

Chapter 7 Burial of Veterans

71-7-1 Veterans not to be buried in ground used for paupers.

The body of a person who dies while in the military service of the United States of America during any period of war, police action, or other period of national emergency, or the body of any veteran of the military service of the United States of America who served during any war, police action, or other period of national emergency, shall not be buried in any portion of any cemetery or burial ground used for the burial of paupers.

Enacted by Chapter 21, 1961 General Session

71-7-2 Political subdivisions may provide proper burial sites.

For the purpose of giving effect to this act, cities, towns, counties or other political subdivisions of the state of Utah may grant burial sites to chartered veterans' organizations without financial consideration therefor, or may provide a proper site for the burial of any persons covered by this act without financial consideration.

Enacted by Chapter 21, 1961 General Session

71-7-3 Development, operation, and maintenance of Utah Veterans' Cemetery and Memorial Park -- Responsibilities of Department of Veterans' and Military Affairs -- Costs -- Definition.

- (1) The Department of Veterans' and Military Affairs, in consultation with the Veterans' Memorial Park Board, shall develop, operate, and maintain a veterans' cemetery and memorial park.
- (2) To help pay the costs of developing, constructing, operating, and maintaining a veterans' cemetery and memorial park, the Department of Veterans' and Military Affairs may:
 - (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, receive federal funds, and may receive state funds, contributions from veterans' organizations, and other private donations; and
 - (b) charge fees for at least the cost of the burial of veterans' spouses and other persons, whom the department and the Veterans' Memorial Park Board determines are eligible to be buried in a veterans' cemetery established by the state.
- (3) "Veteran" has the same meaning as defined in Section 68-3-12.5.

Amended by Chapter 141, 2015 General Session

71-7-4 Veterans' Memorial Park Board -- Members -- Appointment -- Meetings -- Per diem and travel expenses.

- (1) There is created a Veterans' Memorial Park Board to serve as an advisory body to the Department of Veterans' and Military Affairs on matters relating to the establishment and operation of a veterans' cemetery and memorial park.
- (2) The board shall consist of the following five members:
 - (a) one representative recommended by the state commander of the Veterans of Foreign Wars;
 - (b) one representative recommended by the state commander of the American Legion;
 - (c) one representative recommended by the state commander of the Disabled American Veterans;
 - (d) the executive director of the Department of Veterans' and Military Affairs; and

- (e) one person not affiliated with any of the organizations referred to in this Subsection (2).
- (3)
- (a) Except as required by Subsection (3)(b), the executive director shall appoint members in Subsections (2)(a), (b), (c), and (e) above for four-year terms. The executive director shall make final appointments to the board by June 30 of any year in which appointments are to be made under this chapter.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (c) All members shall serve until their successors are appointed.
 - (d) Members may not serve more than two consecutive terms.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment.
- (5)
- (a) The board shall select a chair annually from among its members at its first meeting after July 1.
 - (b) Three members of the board constitute a quorum to transact business.
 - (c) The board shall meet at least quarterly on a regular date fixed by the board.
 - (d) The chair or three members of the board may call additional meetings.
- (6) The board shall provide copies of all minutes to the Department of Veterans' and Military Affairs within 14 days of approval.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 252, 2016 General Session

71-7-5 Veterans Remains Organization -- Funeral service establishments -- Liability -- State agency -- Responsibilities.

- (1) As used in this section:
- (a) "Remains facility" means the same as a funeral service establishment defined in Section 58-9-102.
 - (b) "Status information" means a veteran or a veteran's dependent's name, date of birth, place of birth, date of death, Social Security number, military service number, branch of service, and military rank on date of death.
 - (c) "Veterans Remains Organization" means an entity recognized and authorized by the United States Veterans Administration and the National Personnel Records Center to verify and inter the unclaimed cremated remains of United States military veterans or veterans' dependents.
- (2) A veterans remains organization may contact a remains facility for the purpose of identifying any unclaimed cremated remains of a military veteran or a veteran's dependent.
- (a) Upon contact with the remains facility, the organization shall:
 - (i) provide identifying documentation to the remains facility; and
 - (ii) with the permission of the remains facility, inventory any unclaimed cremated remains in order to identify any remains of a veteran or a veteran's dependent.

- (b) The organization shall contact the National Personnel Records Center to determine if any of the unclaimed cremated remains are:
 - (i) a veteran's or a veteran's dependent's remains; and
 - (ii) eligible for interment benefits.
 - (c) The organization shall claim any unclaimed cremated remains from a remains facility upon providing the facility with proof that the remains are those of a veteran or a veteran's dependent and are eligible for interment benefits.
 - (d) The organization shall make arrangements to inter the remains.
- (3) A remains facility:
- (a) may allow a veterans remains organization, upon presentation of identification, to inventory unclaimed cremated remains;
 - (b) shall provide all status information in the remains facility's possession to a veterans remains organization;
 - (c) shall release any unclaimed cremated remains to a veterans remains organization upon presentation of documentation that the remains are of a veteran or a veteran's dependent who is eligible for burial in a state or national cemetery; and
 - (d) is not subject to civil liability for release of status information or release of the unclaimed cremated remains following the presentation of documentation indicating the remains are those of a veteran or a veteran's dependent and eligible for interment benefits.
- (4) The Utah Department of Veteran's Affairs shall, upon presentation of documentation that certain cremated remains in the possession of a veterans remains organization are those of a veteran or a veteran's dependent and eligible for interment benefits:
- (a) authorize the interment of the cremated remains in a state veterans' cemetery; and
 - (b) provide assistance to the veterans remains organization in the interment process.

Enacted by Chapter 422, 2013 General Session