.

SUBPART B—BURIAL BENEFITS

38.160. Payment of burial expenses of deceased veterans

For the purpose of payment of burial expenses the term "veteran" includes a person who died during a period deemed to be active military, naval or air service under 38 U.S.C. 38(b)(6). The period of active service upon which the claim is based must not have been terminated by discharge or release from active service under conditions which are dishonorable.

(a) Service-connected death burial allowance. If a veteran dies as a result of a service-connected disability or disabilities, an amount not to exceed \$1,100 (or if the amount is under § 3.8(c) or (d), a rate in Philippine pesos equivalent to \$550) may be paid toward the veteran's funeral and burial expenses including the cost of transporting the body to the place of burial. Entitlement to this benefit is subject to the applicable further provisions of this section and §§ 3.1601 through 3.1610. Payment of the service-connected death burial allowance is in lieu of payment of any other benefit authorized under paragraph (b), (c) or (f) of this section. (38 U.S.C. 907)

(b) Nonservice-connected death burial allowance. If a veteran's death is not service connected, an amount not to exceed \$300 (or if entitlement is under § 3.8(c) or (d), a rate in Philippine pesos equivalent to \$150) may be paid toward the veteran's funeral and burial expenses including the cost of transporting the body to the place of burial. Entitlement is subject to the following conditions:

(1) At the time of death the veteran was in receipt of pension or compensation (or if the receipt of military retirement pay would have been in receipt of compensation); or

(2) The veteran has an original or reopened claim for either benefit pending at the time of the veteran's death, and

(3) In the case of an original claim there is sufficient evidence of record on the date of the veteran's death to have supported an award of compensation or pension at the time prior to the date of the veteran's death, or

(4) In the case of a reopened claim, there is sufficient prima facie evidence of record on the date of the veteran's death to indicate that the deceased would have been entitled to compensation or pension prior to date of death. If the Veterans Administration determines that additional evidence is needed to confirm that the deceased would have been entitled prior to death, it shall be submitted within 1 year from date of request to the burial allowance claimant for submission of the confirming evidence. If the confirming evidence is not received by the Veterans Administration within 1 year from date of request, the burial allowance claim shall be denied; and

(5) The applicable further provisions of this section and §§ 3.1601 through 3.1610. (38 U.S.C. 902)

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DEPENDENCY AND

SECTION

ical or prisoner of war after January 1, 1947

l disease listed in § 3.309 e circumstances outlined ase during the period of ll be considered chronic.

ph (a)(3) and (4) of this he date of discharge or war, the end of the war 17 the date of separation rvice on which the claim

(4))
The diseases listed in ent or more at any time (2)

ed by medical evidence, set forth the physical n the applicable period. ets as to the veteran's ns based upon opinion. ll be considered. The n though diagnosed as . except (1) where they hage due to injury, or ection (with or without e a disease is the result r not related to service. r diagnosed as acute or eration will be given as e disease.

(c) **Death while properly hospitalized.** If a person dies from nonservice-connected causes while properly hospitalized by the Veterans Administration, there is payable an allowance not to exceed \$300 for the actual cost of the person's funeral and burial, and an additional amount for transportation of the body to the place of burial. (38 U.S.C. 903(a)). (If the hospitalized person's death is service connected, entitlement to burial benefits falls under paragraph (a) of this section instead of this paragraph.)

[See main volume for text of (d) and (e)]

(f) **Plot or interment allowance.** When a veteran dies from non-service-connected causes, \$150 (or where entitlement is based on § 3.8(c) or (d), a rate in Philippine pesos equivalent to \$75) may be paid as a plot or interment allowance. The plot or interment allowance is payable to the person or entity who incurred the expenses. (For payment to a State or political subdivision thereof, see § 3.1604(c).) Entitlement is subject to the following conditions:

(1) The deceased veteran is eligible for the burial allowance under paragraph (b) or (c) of this section; or

(2) The veteran either served during a period of war or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty (or at time of discharge has such a disability, shown by official service records, which in medical judgment would have justified a discharge for disability; the official service department record showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for determining entitlement to the plot or interment allowance notwithstanding that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty); and

(3) The veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States; and

(4) The applicable further provisions of this section and §§ 3.1601 through 3.1610. (38 U.S.C. 903(b))

[See main volume for text of (g)]

TITLE 39

POSTAL SERVICE

CHAPTER 1—POSTAL POLICY AND DEFINITIONS

§ 101. Postal policy

Supplementary Index to Notes

Constitutionality $\frac{1}{2}$
Preemption 1a

$\frac{1}{2}$. Constitutionality

The Postal Reorganization Act [see Tables volume], as applied to preempt municipal trespass ordinance that explicitly required United States postal letter carriers to obtain express consent from residents before crossing their lawns in the course of mail delivery, did not violate U.S.C.A. Const. Amend. 10. U. S. v.

City of Pittsburg, Cal., C.A. Cal. 1981, 661 F.2d 783.

1a. Preemption

Municipal trespass ordinance explicitly requiring United States postal letter carriers to obtain express consent from residents before crossing their lawns in course of mail delivery interfered with postal carriers' federal duty under the Postal Reorganization Act [see Tables volume] to deliver mail efficiently and was therefore unconstitutional under U.S.C.A. Const. Art. 6, cl. 2. U. S. v. City of Pittsburg, Cal., C.A. Cal. 1981, 661 F.2d 783.

§ 3.1600 etc

ions, Bonuses, and Veterans' Relief

§ 3.1600

Chapter I—Veterans Administration

use treatment or care was terminat-
against medical advice or as the
ult of disciplinary action. (38 U.S.C.
13).

FR 1609, Feb. 24, 1961, as amended at 27
5539, June 12, 1962; 27 FR 8177, Aug. 16,
2; 27 FR 11893, Dec. 1, 1962; 39 FR
26, May 1, 1974]

1002 Political subdivisions of United
States.

o part of any accrued benefits will
used to reimburse any political sub-
sion of the United States for ex-
ses incurred in the last sickness or
ial of any beneficiary. (See
i(o)). (38 U.S.C. 3021(b) and
3(d))

FR 15126, May 1, 1974]

003 Returned and canceled checks.

or the purposes of §§ 3.1000 and
08, where the payee of a check for
fits has died on or after the last
of the period covered by the
k, and the check is returned and
eled, the amount represented by
check which is payable as limited
3.500(g), or any amount recovered
improper negotiation of such a
k will be payable to the living
n or persons in the order of pre-
ce listed. This does not apply to
s for lump sums representing
nts withheld under § 3.551(b) or
17 which will be subject to the
sions of § 3.1001 or § 3.1007, as
cable. (38 U.S.C. 3022)

There is no time limit for the
of filing claim, or the retroactive
d covered by the award, or the
f receipt of evidence.

The fact that one or more per-
having a higher order of prece-
survived the beneficiary will not
ide payment to a claimant who is
wise entitled if it is shown that
e time the claim is adjudicated
persons are deceased.

1609, Feb. 24, 1961, as amended at 27
93, Dec. 1, 1962]

4—3.1006 [Reserved]

Hospitalized incompetent veter-

re an award of disability pen-
or an incompetent veteran with-

out dependents was reduced under
§ 3.551(b) because of hospitalization,
institutional or domiciliary care by the
Veterans Administration, or an award
of disability pension, compensation or
emergency officers' retirement pay
was discontinued under § 3.557(b) be-
cause the veteran was hospitalized by
the United States or a political subdivi-
sion and had an estate which
equaled or exceeded \$1,500, and the
veteran dies before payment of
amounts withheld or not paid by
reason of such care, no part of such
amount will be paid to any person.
The provisions of this section are ap-
plicable to amounts withheld for peri-
ods prior to as well as subsequent to
the rating of incompetency. The term
"dies before payment" includes cases
in which a check was issued and the
veteran died before negotiating the
check. (38 U.S.C. 3203(b))

[39 FR 30349, Aug. 22, 1974]

§ 3.1008 Accrued benefits payable to for-
eign beneficiaries.

In case of death of the payee of any
check in payment of periodic mone-
tary benefits (other than insurance
and servicemen's indemnity) accruing
under laws administered by the Veter-
ans Administration, while the amount
thereof remains in the special deposit
account established by Pub. L. 828,
76th Congress, such amount will be
payable under section 3 of that act.
(31 U.S.C. 125) However, the accrued
amount will be payable only if the
person on whose behalf checks were
issued and the person claiming the ac-
crued amount have not been guilty of
mutiny, treason, sabotage, or render-
ing assistance to an enemy of the
United States or of its allies.

[26 FR 1609, Feb. 24, 1961]

§ 3.1009 Personal funds of patients.

The provisions of this section are ap-
plicable to gratuitous benefits deposit-
ed by the Veterans Administration
either before, on, or after December 1,
1959, in a personal funds of patients
account for an incompetent veteran
who was incompetent at the date of
death. Where the veteran died after
November 30, 1959:

(a) Eligible persons. Gratuitous
benefits shall be paid to the living
person first listed as follows:

(1) His or her spouse, as defined in
§ 3.1000(d)(1);

(2) His or her children (in equal
shares), as defined in § 3.57 but with-
out regard to their age or marital
status;

(3) His or her dependent parents (in
equal shares) as defined in § 3.59 or
the surviving parent, provided that
the parent was dependent within the
meaning of § 3.250 at the date of the
veteran's death.

(4) In all other cases, only so much
may be paid as may be necessary to re-
imburse a person who bore the ex-
pense of last sickness or burial. (See
§ 3.1002.) (38 U.S.C. 3202(d))

(b) Claim. Application must be filed
with the Veterans Administration
within 5 years after the death of the
veteran. If, however, any person other-
wise entitled is under legal disability
at the time of the veteran's death, the
5-year period will run from the date of
termination or removal of the legal
disability.

(1) There is no time limit for the
submission of evidence.

(2) Failure to file timely claim, or a
waiver of rights, by a preferred de-
pendent will not serve to vest title in a
person in a lower class or a claimant
for reimbursement; neither will such
failure or waiver by a person or per-
sons in a joint class serve to increase
the amount payable to another or
others in the class.

[27 FR 5539, June 12, 1962, as amended at
28 FR 10487, Sept. 28, 1963; 39 FR 30349,
Aug. 22, 1974]

Subpart B—Burial Benefits ☆

AUTHORITY: 72 Stat. 1114, 1169, as amend-
ed; 38 U.S.C. 210, 902-905.

§ 3.1600 Payment of burial expenses of de-
ceased veterans.

For the purpose of payment of
burial expenses the term "veteran" in-
cludes a person who died during a
period deemed to be active military,
naval or air service under § 3.6(b)(6).
The period of active service upon
which the claim is based must have

been terminated by discharge or release from active service under conditions other than dishonorable.

(a) *Service-connected death burial allowance.* If a veteran dies as a result of a service-connected disability or disabilities, an amount not to exceed \$1,100 (or if entitlement is under § 3.8 (c) or (d), a rate in Philippine pesos equivalent to \$550) may be paid toward the veteran's funeral and burial expenses including the cost of transporting the body to the place of burial. Entitlement to this benefit is subject to the applicable further provisions of this section and §§ 3.1601 through 3.1610. Payment of the service-connected death burial allowance is in lieu of payment of any benefit authorized under paragraph (b), (c) or (f) of this section. (38 U.S.C. 907)

(b) *Nonservice-connected death burial allowance.* If a veteran's death is not service connected, an amount not to exceed \$300 (or if entitlement is under § 3.8 (c) or (d), a rate in Philippine pesos equivalent to \$150) may be paid toward the veteran's funeral and burial expenses including the cost of transporting the body to the place of burial. Entitlement is subject to the following conditions:

(1) At the time of death the veteran was in receipt of pension or compensation (or but for the receipt of military retirement pay would have been in receipt of compensation); or

(2) The veteran has an original or reopened claim for either benefit pending at the time of the veteran's death, and

(i) In the case of an original claim there is sufficient evidence of record on the date of the veteran's death to have supported an award of compensation or pension effective prior to the date of the veteran's death, or

(ii) In the case of a reopened claim, there is sufficient prima facie evidence of record on the date of the veteran's death to indicate that the deceased would have been entitled to compensation or pension prior to date of death. If the Veterans Administration determines that additional evidence is needed to confirm that the deceased would have been entitled prior to death, it shall be submitted within 1 year from date of request to the burial

allowance claimant for submission of the confirming evidence. If the confirming evidence is not received by the Veterans Administration within 1 year from date of request, the burial allowance claim shall be disallowed; and

(3) The applicable further provisions of this section and §§ 3.1601 through 3.1610. (38 U.S.C. 210(c), 902)

(c) *Death while properly hospitalized.* If a person dies from nonservice-connected causes while properly hospitalized by the Veterans Administration, there is payable an allowance not to exceed \$300 for the actual cost of the person's funeral and burial, and an additional amount for transportation of the body to the place of burial. (38 U.S.C. 903(a)). (If the hospitalized person's death is service connected, entitlement to burial benefits falls under paragraph (a) of this section instead of this paragraph.)

(d) *Determinations.* Where a claim for burial allowance would be or has been disallowed because the service department holds that the disability was not incurred in line of duty and evidence is submitted which permits a different finding, the decision of the service department is not binding and the Veterans Administration will determine line of duty. The burden of proof will rest upon the claimant.

(e) *Persons not included.* Except as provided in § 3.1605(c) burial allowance is not payable in the following cases:

(1) A discharged or rejected draftee or selectee.

(2) A member of the National Guard who reported to camp in answer to the President's call for World War I or World War II service, but who, when medically examined was not finally accepted for active military service.

(3) An alien who does not come within the purview of § 3.7(b).

(4) Philippine Scouts enlisted on or after October 6, 1945, under section 14, Pub. L. 190, 79th Congress.

(5) Temporary members of the Coast Guard Reserve.

(f) *Plot or interment allowance.* When a veteran dies from non-service-connected causes, \$150 (or where entitlement is based on § 3.8(c) or (d), a rate in Philippine pesos equivalent to \$75) may be paid as a plot or inter-

Chapter I—Veterans Administration

Pensions, Bonuses, and Veterans' Relief

allowance claimant for submission of the confirming evidence. If the confirming evidence is not received by the Veterans Administration within 1 year from date of request, the burial allowance claim shall be disallowed; and

(3) The applicable further provisions of this section and §§ 3.1601 through 3.1610. (38 U.S.C. 210(c), 902)

(c) *Death while properly hospitalized.* If a person dies from nonservice-connected causes while properly hospitalized by the Veterans Administration, there is payable an allowance not to exceed \$300 for the actual cost of the person's funeral and burial, and an additional amount for transportation of the body to the place of burial. (38 U.S.C. 903(a)). (If the hospitalized person's death is service connected, entitlement to burial benefits falls under paragraph (a) of this section instead of this paragraph.)

(d) *Determinations.* Where a claim or burial allowance would be or has been disallowed because the service department holds that the disability was not incurred in line of duty and evidence is submitted which permits a different finding, the decision of the service department is not binding and the Veterans Administration will determine line of duty. The burden of proof will rest upon the claimant.

(e) *Persons not included.* Except as provided in § 3.1605(c) burial allowance is not payable in the following cases:

- (1) A discharged or rejected draftee or selectee.
- (2) A member of the National Guard who reported to camp in answer to the president's call for World War I or World War II service, but who, when medically examined was not finally accepted for active military service.
- (3) An alien who does not come within the purview of § 3.7(b).
- (4) Philippine Scouts enlisted on or after October 6, 1945, under section 14, Act No. 190, 79th Congress.
- (5) Temporary members of the Coast and Reserve.
- (6) *Plot or interment allowance.* When a veteran dies from non-service-connected causes, \$150 (or where entitlement is based on § 3.8(c) or (d), a sum in Philippine pesos equivalent to \$150) may be paid as a plot or inter-

ment allowance. The plot or interment allowance is payable to the person or entity who incurred the expenses. (For payment to a State or political subdivision thereof, see § 3.1604(c).) Entitlement is subject to the following conditions:

(1) The deceased veteran is eligible for the burial allowance under paragraph (b) or (c) of this section; or

(2) The veteran either served during a period of war or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty (or at time of discharge has such a disability, shown by official service records, which in medical judgment would have justified a discharge for disability; the official service department record showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for determining entitlement to the plot or interment allowance notwithstanding that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty); and

(3) The veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States; and

(4) The applicable further provisions of this section and §§ 3.1601 through 3.1610. (38 U.S.C. 903(b))

(g) *Transportation expenses for burial in national cemetery.* Where a veteran dies as the result of a service-connected disability, or at the time of death was in receipt of disability compensation (or but for the receipt of military retired pay or non-service-connected disability pension would have been entitled to disability compensation at time of death) there is payable, in addition to the burial allowance (either \$300 or \$1,100 if cause of death was service connected), an additional amount for payment of the cost of transporting the body to a national cemetery for burial. This amount may not exceed the cost of transporting the body from the veteran's place of death to the national cemetery nearest the veteran's last place of residence in which burial space is available. The amounts pay-

able under this paragraph are subject to the limitations set forth in §§ 3.1604 and 3.1606.

[26 FR 1620, Feb. 24, 1961, as amended at 44 FR 22721, Apr. 17, 1979; 47 FR 11012, Mar. 15, 1982]

CROSS REFERENCES: Definitions: veterans See § 3.1(d). Protection: burial allowance. See § 3.954.

§ 3.1601 Claims and evidence.

(a) *Claims.* Claims for reimbursement or direct payment of burial and funeral expenses, transportation of the body, and plot or interment allowance, must be received by the Veterans' Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of his (or her) discharge from service, but after his (or her) death the discharge has been corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from date of correction of the discharge. (38 U.S.C. 904).

(1) Claims for burial allowance may be executed by:

(i) The funeral director, if entire bill or any balance is unpaid (if unpaid bill is under \$300 only amount of unpaid balance will be payable to the funeral director); or

(ii) The individual whose personal funds were used to pay burial, funeral, and transportation expenses; or

(iii) The executor or administrator of the estate of the veteran or the estate of the person who paid the expenses of the veteran's burial or provided such services. If no executor or administrator has been appointed then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of interstate estates in the State of the decedent's personal domicile.

(2) Claims for the plot or interment allowance (except for claims filed by a State or an agency or political subdivision thereof, under § 3.1604(d)) may be executed by:

(i) The funeral director, if he (or she) provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (if unpaid balance is less than \$150 only the amount of the unpaid balance thereof will be payable to the funeral director); or

(ii) The person(s) whose personal funds were used to defray the cost of the plot or interment expenses; or

(iii) The person or entity from whom the plot was purchased or who provided interment services if the bill for such is unpaid in whole or in part. An unpaid bill for a plot will take precedence in payment of the plot or interment allowance over an unpaid bill for other interment expenses or a claim for reimbursement for such expenses. Any remaining balance of the \$150 allowance may then be applied to interment expenses; or

(iv) The executor or administrator of the estate of the veteran or the estate of the person who bore the expense of the plot or interment expenses. If no executor or administrator has been appointed, claim for the plot or interment allowance may be filed as provided in paragraph (a)(1)(iii) of this section for the burial allowance.

(3) For the purposes of the plot and interment allowance "plot" or "burial plot" means the final disposal site of the remains, whether it is a grave, mausoleum vault, columbarium niche, or other similar place. Interment expenses are those costs associated with the final disposition of the remains and are not confined to the acts done within the burial grounds but may include the removal of bodies for burial or interment.

(b) *Supporting evidence.* Evidence required to complete a claim for the burial allowance and the plot or interment allowance, when payable, (including a reopened claim filed within the 2-year period) must be submitted within 1 year from date of the Veterans Administration request for such evidence. In addition to the proper claim form the claimant other than a § 3.1604(d) claimant is required to submit:

(1) *Statement of account.* Preferably on funeral director's or cemetery

owner's billhead showing name of the deceased veteran, the plot or interment costs, and the nature and cost of services rendered, and unpaid balance.

(2) *Receipted bills.* Must show by whom payment was made and show receipt by a person acting for the funeral director or cemetery owner.

(3) *Proof of death.* In accordance with § 3.211.

(4) *Waivers from all other distributees.* Where expenses of a veteran's burial, funeral, plot, interment and transportation were paid from funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, payment may be made to one heir upon unconditional written consent of all other heirs.

[38 FR 30106, Nov. 1, 1973, as amended at 41 FR 38771, Sept. 13, 1976; 44 FR 22722, Apr. 17, 1979; 44 FR 58710, Oct. 11, 1979]

§ 3.1602 Special conditions governing payments.

(a) *Two or more persons expended funds.* If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by such person. (See § 3.1601(a)(3).)

(b) *Person who performed services.* A person who performed burial, funeral, and transportation services or furnished the burial plot will have priority over claims of persons whose personal funds were expended.

(c) *Partial payment.* Where partial payment of the expenses of the burial, funeral and transportation of the body are made from funds of the veteran's estate and the balance from the personal funds of another person, the claim of the other person has priority.

(d) *Escheat.* No payment of burial allowance or plot or interment allow-

ns, Bonuses, and Veterans' Relief

er's billhead showing name of the ased veteran, the plot or inter- t costs, and the nature and cost of ces rendered, and unpaid balance.

Receipted bills. Must show by m payment was made and show re- by a person acting for the funer- rector or cemetery owner.

Proof of death. In accordance § 3.211.

Waivers from all other distribu- Where expenses of a veteran's l, funeral, plot, interment and portation were paid from funds e veteran's estate or some other ased person's estate and the iden- d right of all persons to share in estate have been established, pay- may be made to one heir upon dditional written consent of all heirs.

R 30106, Nov. 1, 1973, as amended at 41 771, Sept. 13, 1976; 44 FR 22722, Apr. 79; 44 FR 58710, Oct. 11, 1979)

12 Special conditions governing pay- ents.

Two or more persons expended If two or more persons have from their personal funds toward burial, funeral, plot, interment transportation expenses, the and plot or interment allowance e divided among such persons in ance with the proportionate paid by each, unless waiver is ex- d in favor of one of such persons e other person or persons in- l. The person in whose favor pay- is waived will not be allowed a reater than that which was paid n person. (See § 3.1601(a)(3).)

Person who performed services. A n who performed burial, funeral, ransportation services or fur- l the burial plot will have prior- er claims of persons whose per- funds were expended.

Partial payment. Where partial nt of the expenses of the burial, d and transportation of the body de from funds of the veteran's and the balance from the per- funds of another person, the of the other person has priority. **Wheat.** No payment of burial al- e or plot or interment allow-

Chapter I—Veterans Administration

will be made where it would es- hial.

FR 1621, Feb. 24, 1961, as amended at 38 30107, Nov. 1, 1973; 41 FR 38771, Sept. 1976)

303 Unclaimed bodies.

If the body of a deceased veteran is claimed, there being no relatives or ends to claim the body, the amount ovided for burial and plot or inter- ent allowance will be available for e burial upon receipt of a claim ac- mpanied by a statement showing at efforts were made to locate rela- es or friends. The question of es- eat of any part of such deceased vet- an's estate is not a factor in such a im. Burial allowance may be au- rorized for cost of disinterment and eburial of unclaimed remains origi- ally accorded pauper burial but not r initial expenses of a burial in a pot- r's field. Burial in a prison cemetery r not considered a pauper burial.

FR 30107, Nov. 1, 1973)

3.1604 Payments from non-Veterans Ad- ministration sources.

(a) Contributions or payments by public or private organizations. When contributions or payments on the burial expenses have been made by a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran only the difference between the entire burial expenses and the amount paid thereon by any of these agencies or organizations, not to exceed \$300 if death was service connected, will be authorized. Contributions or payments by any other public or private organization such as a lodge, union, fraternal or beneficial organiza- tion, society, burial association or in- surance company, will bar payment of the burial allowance if such allowance would revert to the funds of such or- ganization or would discharge such or- ganization's obligation without pay- ment.

(1) A contract or policy which pro- vides for payment at death of a speci- fied amount to a designated benefici- ary other than the person rendering burial and funeral services will not bar payment of the burial allowance to

§ 3.1604

the beneficiary even though the orga- nization issuing the contract or policy retains an option to make payment direct to the person rendering burial and funeral services.

(2) The provisions of this paragraph do not apply to contributions or pay- ments on the burial and funeral ex- penses which are made for humanitar- ian reasons if the organization making the contribution or payment is under no legal obligation to do so.

(b) Payment by Federal agency. (1) Where a veteran dies while in employ- ment covered by the United States Employees' Compensation Act, as amended, or other similar laws specifi- cally providing for payment of the ex- penses of funeral, transportation, and interment out of Federal funds, burial allowance will not be authorized by the Veterans Administration.

(2) A provision in any Federal law or regulation permitting the application of funds due or accrued to the credit of the deceased toward the expenses of funeral, transportation and inter- ment (such as Social Security bene- fits), as distinguished from a provision specifically prescribing a definite al- lowance for such purpose, will not bar payment of the burial allowance. In such cases only the difference between the total burial expense and the amount paid thereon under such pro- vision, not to exceed \$300 will be au- thorized.

(3) Burial allowance is not payable for deaths in active service, or during the duty periods set forth in § 3.6, or for other deaths where the cost of burial and transportation is paid by the service department.

(c) Payment of plot or interment al- lowance by public or private organiza- tion except as provided for by para- graph (d) of this section. Where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, only the difference between the total amount of such expenses and the amount paid or assumed by any of these agencies or organizations, not to exceed \$150, will be authorized.

(d) Payment of the plot or interment allowance to a State or political subdi- vision thereof—(1) Conditions war-

rating payment. All of the following conditions must be met:

(i) The plot or interment allowance is payable based on the service of the deceased veteran. See § 3.1600.

(ii) The deceased veteran is buried in a cemetery or a section thereof which is used solely for the interment of persons eligible for burial in a national cemetery.

(iii) The cemetery or the section thereof where the veteran is buried is owned by the State, or an agency or political subdivision of the State claiming the plot or interment allowance.

(iv) No charge is made by the State, or an agency or political subdivision of the State for the cost of the plot or interment.

(v) The veteran was buried on or after October 1, 1978.

(2) *Claims.* A claim for payment under this paragraph shall be executed by a State, or an agency or political subdivision of a State on a claim form prescribed by the Veterans Administration. Such claim must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from service, but after the veteran's death the veteran's discharge was corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from the date of correction of the discharge.

(3) *Amount of the allowance.* A State or an agency or political subdivision of a State entitled to payment under this paragraph shall be paid the sum of \$150 as a plot or interment allowance without regard to the actual cost of the plot or interment.

(4) *Priority of payment.* A claim filed under this paragraph shall take precedence in payment of the plot or interment allowance over any claim filed for the plot or interment allowance under § 3.1601(a)(2). (38 U.S.C. 903(b).

[26 FR 1621, Feb. 24, 1961, as amended at 29 FR 9537, July 14, 1964; 38 FR 30107, Nov. 1, 1973; 44 FR 22722, Apr. 17, 1979; 44 FR 58710, Oct. 11, 1979]

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

An amount may be paid not to exceed the amount payable under § 3.1600 for the funeral, burial, plot, or interment expenses of a person who dies while in a hospital, domiciliary, or nursing home to which he or she was properly admitted under authority of the Veterans' Administration. In addition, the cost of transporting the body to the place of burial may be authorized. The amount payable under this section is subject to the limitations set forth in paragraph (b) of this section, and §§ 3.1604 and 3.1606.

(a) *Death enroute.* When a veteran while traveling under proper prior authorization and at Veterans' Administration expense to or from a specified place for the purpose of:

- (1) Examination; or
- (2) Treatment; or
- (3) Care

dies enroute, burial, funeral, plot, interment, and transportation expenses will be allowed as though death occurred while properly hospitalized by the Veterans' Administration. Hospitalization in the Philippines under 38 U.S.C. 631, 632, and 633 does not meet the requirements of this section.

(b) *Transportation.* Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 FR 2173; 3 CFR 1950 Supp.) issued pursuant to Pub. L. 351, 81st Congress, and not as Veterans' Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial and plot or interment allowance will be provided by the Veterans' Administration where death occurs:

(1) Within a State or the Canal Zone (38 U.S.C. 301 (20)) while the veteran is hospitalized by the Veterans' Administration and the body is buried in a State or the Canal Zone; or

(2) While hospitalized within but burial is to be outside of a State or the Canal Zone, except that cost of transportation of the body will be authorized only from place of death to port of embarkation, or to border limits of United States where burial is in Canada or Mexico.

Introduced: 3/30/83
Referred: State Affairs
and Finance

BY LISKA, BUSSELL,
WARD AND UEHLING

1 IN THE HOUSE

2

HOUSE BILL NO. 306

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to burial allowances for veterans."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 26.10.080(a) is amended to read:

9 (a) Upon application by the personal representative or heirs,
10 the division of veterans' affairs shall pay a burial expense allowance
11 not to exceed \$750 for burial in Alaska of a veteran who was a resi-
12 dent of the state at the time of death and not eligible for a federal
13 funeral and burial benefit under 38 U.S.C. 907.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SCSHB 306 (Rules)
Title: Veterans Burial Allowance

FISCAL DETAIL

Agency Affected: Commerce & Econ. Development
Program Category Affected: Development

Sponsor: Senate Rules Committee
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected:
Loans & Veterans' Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS		\$25.6				
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		\$25.6				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: John Sackett Phone: 465-3753
 Division: John Sackett, Co-chairman Date: 1/26/84
 Approved by Senate Finance Committee Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**
DIVISION OF INVESTMENTS

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2510

January 23, 1984

The Honorable John J. Liska
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Liska:

Re: HB 306

I have reviewed the draft of your proposed amendment to HB 306 (dated January 11, 1984). The section of this amendment which will have the greatest fiscal impact is Sec. 26.10.080(d)(2)(A)(ii) which reduces the residency requirement from five years to one year. While sufficient data to accurately predict the fiscal impact of this change is not available, we would anticipate a 10% increase or approximately \$22.3 additional benefits that would be paid in FY '85. ✓

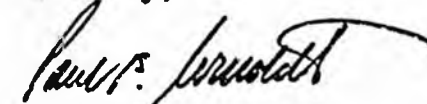
In addition, there would be a slight fiscal impact because the death gratuity of \$750 is paid regardless of the cost of the burial. Thus, in cases where the cost of the burial is less than \$750 the State would be expending funds that it would not be expending under existing statutes. It is anticipated that this would be approximately \$3.3 in FY '85. Thus the total fiscal impact in FY '85 would be \$25.6. ✓

It appears that the purpose of changing the benefit from a burial allowance to a death gratuity is to prevent the federal government from offsetting their burial benefits. Obviously, there is no guarantee that the federal government will not modify their program.

I would also like to note that the burial allowance is based on the date of death while the gratuity is based on the date of burial. Under certain situations this could result in an individual qualifying for both benefits.

I hope that this adequately answers your questions.

Sincerely,



Paul B. Arnoldt
Director

PBA/wfs4/12
12384c

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SCSHB 306 (Rules)
Title: Veterans Burial Allowance

FISCAL DETAIL

Agency Affected: Commerce & Econ. Development
Program Category Affected: Development

Sponsor: Senate Rules Committee

BRU, Program or Subprogram(s) Affected:

Requestor: _____

Loans & Veterans' Affairs

Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS		\$25.6				
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		\$25.6				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: John Sackett Phone: 465-3753

Division: John Sackett, Co-chairman Date: 1/26/84

Approved by Commissioner Senate Finance Committee Date: _____

Agency: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

12/1/83

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT
DIVISION OF INVESTMENTS

POUCH D
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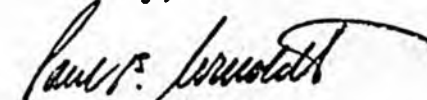
In addition, there would be a slight fiscal impact because the death gratuity of \$750 is paid regardless of the cost of the burial. Thus, in cases where the cost of the burial is less than \$750 the State would be expending funds that it would not be expending under existing statutes. It is anticipated that this would be approximately \$3.3 in FY '85. Thus the total fiscal impact in FY '85 would be \$25.6. ✓

It appears that the purpose of changing the benefit from a burial allowance to a death gratuity is to prevent the federal government from offsetting their burial benefits. Obviously, there is no guarantee that the federal government will not modify their program.

I would also like to note that the burial allowance is based on the date of death while the gratuity is based on the date of burial. Under certain situations this could result in an individual qualifying for both benefits.

I hope that this adequately answers your questions.

Sincerely,



Paul B. Arnoldt
Director

PBA/wfs4/12
12384c

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SCSHB 306 (Rules)
Title: Veterans Burial Allowance

FISCAL DETAIL

Agency Affected: Commerce & Econ. Development
Program Category Affected: Development

Sponsor: Senate Rules Committee
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____
Loans & Veterans' Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
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100 PERSONAL SERVICES						
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FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: *John Sackett* Phone: 465-3753
Division: John Sackett, Co-chairman Date: 1/26/84
Senate Finance Committee
Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

BILL SHEFFIELD, GOVERNOR

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In addition, there would be a slight fiscal impact because the death gratuity of \$750 is paid regardless of the cost of the burial. Thus, in cases where the cost of the burial is less than \$750 the State would be expending funds that it would not be expending under existing statutes. It is anticipated that this would be approximately \$3.3 in FY '85. Thus the total fiscal impact in FY '85 would be \$25.6. ✓

It appears that the purpose of changing the benefit from a burial allowance to a death gratuity is to prevent the federal government from offsetting their burial benefits. Obviously, there is no guarantee that the federal government will not modify their program.

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PBA/wfs4/12
12384c

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I have reviewed the draft of your proposed amendment to HB 306 (dated January 11, 1984). The section of this amendment which will have the greatest fiscal impact is Sec. 26.10.080(d)(2)(A)(ii) which reduces the residency requirement from five years to one year. While sufficient data to accurately predict the fiscal impact of this change is not available, we would anticipate a 10% increase or approximately \$22.3 additional benefits that would be paid in FY '85. ✓

In addition, there would be a slight fiscal impact because the death gratuity of \$750 is paid regardless of the cost of the burial. Thus, in cases where the cost of the burial is less than \$750 the State would be expending funds that it would not be expending under existing statutes. It is anticipated that this would be approximately \$3.3 in FY '85. Thus the total fiscal impact in FY '85 would be \$25.6. ✓

It appears that the purpose of changing the benefit from a burial allowance to a death gratuity is to prevent the federal government from offsetting their burial benefits. Obviously, there is no guarantee that the federal government will not modify their program.

I would also like to note that the burial allowance is based on the date of death while the gratuity is based on the date of burial. Under certain situations this could result in an individual qualifying for both benefits.

I hope that this adequately answers your questions.

Sincerely,



Paul B. Arnoldt
Director

PBA/wfs4/12
12384c

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SCSHB 306 (Rules)
Title: Veterans Burial Allowance

FISCAL DETAIL

Agency Affected: Commerce & Econ. Development
Program Category Affected: Development

Sponsor: Senate Rules Committee
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected:
Loans & Veterans' Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS		\$25.6				
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		\$25.6				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: _____ Phone: 465-3753
 Division: John Sackett, Co-chairman Date: 1/26/84
 Approved by Senate Finance Committee Date: _____
 Agency: _____ Commissioner: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**
DIVISION OF INVESTMENTS

BILL J...
POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2510

January 23, 1984

The Honorable John J. Liska
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Liska:

Re: HB 306

I have reviewed the draft of your proposed amendment to HB 306 (dated January 11, 1984). The section of this amendment which will have the greatest fiscal impact is Sec. 26.10.080(d)(2)(A)(ii) which reduces the residency requirement from five years to one year. While sufficient data to accurately predict the fiscal impact of this change is not available, we would anticipate a 10% increase or approximately \$22.3 additional benefits that would be paid in FY '85. ✓

In addition, there would be a slight fiscal impact because the death gratuity of \$750 is paid regardless of the cost of the burial. Thus, in cases where the cost of the burial is less than \$750 the State would be expending funds that it would not be expending under existing statutes. It is anticipated that this would be approximately \$3.3 in FY '85. Thus the total fiscal impact in FY '85 would be \$25.6. ✓

It appears that the purpose of changing the benefit from a burial allowance to a death gratuity is to prevent the federal government from offsetting their burial benefits. Obviously, there is no guarantee that the federal government will not modify their program.

I would also like to note that the burial allowance is based on the date of death while the gratuity is based on the date of burial. Under certain situations this could result in an individual qualifying for both benefits.

I hope that this adequately answers your questions.

Sincerely,



Paul B. Arnoldt
Director

PBA/wfs4/12
12384c

Introduced: 3/30/83
Referred: State Affairs
and Finance

BY LISKA, BUSSELL,
WARD AND UEHLING

1 IN THE HOUSE

2 HOUSE BILL NO. 306

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to burial allowances for veterans."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 26.10.080(a) is amended to read:

9 (a) Upon application by the personal representative or heirs,
10 the division of veterans' affairs shall pay a burial expense allowance
11 not to exceed \$750 for burial in Alaska of a veteran who was a resi-
12 dent of the state at the time of death and not eligible for a federal
13 funeral and burial benefit under 38 U.S.C. 907.

It is estimated that there would be approximately a 10% reduction in the number of eligible applicants. The FY '84 budget request was for \$213,000, resulting in a reduction of \$21,300.

Alaska State Legislature

COMMITTEES

Vice Chairman -- Judiciary
Vice Chairman -- Legislative
Regulations Review
Resources
Finance Sub Committee on Labor



While in Session
Pouch V
State Capitol,
Juneau, Alaska 99811
(907) 465-3733

Home - District 15
Star Route Box 421
Eagle River, Alaska 99577
(907) 688-2526

House of Representatives

John J. Liska

March 24, 1983

TO: HOUSE MEMBERS
FROM: John J. Liska, Representative - District 15
SUBJECT: Proposed Legislation Re: Veteran's Burial Allowances

Federal Statute 38 U.S.C.907 provides for an \$1,100 burial allowance to veterans who die of a service connected disability. At present, however, Alaskan veterans are denied the benefit of receiving the full amount, because this provision only applies if there is no State, Borough or City burial allowance available.

Because Alaska Statute provides for a \$750 burial allowance for these veterans, recipients in Alaska receive \$350 less than the Federal law allows.

To correct this unfairness I have submitted a proposed amendment to A.S.26.10.080 to restrict the State's funeral and burial allowance only to those veterans not eligible for the Federal Benefit.

There are two advantages: 1) Veterans will not lose their right to the full benefit provided by Federal Law because of the State's allowance, and 2) the number of benefit payments made by the State will be reduced as more veterans will be eligible under the Federal Program.

I will appreciate your support of this amendment.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

306

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

March 24, 1983

SUBJECT: Veteran's burial allowances
(Work Order No. 13-1101)

TO: Representative John Liska

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

The enclosed bill draft would deny those veterans that die as a result of a service connected disability the \$750 burial allowance available under AS 26.10.080. The rationale for such an amendment to the Alaska Statutes is contained in 38 U.S.C. 907, a copy of which is attached to this memo. That section already provides for a burial allowance of \$1,100 in the case of a veteran who dies of a service connected disability.

If you have any further questions regarding this subject, please do not hesitate to contact me.

TAS:ljb

Enclosures
12/007

TO: John J. Liska
Representative
House of Representatives

FROM: American Legion
Department of Alaska

SUBJECT: State Burial Allowance

Under our present system, there is a \$750.00 burial allowance for all honorably discharged veterans who were residents of the State of Alaska. Under federal regulations, there is a \$1,100.00 burial allowance for those veterans who died of a service connected disability, however, this benefit is not available if there is a State, Borough or City burial allowance available for the veteran.

In order to restore the \$1,100.00 burial allowance for those veterans who died of a service connected disability, it will require a change in our regulations.

Under Section 26.10.080, Burial Allowance(a) at time of death add except those veterans who died of a service connected disability.