

NOTICE OF PROPOSED RULEMAKING

CHAPTER 274

DEPARTMENT OF VETERANS' AFFAIRS

FILING CAPTION: "Amended" Processing Of Unclaimed [Human] Cremated Remains of Veteran or Survivor of Veteran

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2026 5:00 PM

NEED FOR THE RULE(S):

ODVA needs these rules to establish clear, uniform procedures for processing unclaimed cremated and alternative disposition remains of deceased veterans and their eligible decedents. HB 2147 (2023) directed counties to identify, evaluate, and inter eligible decedents. Without administrative rules, counties and funeral establishments may operate inconsistently, resulting in unequal application of statutory duties.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

U.S. Department of Veteran Affairs process for Unclaimed Veteran Remains found at "www.cem.va.gov/burial-memorial-benefits/unclaimed-Veteran-remains.asp"

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The proposed rules governing the processing of unclaimed cremated remains of deceased Veterans and their eligible decedents are designed to operate uniformly and do not create disproportionate impacts on any racial or ethnic group in Oregon. The rules promote equitable access by establishing clear procedural standards, reducing administrative barriers, and ensuring information is accessible to all communities. In developing these rules, the agency considered potential barriers faced by historically underserved populations, including language access, geographic disparities, and administrative complexity. Implementation will be monitored to identify any unintended inequities. Overall, the rules support consistent service delivery and uphold Oregon's commitment to racial equity.

FISCAL AND ECONOMIC IMPACT:

The proposed rules governing the processing of unclaimed cremated remains of a Veteran or survivor of a Veteran are expected to have minimal fiscal and economic impact on state agencies, local governments, and the public. Counties will implement the program using existing Veterans Remains Coordinators, Veterans Service Officers, and volunteers, consistent with the fiscal assumptions of HB 2147 (2023), which carried a Notice of No Fiscal Impact.

Local governments may incur minor administrative costs related to training, recordkeeping, and coordination with funeral establishments; however, these activities are expected to be absorbed within existing staffing and operational capacity. No significant costs are anticipated for small businesses, including funeral establishments, beyond routine communication and reporting already required under ORS 97 and ORS 692. The rules do not require new equipment, professional services, or substantial procedural changes.

Overall, the fiscal impact is minimal, with no anticipated effect on state agency budgets, no measurable economic burden on small businesses, and no expected increase in public costs.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The proposed rules are expected to have minimal cost of compliance for state and local government and small businesses. ODVA will be the sole state agency affected by this cost of compliance and incur minor administrative costs to provide training and maintain the roster of Veterans Remains Coordinators, consistent with existing duties. Counties will be the only local governments affected by these rules and may experience small increases in staff or volunteer time to appoint VRCs, conduct background checks, travel costs, maintain the list of eligible decedents, and report activity, but these tasks can be absorbed within current workloads. No members of the public are expected to be economically affected by these rules.

(2) ODVA in coordination with OMCB estimates approximately 150 licensed funeral establishments statewide—most of which operate as small businesses—may have very limited administrative obligations, including sharing information on unclaimed cremated or alternative disposition remains and notifying counties when remains are transferred. These activities rely on existing communication and recordkeeping processes and do not require new equipment, professional services, or significant labor expenditures. As reflected in the rule text (“Counties may choose to appoint a Veterans Service Officer...” and “Funeral establishments will notify VRC once cremated, or alternative disposition remains have been transported”), compliance costs are expected to remain low and manageable.

(3) Overall, the rules impose no significant fiscal burden on state agencies, counties, small businesses, or the public.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses participated in the Rules Advisory Committee and were consulted in the development and passing of the associated legislation.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

274-033-0001, 274-033-0010, 274-033-0020, 274-033-0030, 274-033-0040, 274-033-0050

ADOPT: 274-033-0001

RULE TITLE: Purpose and Objectives

RULE SUMMARY: Establishes Purpose and Objectives

RULE TEXT:

The rules of OAR chapter 274, division 33, describe a required process for interment of processed of unclaimed cremated and alternative disposition veteran and eligible decedent remains In accordance with 2023 Oregon Laws Chapter 402 (codified at ORS 97.231 through 97.245), ORS 97.110 to 97.450 and 38 CFR § 38.628. This process is defined in ORS 97.231 through 97.245, which provides a framework to process unclaimed cremated and alternative disposition remains, and the United States Department of Veteran Affairs, National Cemetery Administration Information about Unclaimed Veteran Remains found at

<https://cem.va.gov/burial-memorial-benefits/unclaimed-Veteran-remains.asp>

STATUTORY/OTHER AUTHORITY: ORS 97.246, 2023 Oregon Laws, Chapter 402

STATUTES/OTHER IMPLEMENTED: ORS 97.231-97.243

ADOPT: 274-033-0010

RULE TITLE: Definitions:

RULE SUMMARY: Establishes definitions

RULE TEXT:

Terms used throughout this division (OAR 274-33) may be defined in Oregon Revised Statute (ORS 97.010, 407.087, 408.410, 408.225 to 408.237, HB 2147, or 2023 Oregon Laws Chapter 402.) or in the Veterans Service Officer Certification Program (274-031-0002) Terms used within this division observe those definitions, except as defined below:

(1) “Veteran” has the meaning given in Oregon statute ORS 408.225

(2) “Unclaimed Cremated Remains” and “Alternative Disposition Remains” as used throughout this OAR means cremated and alternative disposition remains stored at a licensed facility (funeral home, crematorium, alternative disposition or equivalent facility for storing cremated remains) as defined in ORS 692, that has not been claimed or has been abandoned by the decedent’s legal next of kin.

(3) "Eligible Decedent" has the meaning given in 38 CFR §38.620. as incorporated by reference pursuant to ORS 183.355(1)(b).

STATUTORY/OTHER AUTHORITY: 2025 Oregon Laws, Chapter 14, 38 CFR §38.620

STATUTES/OTHER IMPLEMENTED: 2025 Oregon Laws, Chapter 14, ORS 97.231

ADOPT: 274-033-0020

RULE TITLE: Selection and Training of Veterans Remains Coordinator

RULE SUMMARY: Establishes Selection and Training of Veterans Remains Coordinator

RULE TEXT:

(1) Veterans Remains Coordinators shall be designated by a county under the provisions set forth in ORS 97.234.

(a) Qualifications of a Veterans Remains Coordinator shall be established by a background check conducted and cleared by the county for access to records information.

(b) Counties may choose to designate a Veterans Service Officer concurrently as a Veterans Remains Coordinator. Such Veterans' Service Officer may hold concurrent duties for both roles.

(c) Counties may appoint volunteers as Veterans Remains Coordinators. Appointed volunteers must be trained by the county to meet basic eligibility criteria for access to information, office procedures and other county specific criteria for volunteer work as directed by the county.

(d) All personnel assigned as a Veterans Remains Coordinator (VRC) are eligible to attend training regarding the handling of veteran unclaimed cremated remains hosted by Oregon Department of Veterans' Affairs (ODVA).

(2) A Veterans Remains Coordinator shall receive training by ODVA to support the process of determining eligibility for burial.

(a) Volunteer Veterans Remains Coordinators must maintain proficiency as directed by county appointing official.

(b) ODVA in coordination with the Oregon Mortuary Cemetery Board (OMCB) shall establish a training program for Veterans Remains Coordinators.

(c) The training offered by ODVA must include a continuing education program to include updates of procedures when required.

(d) ODVA shall maintain a roster of all trained Veterans Remains Coordinators by county.

(e) Oregon counties shall report any personnel changes to county assigned VRCs to ODVA within 30 days of the change.

STATUTORY/OTHER AUTHORITY: 2025 Oregon Laws , Chapter 14, ORS 97.246

STATUTES/OTHER IMPLEMENTED: 2025 Oregon Laws , Chapter 14, ORS 97.234

ADOPT: 274-033-0030

RULE TITLE: Reporting requirements of a Veterans Remains Coordinator

RULE SUMMARY: Establishes Reporting requirements of a Veterans Remains Coordinator

RULE TEXT:

(1) A Veterans Remains Coordinator must maintain a list of processed cremated and alternative disposition remains that meet the definition of eligible decedents per 38 CFR §38.628 and by information provided by the funeral establishment and county. The Veterans Remains Coordinator will share this list with the funeral establishment upon request.

(a) The cremated and alternative disposition remains list will be maintained by the VRC internal to each county.

(b) The list of cremated and alternative disposition remains that meet the definition of eligible decedent will be maintained with the same safeguards as Personal Identifiable Information and Personal Health Information stored in accordance with county procedures.

(c) The Veterans Remains Coordinator shall establish and maintain the list of eligible decedents that are reported under subsection (1) of this section and contain at least the name of the decedent, location decedents remain are stored, any identifiable information such as birth date, social security number and will contain any available next of kin information in accordance with OAR 830-030-0030(2). The Veterans Remains Coordinator will share this list with the relevant funeral establishment upon request.

(d) Veterans Remains Coordinators will only track funeral establishments that are physically located within assigned county.

(2) Counties must add Veterans Remains Coordinator work accomplished to ODVA quarterly activity report (Form VS0914) under "other services performed section." Report should include number of funeral establishments that were visited last reporting period and total number of unclaimed cremated and alternative disposition remains the Veterans Remains Coordinator is tracking.

STATUTORY/OTHER AUTHORITY: 38 CFR §38.628, 2023 Oregon Laws, Chapter 402, ORS 97.234

STATUTES/OTHER IMPLEMENTED: 2023 Oregon Laws, Chapter 402, ORS 97.237

ADOPT: 274-033-0040

RULE TITLE: Processing of unclaimed cremated and alternative disposition remains.

RULE SUMMARY: Provides method of processing of unclaimed cremated and alternative disposition remains.

RULE TEXT:

A Veterans Remains Coordinator will work with all funeral establishments located within their county to process eligible decedents as an unclaimed veteran cremated and alternative disposition remains according to U.S. Department of Veterans Affairs policy and Federal 38 CFR §38.628.

(1) All assistance the Veterans Remains Coordinator provides to a funeral establishment will be in accordance with U.S. Department of Veterans Affairs (USDVA) policy on processing indigent and unclaimed veteran cremated remains.

(2) A county Veterans Remains Coordinator will not take possession or authority over cremated or alternative disposition remains under any circumstances.

STATUTORY/OTHER AUTHORITY: 2023 Oregon Law, Chapter 402, ORS 97.234

STATUTES/OTHER IMPLEMENTED: 2023 Oregon Law, Chapter 402, ORS 97.243

ADOPT: 274-033-0050

RULE TITLE: VRC Responsibilities

RULE SUMMARY: Establishes VRC Responsibilities

RULE TEXT:

(1) Veterans Remains Coordinators will establish contact with all funeral establishments operated by funeral service practitioners licensed in accordance with ORS 692.045

(a) The Veterans Remains Coordinator will use official county communication means to connect with the funeral establishment manager or other authorized representative.

(b) Veterans Remains Coordinators will establish a continuous visit plan to all funeral establishments within assigned county to allow for semi-annual visits, or annual visits for counties with a total population under 20,000. All visits will be prearranged with the funeral establishment to reduce work impacts, and the purpose will be to establish a collaborative relationship between the county Veterans Remains Coordinator and funeral establishment.

(2) Funeral establishments will notify Veterans Remains Coordinator once cremated, or alternative disposition remains have been transported. Information should include location of interment and date of transfer.

STATUTORY/OTHER AUTHORITY: 2023 Oregon Laws, Chapter 402, ORS 97.234, ORS 97.237 - ORS 97.240

STATUTES/OTHER IMPLEMENTED: 2023 Oregon Laws, Chapter 402, ORS 97.237 - ORS 97.240

