

House Bill 4082

Sponsored by Representatives GOODWIN, EVANS, SMITH G; Representatives CATE, HAYDEN, HELM, LEWIS, RESCHKE, SCHARF, SCHOUTEN, WILDE, WITT, Senator HANSELL (Pre-session filed.)

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 county governing body of each county to designate person to ensure interment of unclaimed cremated or reduced remains of veteran or spouse, dependent or survivor of veteran. Limits civil liability except for gross negligence.

Requires cemetery association, cemetery authority, alternative disposition facility operator, licensed funeral service practitioner or other entity in possession of unclaimed cremated or reduced remains of veteran or spouse, dependent or survivor of veteran to release cremated or reduced remains and associated veteran status information upon request to veterans' remains coordinator. Limits civil liability for release of veteran status information except for gross negligence. Requires cemetery association, cemetery authority, alternative disposition facility operator, licensed funeral service practitioner or other entity in possession of unclaimed cremated or reduced remains of veteran or spouse, dependent or survivor of veteran to notify county veterans' service officer under certain circumstances.

Directs county veterans' service officer to report information about veteran or spouse, dependent 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.

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

4 **SECTION 1. Sections 2 to 6 of this 2022 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 2022 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 cremated or reduced remains of a veteran**
10 **or spouse, dependent or survivor of a veteran that are entitled to interment under federal**
11 **law at a national cemetery administered by the United States Department of Veterans Af-**
12 **fairs.**

13 (3) **"Veteran" has the meaning given that term in ORS 408.225.**

14 (4) **"Veteran status information" means the data required by the Department of**
15 **Veterans' Affairs to verify that cremated or reduced remains are those of a veteran or**
16 **spouse, dependent or survivor of a veteran for purposes of eligibility for interment in a na-**
17 **tional cemetery, including the person's name, service number, Social Security number, date**
18 **of birth, date of death, place of birth, branch of the service and military rank.**

19 (5) **"Veterans' remains coordinator" means a person recognized by a county as a volun-**
20 **teer authorized to verify and inter unclaimed cremated or reduced remains of a veteran or**
21 **spouse, dependent or survivor of a veteran.**

22 **SECTION 3. (1) The county governing body of each county shall designate one or more**

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 veterans' remains coordinators who, without compensation, shall exercise due diligence to:

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

6 (b) Establish that the unclaimed cremated or reduced remains meet the definition of
7 "eligible decedent"; and

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

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

12 **SECTION 4.** (1) Before causing the interment of an eligible decedent under section 3 of
13 this 2022 Act, the veterans' remains coordinator shall report to the county veterans' service
14 officer:

15 (a) The facts relied upon to establish eligibility for interment under section 3 of this 2022
16 Act;

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

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

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

21 **SECTION 5.** (1) A cemetery authority, cemetery association, alternative disposition fa-
22 cility operator, funeral service practitioner licensed under ORS chapter 692 or other entity
23 in possession of an eligible decedent shall, upon request of a veterans' remains coordinator,
24 release the veteran status information associated with the eligible decedent to the veterans'
25 remains coordinator.

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

29 (3) If disposition arrangements have not otherwise been made under law, a cemetery
30 authority, cemetery association, alternative disposition facility operator, licensed funeral
31 service practitioner or other entity in possession of an eligible decedent shall notify the
32 county veterans' service officer for the county in which the eligible decedent is located of the
33 existence of the eligible decedent no sooner than six months and no later than one year after
34 the date of death associated with the eligible decedent.

35 (4) A cemetery authority, cemetery association, alternative disposition facility operator,
36 licensed funeral service practitioner or other entity in possession of unclaimed cremated or
37 reduced remains shall, upon request of a veterans' remains coordinator, provide reasonable
38 assistance to the veterans' remains coordinator to identify and establish that the unclaimed
39 cremated or reduced remains meet the definition of "eligible decedent" pursuant to section
40 3 of this 2022 Act.

41 (5) A cemetery authority, cemetery association, alternative disposition facility operator,
42 licensed funeral service practitioner or other entity in possession of an eligible decedent
43 shall, upon request by a veterans' remains coordinator, release the eligible decedent to the
44 veterans' remains coordinator for interment under section 3 of this 2022 Act, provided that
45 the following conditions are satisfied:

1 (a) The veterans' remains coordinator has verified the interment benefits of the eligible
2 decedent with the department or county veterans' service officer and provided documenta-
3 tion of that verification to the cemetery authority, cemetery association, alternative dispo-
4 sition facility operator, licensed funeral service practitioner or other entity in possession of
5 the eligible decedent.

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

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

11 (d) The cemetery authority, cemetery association, alternative disposition facility opera-
12 tor, licensed funeral service practitioner or other entity has possessed the eligible decedent
13 for at least one year.

14 (6) A cemetery authority, cemetery association, alternative disposition facility operator,
15 licensed funeral service practitioner or other entity that releases veteran status information
16 under subsection (1) of this section is not subject to civil liability except for gross negligence.

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

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

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

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

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

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