

Requested by Representative GRAYBER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2147**

1 On page 1 of the printed bill, delete lines 4 through 24 and delete pages  
2 2 through 5 and insert:

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

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

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

8 **“(2) ‘Eligible decedent’ means the unclaimed cremated remains of**  
9 **a veteran or spouse, dependent or survivor of a veteran that are enti-**  
10 **tled to interment under federal law at a national cemetery adminis-**  
11 **tered by the United States Department of Veterans Affairs.**

12 **“(3) ‘Funeral establishment’ means a funeral establishment licensed**  
13 **under ORS 692.146.**

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

15 **“(5) ‘Veteran status information’ means the data required by the**  
16 **United States Department of Veterans Affairs to verify that cremated**  
17 **remains are those of a veteran or spouse, dependent or survivor of a**  
18 **veteran for purposes of eligibility for interment in a national ceme-**  
19 **tery, including the person’s name, service number, Social Security**  
20 **number, date of birth, date of death, place of birth, branch of the**  
21 **service and military rank.**

1       **“(6) ‘Veterans’ remains coordinator’ means a person recognized by**  
2 **a county as a paid employee or unpaid volunteer authorized to verify**  
3 **and assist in the interment of unclaimed cremated remains of a vet-**  
4 **eran or spouse, dependent or survivor of a veteran.**

5       **“SECTION 3. (1) The governing body of each county shall designate**  
6 **one or more veterans’ remains coordinators who shall exercise due**  
7 **diligence to:**

8       **“(a) Identify unclaimed cremated remains located in the county in**  
9 **consultation with the county veterans’ service officer, the United**  
10 **States Department of Veterans Affairs, a national cemetery adminis-**  
11 **tered by the United States Department of Veterans Affairs, the United**  
12 **States Social Security Administration or another entity;**

13       **“(b) Establish that the unclaimed cremated remains meet the defi-**  
14 **nition of ‘eligible decedent’; and**

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

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

20       **“SECTION 4. (1) Before causing the interment of an eligible**  
21 **decedent under section 3 of this 2023 Act, the veterans’ remains coor-**  
22 **dinator shall report to the county veterans’ service officer:**

23       **“(a) The facts relied upon to establish eligibility for interment un-**  
24 **der section 3 of this 2023 Act;**

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

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

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

1       **“SECTION 5. (1) A funeral establishment in possession of an eligible**  
2 **decedent shall, upon request of a veterans’ remains coordinator, re-**  
3 **lease the veteran status information associated with the eligible**  
4 **decedent to the veterans’ remains coordinator.**

5       **“(2) A veterans’ remains coordinator may use the veteran status**  
6 **information received under subsection (1) of this section only for dis-**  
7 **closure to the United States Department of Veterans Affairs to verify**  
8 **the interment benefits of an eligible decedent.**

9       **“(3) A funeral establishment in possession of unclaimed cremated**  
10 **remains shall, upon request of a veterans’ remains coordinator, pro-**  
11 **vide reasonable assistance to the veterans’ remains coordinator to**  
12 **identify and establish that the unclaimed cremated remains meet the**  
13 **definition of ‘eligible decedent’ under section 3 of this 2023 Act.**

14       **“(4) A funeral establishment in possession of an eligible decedent**  
15 **shall, upon request by a veterans’ remains coordinator, release the**  
16 **eligible decedent to a person authorized, under rules promulgated by**  
17 **the United States Department of Veterans Affairs, to receive the eli-**  
18 **gible decedent for interment under section 3 of this 2023 Act, provided**  
19 **that the following conditions are satisfied:**

20       **“(a) The veterans’ remains coordinator has verified the interment**  
21 **benefits of the eligible decedent with the department or county**  
22 **veterans’ service officer and provided documentation of that verifica-**  
23 **tion to the funeral establishment in possession of the eligible decedent.**

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

28       **“(c) An agent or family member of the eligible decedent with a legal**  
29 **right to control the disposition of the eligible decedent has not exer-**  
30 **cised that right.**

1       “(d) The funeral establishment in possession of the eligible decedent  
2 has possessed the eligible decedent for at least six months.

3       “(5) Notwithstanding ORS 30.265, a person may not bring a civil  
4 claim against a funeral establishment in possession of an eligible  
5 decedent for any action taken by the funeral establishment in ac-  
6 cordance with this section, except in the case of gross negligence, or  
7 for any subsequent action taken by a veterans’ remains coordinator.

8       “(6) Notwithstanding ORS 30.265, a person may not bring a civil  
9 claim against a veterans’ remains coordinator for acts or omissions  
10 arising from the interment of an eligible decedent under section 3 of  
11 this 2023 Act, except in the case of gross negligence.

12       “SECTION 6. (1) A veterans’ remains coordinator who identifies or  
13 locates an eligible decedent shall report to the United States Depart-  
14 ment of Veterans Affairs:

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

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

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

23       “SECTION 7. ORS 97.170 is amended to read:

24       “97.170. (1) As used in this section, ‘indigent person’ means a deceased  
25 person who does not have a death or final expense benefit or insurance pol-  
26 icy that pays for disposition of the deceased person’s body or other means  
27 to pay for disposition of the deceased person’s body and:

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

30       “(b) Whose relative, or other person, with the legal right to direct the

1 disposition of the deceased person's body does not pay or arrange to pay for,  
2 or refuses to direct, the disposition of the deceased person's body within 10  
3 days of being notified of the death; or

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

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

10 “(3)(a) A funeral establishment licensed under ORS 692.146 that takes  
11 custody of the unclaimed body of a deceased person shall, within five days  
12 after taking custody of the body:

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

14 “(B) Obtain all contact information known to the medical examiner, a  
15 health care facility or law enforcement regarding persons listed in ORS  
16 97.130;

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

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

20 “(E) If no person listed in ORS 97.130 can be located to pay the expenses  
21 to make disposition of the body, arrange with a person or institution not  
22 listed in ORS 97.130 that will pay the expenses to make disposition of the  
23 body;

24 “(F) Determine whether the State Treasurer or other person is appointed  
25 as the personal representative of the deceased person pursuant to ORS  
26 113.085; and

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

29 “(b) If no one claims the body within 10 days after the funeral establish-  
30 ment takes custody of the body, or if the persons notified acquiesce, or if the

1 decedent is not eligible for any benefits described in paragraph (a)(G) of this  
2 subsection, the funeral establishment may transfer the body to an institution  
3 on the list of institutions described in subsection (2) of this section that de-  
4 sires the body for education or research purposes.

5 “(c) If no person or institution claims the body as provided in paragraphs  
6 (a) and (b) of this subsection, the funeral establishment may cremate or re-  
7 duce or bury the body without the consent of persons listed in ORS 97.130  
8 and is indemnified from any liability arising from having made such dispo-  
9 sition. The method of disposition must be in the least costly and most envi-  
10 ronmentally sound manner that complies with law, and that does not conflict  
11 with known wishes of the deceased. If the deceased person is an indigent  
12 person, the board shall reimburse the funeral establishment for the costs of  
13 disposition under subsection (5) of this section.

14 **“(d)(A) Notwithstanding paragraphs (b) and (c) of this subsection,**  
15 **if the decedent is eligible for state or federal benefits described in**  
16 **paragraph (a)(G) of this subsection, the funeral establishment shall**  
17 **apply for the benefits within 10 days of taking custody of the body.**

18 **“(B) If no person claims the body within 10 days of taking custody,**  
19 **the funeral establishment may cremate or reduce the body before or**  
20 **after notifying the veterans’ remains coordinator under section 5 (3)**  
21 **of this 2023 Act or cause the body to be buried or interred at a national**  
22 **cemetery administered by the United States Department of Veterans**  
23 **Affairs.**

24 **“(C) The body of a decedent eligible for benefits described in para-**  
25 **graph (a)(G) of this subsection may not be transferred to an institu-**  
26 **tion described in subsection (2) of this section.**

27 “(4) If the deceased person is a child over whom the Department of Hu-  
28 man Services held guardianship at the time of death, the department shall  
29 promptly attempt to locate and notify the relatives of the deceased child or  
30 any other person who has an interest in the deceased child and shall arrange

1 with any person who will pay the expenses to make disposition of the body.  
2 If no relatives or interested persons claim the body, the department may  
3 transfer the body to an institution that is on the list maintained by the board  
4 under subsection (2) of this section that desires the body for education or  
5 research purposes, or may authorize burial or cremation or reduction of the  
6 body. The department shall pay expenses related to burial or cremation or  
7 reduction authorized by the department under this subsection.

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

16

---