

Requested by Representative GOODWIN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4082**

1 On page 1 of the printed bill, line 2, after “veterans” insert “; creating  
2 new provisions; and amending ORS 97.170”.

3 Delete lines 4 through 22 and delete pages 2 and 3 and insert:

4 **“SECTION 1. Sections 2 to 6 of this 2022 Act are added to and made  
5 a part of ORS 97.110 to 97.450.**

6 **“SECTION 2. As used in sections 2 to 6 of this 2022 Act:**

7 **“(1) ‘County veterans’ service officer’ means a county veterans’  
8 service officer appointed under ORS 408.410.**

9 **“(2) ‘Eligible decedent’ means the unclaimed human remains of a  
10 veteran or spouse, dependent or survivor of a veteran that are entitled  
11 to interment under federal law at a national cemetery administered  
12 by the United States Department of Veterans Affairs.**

13 **“(3) ‘Entity in possession of an eligible decedent’ means a funeral  
14 establishment licensed under ORS 692.146, cemetery authority,  
15 crematory operator, alternative disposition facility operator, funeral  
16 service practitioner licensed under ORS 692.045 or other entity in pos-  
17 session of an eligible decedent.**

18 **“(4) ‘Veteran’ has the meaning given that term in ORS 408.225.**

19 **“(5) ‘Veteran status information’ means the data required by the  
20 Department of Veterans’ Affairs to verify that human remains are  
21 those of a veteran or spouse, dependent or survivor of a veteran for**

1 purposes of eligibility for interment in a national cemetery, including  
2 the person's name, service number, Social Security number, date of  
3 birth, date of death, place of birth, branch of the service and military  
4 rank.

5 “(6) ‘Veterans’ remains coordinator’ means a person recognized by  
6 a county as a volunteer authorized to verify and inter unclaimed hu-  
7 man remains of a veteran or spouse, dependent or survivor of a vet-  
8 eran.

9 **“SECTION 3. (1) The county governing body of each county shall**  
10 **designate one or more veterans’ remains coordinators who, without**  
11 **compensation, shall exercise due diligence to:**

12 **“(a) Identify unclaimed human remains located in the county in**  
13 **consultation with the county veterans’ service officer, the United**  
14 **States Department of Veterans Affairs, a national cemetery adminis-**  
15 **tered by the United States Department of Veterans Affairs, the United**  
16 **States Social Security Administration or another entity;**

17 **“(b) Establish that the unclaimed human remains meet the defi-**  
18 **inition of ‘eligible decedent’; and**

19 **“(c) For an eligible decedent who died in the county, cause**  
20 **interment at a national cemetery administered by the United States**  
21 **Department of Veterans Affairs.**

22 **“(2) An interment under subsection (1) of this section may not oc-**  
23 **cur at a cemetery used only for the interment of indigent persons.**

24 **“SECTION 4. (1) Before causing the interment of an eligible**  
25 **decedent under section 3 of this 2022 Act, the veterans’ remains coor-**  
26 **dinator shall report to the county veterans’ service officer:**

27 **“(a) The facts relied upon to establish eligibility for interment un-**  
28 **der section 3 of this 2022 Act;**

29 **“(b) The plan for the interment of the eligible decedent; and**

30 **“(c) The date of death and place of interment of the eligible**

1 **decedent.**

2 **“(2) The county veterans’ service officer shall establish and main-**  
3 **tain a record of information received under subsection (1) of this sec-**  
4 **tion.**

5 **“SECTION 5. (1) An entity in possession of an eligible decedent**  
6 **shall, upon request of a veterans’ remains coordinator, release the**  
7 **veteran status information associated with the eligible decedent to the**  
8 **veterans’ remains coordinator.**

9 **“(2) A veterans’ remains coordinator may use the veteran status**  
10 **information received under subsection (1) of this section only for dis-**  
11 **closure to the Department of Veterans’ Affairs to verify the interment**  
12 **benefits of an eligible decedent.**

13 **“(3) If disposition arrangements have not otherwise been made un-**  
14 **der law, an entity in possession of an eligible decedent shall notify the**  
15 **county veterans’ service officer for the county in which the eligible**  
16 **decedent is located of the existence of the eligible decedent no later**  
17 **than six months after the date of death associated with the eligible**  
18 **decedent.**

19 **“(4) An entity in possession of unclaimed human remains shall,**  
20 **upon request of a veterans’ remains coordinator, provide reasonable**  
21 **assistance to the veterans’ remains coordinator to identify and estab-**  
22 **lish that the unclaimed human remains meet the definition of ‘eligible**  
23 **decedent’ pursuant to section 3 of this 2022 Act.**

24 **“(5) An entity in possession of an eligible decedent shall, upon re-**  
25 **quest by a veterans’ remains coordinator, release the eligible decedent**  
26 **to the veterans’ remains coordinator for interment under section 3 of**  
27 **this 2022 Act, provided that the following conditions are satisfied:**

28 **“(a) The veterans’ remains coordinator has verified the interment**  
29 **benefits of the eligible decedent with the department or county**  
30 **veterans’ service officer and provided documentation of that verifica-**

1 tion to the entity in possession of the eligible decedent.

2 “(b) The veterans’ remains coordinator has exercised due diligence  
3 to provide notice of the plan to inter the eligible decedent to any  
4 agents or family members of the eligible decedent with the legal right  
5 to control the disposition of the eligible decedent.

6 “(c) An agent or family member of the eligible decedent with a legal  
7 right to control the disposition of the eligible decedent has not exer-  
8 cised that right.

9 “(d) The entity in possession of the eligible decedent has possessed  
10 the eligible decedent for at least six months.

11 “(6) An entity in possession of an eligible decedent that releases  
12 veteran status information under subsection (1) of this section is not  
13 subject to civil liability except for gross negligence.

14 “(7) A veterans’ remains coordinator who inters an eligible decedent  
15 under section 3 of this 2022 Act is not subject to civil liability for acts  
16 or omissions arising from the interment except for gross negligence.

17 **“SECTION 6. (1) A county veterans’ service officer who identifies  
18 or locates an eligible decedent shall report to the United States De-  
19 partment of Veterans Affairs:**

20 “(a) Veteran status information known about the veteran associ-  
21 ated with the eligible decedent; and

22 “(b) Contact information for the place and person in possession of  
23 the eligible decedent.

24 “(2) The county veterans’ service officer shall establish and main-  
25 tain a list of eligible decedents that are reported under subsection (1)  
26 of this section and make the list available in person or by telephone  
27 upon request by a veterans’ remains coordinator.

28 **“SECTION 7. ORS 97.170 is amended to read:**

29 “97.170. (1) As used in this section, ‘indigent person’ means a deceased  
30 person who does not have a death or final expense benefit or insurance pol-

1 icy that pays for disposition of the deceased person's body or other means  
2 to pay for disposition of the deceased person's body and:

3 “(a) Who does not have a relative or other person with the legal right to  
4 direct and the means to pay for disposition of the deceased person's body;

5 “(b) Whose relative, or other person, with the legal right to direct the  
6 disposition of the deceased person's body does not pay or arrange to pay for,  
7 or refuses to direct, the disposition of the deceased person's body within 10  
8 days of being notified of the death; or

9 “(c) For whom no person other than a person described in paragraph (a)  
10 or (b) of this subsection wishes to direct and pay for the disposition of the  
11 deceased person's body.

12 “(2) The State Mortuary and Cemetery Board shall maintain a list of in-  
13 stitutions that may accept or process bodies for education or research pur-  
14 poses.

15 “(3)(a) A funeral establishment licensed under ORS 692.146, **cemetery**  
16 **authority, crematory operator, alternative disposition facility operator**  
17 **or licensed funeral service practitioner** that takes custody of the un-  
18 claimed body of a deceased person shall, within five days after taking cus-  
19 tody of the body:

20 “(A) Submit a report of death under ORS 432.133;

21 “(B) Obtain all contact information known to the medical examiner, a  
22 health care facility or law enforcement regarding persons listed in ORS  
23 97.130;

24 “(C) Attempt to locate and notify the persons listed in ORS 97.130;

25 “(D) Arrange with any person listed in ORS 97.130 who will pay the ex-  
26 penses to make disposition of the body;

27 “(E) **Except as provided in paragraph (d) of this subsection**, if no  
28 person listed in ORS 97.130 can be located to pay the expenses to make dis-  
29 position of the body, arrange with a person or institution not listed in ORS  
30 97.130 that will pay the expenses to make disposition of the body;

1 “(F) Determine whether the State Treasurer or other person is appointed  
2 as the personal representative of the deceased person pursuant to ORS  
3 113.085; and

4 “(G) Contact the Department of Veterans’ Affairs to determine whether  
5 the decedent is eligible for any state or federal benefits.

6 “(b) If no one claims the body within 10 days after the funeral establish-  
7 ment, **cemetery authority, crematory operator, alternative disposition**  
8 **facility operator or licensed funeral service practitioner** takes custody  
9 of the body, or if the persons notified acquiesce, or if the decedent is not  
10 eligible for any benefits described in paragraph (a)(G) of this subsection, the  
11 funeral establishment, **cemetery authority, crematory operator, alter-**  
12 **native disposition facility operator or licensed funeral service practi-**  
13 **tioner** may transfer the body to an institution on the list of institutions  
14 described in subsection (2) of this section that desires the body for education  
15 or research purposes.

16 “(c) If no person or institution claims the body as provided in paragraphs  
17 (a) and (b) of this subsection, the funeral establishment, **cemetery author-**  
18 **ity, crematory operator, alternative disposition facility operator or li-**  
19 **censed funeral service practitioner** may cremate or reduce or bury the  
20 body without the consent of persons listed in ORS 97.130 and is indemnified  
21 from any liability arising from having made such disposition. The method  
22 of disposition must be in the least costly and most environmentally sound  
23 manner that complies with law, and that does not conflict with known  
24 wishes of the deceased. If the deceased person is an indigent person, the  
25 board shall reimburse the funeral establishment for the costs of disposition  
26 under subsection (5) of this section.

27 “(d) **Notwithstanding paragraphs (b) and (c) of this subsection, if**  
28 **the decedent is eligible for state or federal benefits described in para-**  
29 **graph (a)(G) of this subsection, the funeral establishment, cemetery**  
30 **authority, crematory operator, alternative disposition facility operator**

1 **or licensed funeral service practitioner shall apply for the benefits**  
2 **within 10 days of taking custody of the body. If no person claims the**  
3 **body within 10 days of taking custody, the funeral establishment,**  
4 **cemetery authority, crematory operator, alternative disposition facil-**  
5 **ity operator or licensed funeral service practitioner may cremate or**  
6 **reduce the body before or after notifying the county veterans' service**  
7 **officer under section 5 (3) of this 2022 Act or cause the body to be**  
8 **buried or interred at a national cemetery administered by the United**  
9 **States Department of Veterans Affairs. A body eligible for benefits**  
10 **described in paragraph (a)(G) of this subsection may not be transferred**  
11 **to an institution described in subsection (2) of this section.**

12 “(4) If the deceased person is a child over whom the Department of Hu-  
13 man Services held guardianship at the time of death, the department shall  
14 promptly attempt to locate and notify the relatives of the deceased child or  
15 any other person who has an interest in the deceased child and shall arrange  
16 with any person who will pay the expenses to make disposition of the body.  
17 If no relatives or interested persons claim the body, the department may  
18 transfer the body to an institution that is on the list maintained by the board  
19 under subsection (2) of this section that desires the body for education or  
20 research purposes, or may authorize burial or cremation or reduction of the  
21 body. The department shall pay expenses related to burial or cremation or  
22 reduction authorized by the department under this subsection.

23 “(5) Upon receipt of a qualifying statement as required by the board by  
24 rule that the deceased person is an indigent person, the board shall reim-  
25 burse a funeral establishment the reasonable costs for disposition of the body  
26 of any unclaimed deceased indigent person. The method of disposition must  
27 be in the least costly and most environmentally sound manner that complies  
28 with law. The board shall adopt rules establishing the requirements and  
29 process for reimbursement and setting the amount that may be reimbursed  
30 to a funeral establishment under this subsection.

1        “SECTION 8. ORS 97.170, as operative until July 1, 2022, is amended to  
2 read:

3        “97.170. (1) As used in this section, ‘indigent person’ means a deceased  
4 person who does not have a death or final expense benefit or insurance pol-  
5 icy that pays for disposition of the deceased person’s body or other means  
6 to pay for disposition of the deceased person’s body and:

7        “(a) Who does not have a relative or other person with the legal right to  
8 direct and the means to pay for disposition of the deceased person’s body;

9        “(b) Whose relative, or other person, with the legal right to direct the  
10 disposition of the deceased person’s body does not pay or arrange to pay for,  
11 or refuses to direct, the disposition of the deceased person’s body within 10  
12 days of being notified of the death; or

13       “(c) For whom no person other than a person described in paragraph (a)  
14 or (b) of this subsection wishes to direct and pay for the disposition of the  
15 deceased person’s body.

16       “(2) The State Mortuary and Cemetery Board shall maintain a list of in-  
17 stitutions that may accept or process bodies for education or research pur-  
18 poses.

19       “(3)(a) A funeral establishment licensed under ORS 692.146, **cemetery**  
20 **authority, crematory operator, alternative disposition facility operator**  
21 **or licensed funeral service practitioner** that takes custody of the un-  
22 claimed body of a deceased person shall, within five days after taking cus-  
23 tody of the body:

24       “(A) Submit a report of death under ORS 432.133;

25       “(B) Obtain all contact information known to the medical examiner, a  
26 health care facility or law enforcement regarding persons listed in ORS  
27 97.130;

28       “(C) Attempt to locate and notify the persons listed in ORS 97.130;

29       “(D) Arrange with any person listed in ORS 97.130 who will pay the ex-  
30 penses to make disposition of the body;



1       “(E) **Except as provided in paragraph (d) of this subsection**, if no  
2 person listed in ORS 97.130 can be located to pay the expenses to make dis-  
3 position of the body, arrange with a person or institution not listed in ORS  
4 97.130 that will pay the expenses to make disposition of the body;

5       “(F) Determine whether the State Treasurer or other person is appointed  
6 as the personal representative of the deceased person pursuant to ORS  
7 113.085; and

8       “(G) Contact the Department of Veterans’ Affairs to determine whether  
9 the decedent is eligible for any state or federal benefits.

10       “(b) If no one claims the body within 10 days after the funeral establish-  
11 ment, **cemetery authority, crematory operator, alternative disposition**  
12 **facility operator or licensed funeral service practitioner** takes custody  
13 of the body, or if the persons notified acquiesce, or if the decedent is not  
14 eligible for any benefits described in paragraph (a)(G) of this subsection, the  
15 funeral establishment, **cemetery authority, crematory operator, alter-**  
16 **native disposition facility operator or licensed funeral service practi-**  
17 **tioner** may transfer the body to an institution on the list of institutions  
18 described in subsection (2) of this section that desires the body for education  
19 or research purposes.

20       “(c) If no person or institution claims the body as provided in paragraphs  
21 (a) and (b) of this subsection, the funeral establishment, **cemetery author-**  
22 **ity, crematory operator, alternative disposition facility operator or li-**  
23 **censed funeral service practitioner** may cremate or bury the body without  
24 the consent of persons listed in ORS 97.130 and is indemnified from any li-  
25 ability arising from having made such disposition. The method of disposition  
26 must be in the least costly and most environmentally sound manner that  
27 complies with law, and that does not conflict with known wishes of the de-  
28 ceased. If the deceased person is an indigent person, the board shall reim-  
29 burse the funeral establishment for the costs of disposition under subsection  
30 (5) of this section.

1       “(d) Notwithstanding paragraphs (b) and (c) of this subsection, if  
2 the decedent is eligible for state or federal benefits described in para-  
3 graph (a)(G) of this subsection, the funeral establishment, cemetery  
4 authority, crematory operator, alternative disposition facility operator  
5 or licensed funeral service practitioner shall apply for the benefits  
6 within 10 days of taking custody of the body. If no person claims the  
7 body within 10 days of taking custody, the funeral establishment,  
8 cemetery authority, crematory operator, alternative disposition facil-  
9 ity operator or licensed funeral service practitioner may cremate or  
10 reduce the body before or after notifying the county veterans’ service  
11 officer under section 5 (3) of this 2022 Act or cause the body to be  
12 buried or interred at a national cemetery administered by the United  
13 States Department of Veterans Affairs. A body eligible for benefits  
14 described in paragraph (a)(G) of this subsection may not be transferred  
15 to an institution described in subsection (2) of this section.

16       “(4) If the deceased person is a child over whom the Department of Hu-  
17 man Services held guardianship at the time of death, the department shall  
18 promptly attempt to locate and notify the relatives of the deceased child or  
19 any other person who has an interest in the deceased child and shall arrange  
20 with any person who will pay the expenses to make disposition of the body.  
21 If no relatives or interested persons claim the body, the department may  
22 transfer the body to an institution that is on the list maintained by the board  
23 under subsection (2) of this section that desires the body for education or  
24 research purposes, or may authorize burial or cremation of the body. The  
25 department shall pay expenses related to burial or cremation authorized by  
26 the department under this subsection.

27       “(5) Upon receipt of a qualifying statement as required by the board by  
28 rule that the deceased person is an indigent person, the board shall reim-  
29 burse a funeral establishment the reasonable costs for disposition of the body  
30 of any unclaimed deceased indigent person. The method of disposition must

1 be in the least costly and most environmentally sound manner that complies  
2 with law. The board shall adopt rules establishing the requirements and  
3 process for reimbursement and setting the amount that may be reimbursed  
4 to a funeral establishment under this subsection.”.

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