

House Bill 2147

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Management for Representatives Christine Goodwin, Dacia Grayber)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs governing body of each county to designate person to ensure interment of unclaimed human remains of veteran or survivor of veteran. Limits civil liability except for gross negligence.

Requires certain funerary entities in possession of unclaimed human remains of veteran or survivor of veteran, under certain circumstances, to release human remains and associated veteran status information upon request to veterans' remains coordinator, notify county veterans' service officer and apply for state or federal benefits.

Limits civil liability for release of veteran status information except for gross negligence.

Authorizes certain funerary entities in possession of unclaimed human remains of veteran or survivor of veteran to cremate, reduce or inter unclaimed human remains under certain circumstances.

Directs county veterans' service officer to report information about veteran or survivor of veteran to United States Department of Veterans Affairs. Requires county veterans' service officer to establish and maintain list of reported information and to make information available upon request to veterans' remains coordinator.

A BILL FOR AN ACT

1
2 Relating to veterans; creating new provisions; and amending ORS 97.170.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 6 of this 2023 Act are added to and made a part of ORS 97.110**
5 **to 97.450.**

6 **SECTION 2. As used in sections 2 to 6 of this 2023 Act:**

7 (1) **"County veterans' service officer" means a county veterans' service officer appointed**
8 **under ORS 408.410.**

9 (2) **"Eligible decedent" means the unclaimed human remains of a veteran or spouse, de-**
10 **pendent or survivor of a veteran that are entitled to interment under federal law at a na-**
11 **tional cemetery administered by the United States Department of Veterans Affairs.**

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

16 (4) **"Veteran" has the meaning given that term in ORS 408.225.**

17 (5) **"Veteran status information" means the data required by the Department of**
18 **Veterans' Affairs to verify that human remains are those of a veteran or spouse, dependent**
19 **or survivor of a veteran for purposes of eligibility for interment in a national cemetery, in-**
20 **cluding the person's name, service number, Social Security number, date of birth, date of**
21 **death, place of birth, branch of the service and military rank.**

22 (6) **"Veterans' remains coordinator" means a person recognized by a county as a paid**
23 **employee or unpaid volunteer authorized to verify and inter unclaimed human remains of a**
24 **veteran or spouse, dependent or survivor of a veteran.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 3.** (1) The governing body of each county shall designate one or more veterans'
2 remains coordinators who shall exercise due diligence to:

3 (a) Identify unclaimed human remains located in the county in consultation with the
4 county veterans' service officer, the United States Department of Veterans Affairs, a national
5 cemetery administered by the United States Department of Veterans Affairs, the
6 United States Social Security Administration or another entity;

7 (b) Establish that the unclaimed human remains meet the definition of "eligible
8 decedent"; and

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

11 (2) An interment under subsection (1) of this section may not occur at a cemetery used
12 only for the interment of indigent persons.

13 **SECTION 4.** (1) Before causing the interment of an eligible decedent under section 3 of
14 this 2023 Act, the veterans' remains coordinator shall report to the county veterans' service
15 officer:

16 (a) The facts relied upon to establish eligibility for interment under section 3 of this 2023
17 Act;

18 (b) The plan for the interment of the eligible decedent; and

19 (c) The date of death and place of interment of the eligible decedent.

20 (2) The county veterans' service officer shall establish and maintain a record of information
21 received under subsection (1) of this section.

22 **SECTION 5.** (1) An entity in possession of an eligible decedent shall, upon request of a
23 veterans' remains coordinator, release the veteran status information associated with the
24 eligible decedent to the veterans' remains coordinator.

25 (2) A veterans' remains coordinator may use the veteran status information received
26 under subsection (1) of this section only for disclosure to the Department of Veterans' Affairs
27 to verify the interment benefits of an eligible decedent.

28 (3) If disposition arrangements have not otherwise been made under law, an entity in
29 possession of an eligible decedent shall notify the county veterans' service officer for the
30 county in which the eligible decedent is located of the existence of the eligible decedent no
31 later than six months after the date of death associated with the eligible decedent.

32 (4) An entity in possession of unclaimed human remains shall, upon request of a
33 veterans' remains coordinator, provide reasonable assistance to the veterans' remains coordinator
34 to identify and establish that the unclaimed human remains meet the definition of
35 "eligible decedent" under section 3 of this 2023 Act.

36 (5) An entity in possession of an eligible decedent shall, upon request by a veterans' remains
37 coordinator, release the eligible decedent to the veterans' remains coordinator for
38 interment under section 3 of this 2023 Act, provided that the following conditions are satisfied:
39

40 (a) The veterans' remains coordinator has verified the interment benefits of the eligible
41 decedent with the department or county veterans' service officer and provided documentation
42 of that verification to the entity in possession of the eligible decedent.

43 (b) The veterans' remains coordinator has exercised due diligence to provide notice of the
44 plan to inter the eligible decedent to any agents or family members of the eligible decedent
45 with the legal right to control the disposition of the eligible decedent.

1 (c) An agent or family member of the eligible decedent with a legal right to control the
2 disposition of the eligible decedent has not exercised that right.

3 (d) The entity in possession of the eligible decedent has possessed the eligible decedent
4 for at least six months.

5 (6) An entity in possession of an eligible decedent that releases veteran status informa-
6 tion under subsection (1) of this section is not subject to civil liability except for gross
7 negligence.

8 (7) A veterans' remains coordinator who interments an eligible decedent under section 3 of
9 this 2023 Act is not subject to civil liability for acts or omissions arising from the interment
10 except for gross negligence.

11 **SECTION 6.** (1) A county veterans' service officer who identifies or locates an eligible
12 decedent shall report to the United States Department of Veterans Affairs:

13 (a) Veteran status information known about the veteran associated with the eligible
14 decedent; and

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

16 (2) The county veterans' service officer shall establish and maintain a list of eligible
17 decedents that are reported under subsection (1) of this section and make the list available
18 in person or by telephone upon request by a veterans' remains coordinator.

19 **SECTION 7.** ORS 97.170 is amended to read:

20 97.170. (1) As used in this section, "indigent person" means a deceased person who does not have
21 a death or final expense benefit or insurance policy that pays for disposition of the deceased
22 person's body or other means to pay for disposition of the deceased person's body and:

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

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

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

30 (2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may accept
31 or process bodies for education or research purposes.

32 (3)(a) A funeral establishment licensed under ORS 692.146, **cemetery authority, crematory**
33 **operator, alternative disposition facility operator or licensed funeral service practitioner** that
34 takes custody of the unclaimed body of a deceased person shall, within five days after taking custody
35 of the body:

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

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

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

40 (D) Arrange with any person listed in ORS 97.130 who will pay the expenses to make disposition
41 of the body;

42 (E) **Except as provided in paragraph (d) of this subsection**, if no person listed in ORS 97.130
43 can be located to pay the expenses to make disposition of the body, arrange with a person or insti-
44 tution not listed in ORS 97.130 that will pay the expenses to make disposition of the body;

45 (F) Determine whether the State Treasurer or other person is appointed as the personal repre-

1 tentative of the deceased person pursuant to ORS 113.085; and

2 (G) Contact the Department of Veterans' Affairs to determine whether the decedent is eligible
3 for any state or federal benefits.

4 (b) If no one claims the body within 10 days after the funeral establishment, **cemetery au-**
5 **thority, crematory operator, alternative disposition facility operator or licensed funeral ser-**
6 **vice practitioner** takes custody of the body, or if the persons notified acquiesce, or if the decedent
7 is not eligible for any benefits described in paragraph (a)(G) of this subsection, the funeral estab-
8 lishment, **cemetery authority, crematory operator, alternative disposition facility operator or**
9 **licensed funeral service practitioner** may transfer the body to an institution on the list of insti-
10 tutions described in subsection (2) of this section that desires the body for education or research
11 purposes.

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

20 **(d)(A) Notwithstanding paragraphs (b) and (c) of this subsection, if the decedent is eligi-**
21 **ble for state or federal benefits described in paragraph (a)(G) of this subsection, the funeral**
22 **establishment, cemetery authority, crematory operator, alternative disposition facility oper-**
23 **ator or licensed funeral service practitioner shall apply for the benefits within 10 days of**
24 **taking custody of the body.**

25 **(B) If no person claims the body within 10 days of taking custody, the funeral establish-**
26 **ment, cemetery authority, crematory operator, alternative disposition facility operator or**
27 **licensed funeral service practitioner may cremate or reduce the body before or after notify-**
28 **ing the county veterans' service officer under section 5 (3) of this 2023 Act or cause the body**
29 **to be buried or interred at a national cemetery administered by the United States Depart-**
30 **ment of Veterans Affairs.**

31 **(C) The body of a decedent eligible for benefits described in paragraph (a)(G) of this**
32 **subsection may not be transferred to an institution described in subsection (2) of this sec-**
33 **tion.**

34 (4) If the deceased person is a child over whom the Department of Human Services held
35 guardianship at the time of death, the department shall promptly attempt to locate and notify the
36 relatives of the deceased child or any other person who has an interest in the deceased child and
37 shall arrange with any person who will pay the expenses to make disposition of the body. If no
38 relatives or interested persons claim the body, the department may transfer the body to an institu-
39 tion that is on the list maintained by the board under subsection (2) of this section that desires the
40 body for education or research purposes, or may authorize burial or cremation or reduction of the
41 body. The department shall pay expenses related to burial or cremation or reduction authorized by
42 the department under this subsection.

43 (5) Upon receipt of a qualifying statement as required by the board by rule that the deceased
44 person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs
45 for disposition of the body of any unclaimed deceased indigent person. The method of disposition

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

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