

## HOUSE AMENDMENTS TO HOUSE BILL 4082

By COMMITTEE ON VETERANS AND EMERGENCY MANAGEMENT

February 14

1 On page 1 of the printed bill, line 2, after “veterans” insert “; creating new provisions; and  
2 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 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 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 volun-  
23 teen authorized to verify and inter unclaimed human remains of a veteran or spouse, de-  
24 pendent or survivor of a veteran.**

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

27 **“(a) Identify unclaimed human remains located in the county in consultation with the  
28 county veterans’ service officer, the United States Department of Veterans Affairs, a na-  
29 tional cemetery administered by the United States Department of Veterans Affairs, the  
30 United States Social Security Administration or another entity;**

31 **“(b) Establish that the unclaimed human remains meet the definition of ‘eligible  
32 decedent’; and**

33 **“(c) For an eligible decedent who died in the county, cause interment at a national cem-  
34 etery administered by the United States Department of Veterans Affairs.**

35 **“(2) An interment under subsection (1) of this section may not occur at a cemetery used**

1 only for the interment of indigent persons.

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

5 **“(a) The facts relied upon to establish eligibility for interment under section 3 of this 2022**  
6 **Act;**

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

8 **“(c) The date of death and place of interment of the eligible decedent.**

9 **“(2) The county veterans’ service officer shall establish and maintain a record of infor-**  
10 **mation received under subsection (1) of this section.**

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

14 **“(2) A veterans’ remains coordinator may use the veteran status information received**  
15 **under subsection (1) of this section only for disclosure to the Department of Veterans’ Af-**  
16 **airs to verify the interment benefits of an eligible decedent.**

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

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

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

29 **“(a) The veterans’ remains coordinator has verified the interment benefits of the eligible**  
30 **decedent with the department or county veterans’ service officer and provided documenta-**  
31 **tion of that verification to the entity in possession of the eligible decedent.**

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

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

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

39 **“(6) An entity in possession of an eligible decedent that releases veteran status infor-**  
40 **mation under subsection (1) of this section is not subject to civil liability except for gross**  
41 **negligence.**

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

45 **“SECTION 6. (1) A county veterans’ service officer who identifies or locates an eligible**

1 **decedent shall report to the United States Department of Veterans Affairs:**

2 **“(a) Veteran status information known about the veteran associated with the eligible**  
3 **decedent; and**

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

5 **“(2) The county veterans’ service officer shall establish and maintain a list of eligible**  
6 **decedents that are reported under subsection (1) of this section and make the list available**  
7 **in person or by telephone upon request by a veterans’ remains coordinator.**

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

9 **“97.170. (1) As used in this section, ‘indigent person’ means a deceased person who does not have**  
10 **a death or final expense benefit or insurance policy that pays for disposition of the deceased**  
11 **person’s body or other means to pay for disposition of the deceased person’s body and:**

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

14 **“(b) Whose relative, or other person, with the legal right to direct the disposition of the de-**  
15 **ceased person’s body does not pay or arrange to pay for, or refuses to direct, the disposition of the**  
16 **deceased person’s body within 10 days of being notified of the death; or**

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

19 **“(2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may ac-**  
20 **cept or process bodies for education or research purposes.**

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

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

26 **“(B) Obtain all contact information known to the medical examiner, a health care facility or law**  
27 **enforcement regarding persons listed in ORS 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 expenses to make dispo-**  
30 **sition of the body;**

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

34 **“(F) Determine whether the State Treasurer or other person is appointed as the personal rep-**  
35 **resentative of the deceased person pursuant to ORS 113.085; and**

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

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

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

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

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

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

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

37 “97.170. (1) As used in this section, ‘indigent person’ means a deceased person who does not have  
38 a death or final expense benefit or insurance policy that pays for disposition of the deceased  
39 person’s body or other means to pay for disposition of the deceased person’s body and:

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

42 “(b) Whose relative, or other person, with the legal right to direct the disposition of the de-  
43 ceased person’s body does not pay or arrange to pay for, or refuses to direct, the disposition of the  
44 deceased person’s body within 10 days of being notified of the death; or

45 “(c) For whom no person other than a person described in paragraph (a) or (b) of this subsection

1 wishes to direct and pay for the disposition of the deceased person's body.

2       “(2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may ac-  
3 cept or process bodies for education or research purposes.

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

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

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

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

12           “(D) Arrange with any person listed in ORS 97.130 who will pay the expenses to make disposi-  
13 tion of the body;

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

17           “(F) Determine whether the State Treasurer or other person is appointed as the personal rep-  
18 resentative of the deceased person pursuant to ORS 113.085; and

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

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

29       “(c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this  
30 subsection, the funeral establishment, **cemetery authority, crematory operator, alternative dis-**  
31 **position facility operator or licensed funeral service practitioner** may cremate or bury the body  
32 without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from  
33 having made such disposition. The method of disposition must be in the least costly and most envi-  
34 ronmentally sound manner that complies with law, and that does not conflict with known wishes of  
35 the deceased. If the deceased person is an indigent person, the board shall reimburse the funeral  
36 establishment for the costs of disposition under subsection (5) of this section.

37       “(d) **Notwithstanding paragraphs (b) and (c) of this subsection, if the decedent is eligible**  
38 **for state or federal benefits described in paragraph (a)(G) of this subsection, the funeral es-**  
39 **tablishment, cemetery authority, crematory operator, alternative disposition facility opera-**  
40 **tor or licensed funeral service practitioner shall apply for the benefits within 10 days of**  
41 **taking custody of the body. If no person claims the body within 10 days of taking custody,**  
42 **the funeral establishment, cemetery authority, crematory operator, alternative disposition**  
43 **facility operator or licensed funeral service practitioner may cremate or reduce the body**  
44 **before or after notifying the county veterans' service officer under section 5 (3) of this 2022**  
45 **Act or cause the body to be buried or interred at a national cemetery administered by the**

1 **United States Department of Veterans Affairs. A body eligible for benefits described in par-**  
2 **agraph (a)(G) of this subsection may not be transferred to an institution described in sub-**  
3 **section (2) of this section.**

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

13 “(5) Upon receipt of a qualifying statement as required by the board by rule that the deceased  
14 person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs  
15 for disposition of the body of any unclaimed deceased indigent person. The method of disposition  
16 must be in the least costly and most environmentally sound manner that complies with law. The  
17 board shall adopt rules establishing the requirements and process for reimbursement and setting the  
18 amount that may be reimbursed to a funeral establishment under this subsection.”.

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