

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1201

By: Pugh

AS INTRODUCED

An Act relating to veterans; enacting the Oklahoma Service Lives On Act of 2024; providing short title; defining terms; establishing the Oklahoma veteran's remarried surviving spouse pension; providing for qualifications, application, denial, termination, and rate calculation; directing promulgation of rules; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Oklahoma Service Lives On Act of 2024".

B. As used in this section:

1. "Federal surviving spouse pension" means the pension paid by the United States Secretary of Veterans Affairs under 38 U.S.C., Section 1541 to the surviving spouse of each veteran of a period of war who met the service requirements prescribed in 38 U.S.C., Section 1521(j), or who at the time of death was receiving (or

1 entitled to receive) compensation or retirement pay for a service-
2 connected disability;

3 2. The terms "period of war" and "veteran" have the same
4 meaning as provided by 38 U.S.C., Section 101; and

5 3. "Surviving spouse" has the same meaning as provided by 38
6 U.S.C., Section 101, except that a person who has remarried or (in
7 cases not involving remarriage) has since the death of the veteran,
8 and after September 19, 1962, lived with another person and held
9 himself or herself out openly to the public to be the spouse of such
10 other person, but who meets all other criteria of a surviving spouse
11 as defined in 38 U.S.C., Section 101, shall be considered a
12 surviving spouse for the limited purpose of qualifying for the
13 pension established by this section.

14 C. There is hereby established the Oklahoma veteran's remarried
15 surviving spouse pension, which shall be payable by the Oklahoma
16 Department of Veterans Affairs to qualifying surviving spouses as
17 provided by this section.

18 D. The Oklahoma veteran's remarried surviving spouse pension
19 shall be available to surviving spouses residing in this state whose
20 federal surviving spouse pension has been terminated by the United
21 States Department of Veterans Affairs solely on the basis of the
22 spouse remarrying or (in cases not involving remarriage) since the
23 death of the veteran, and after September 19, 1962, living with
24 another person and holding himself or herself out openly to the

1 public to be the spouse of such other person, but who meet all other
2 eligibility criteria for the federal surviving spouse pension as
3 provided by 38 U.S.C., Chapter 15, Subchapter III and 38 C.F.R.,
4 Part 3, Subpart A.

5 E. The Oklahoma Department of Veterans Affairs shall create an
6 application process for the Oklahoma veteran's remarried surviving
7 spouse pension and shall approve surviving spouse applicants who
8 meet the qualifications of subsection D of this section. The
9 Department shall deny or terminate the Oklahoma veteran's remarried
10 surviving spouse pension if the Department finds that a surviving
11 spouse applying for or receiving such pension does not meet the
12 qualifications of subsection D of this section.

13 F. The Oklahoma veteran's remarried surviving spouse pension
14 shall be paid to surviving spouses deemed qualified by the Oklahoma
15 Department of Veterans Affairs at the same rate as would be paid to
16 the federal surviving spouse pension prescribed by 38 U.S.C.,
17 Section 1541, as increased from time to time under 38 U.S.C.,
18 Section 5312, and subject to any other adjustments provided by
19 federal law or regulation.

20 G. The Oklahoma Veterans Commission shall promulgate rules to
21 implement the provisions of this section.

22 SECTION 2. This act shall become effective November 1, 2024.
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