

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB439

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Tata

3. Committee: General Laws

4. Title: Veterans; disposition of cremains.

5. Summary: This bill requires a funeral director to determine whether unclaimed cremains are those of a veteran prior to disposing of such cremains, and provides that a funeral director may transfer cremains of a veteran to a veterans service organization for purposes of disposition. The bill also provides that absent bad faith or malicious intent, no funeral director who transfers the cremains of a veteran or veterans service organization that receives the cremains of a veteran for purposes of disposition shall be liable for civil negligence.

6. Budget Amendment Necessary: No.

7. No fiscal impact. Preliminary. See #8.

8. Fiscal Implications: The cremated remains (cremains) of veterans sometimes go unclaimed by family from funeral homes. When this happens, the cremains may sit on shelves in funeral homes for years or even decades. The Code of Virginia allows funeral homes to dispose of unclaimed cremains, but many funeral homes retain unclaimed cremains in storage.

The bill requires funeral directors, prior to disposition of cremains, to contact the Department of Veterans Services (DVS) to determine whether the deceased was a veteran (not whether the deceased was a veteran eligible for burial in a national or state veterans cemetery). If so, the funeral director may transfer the cremains to a veterans service organization for burial, interment, entombment, inurnment, or other disposition. The resources available to the veterans services organizations for disposition of the cremains of those veterans ineligible for burial in state veterans cemeteries are unknown.

The Department of Veterans Services is able to determine the veteran status of cremains within existing resources.

9. Specific Agency or Political Subdivisions Affected: Department of Veterans Services.

10. Technical Amendment Necessary: No.

11. Other Comments: The Virginia Department of Veterans Services operates three state veterans cemeteries that provide honorable burials to qualified veterans. If the unclaimed cremains can be positively identified as belonging to a qualified veteran, and if that veteran is eligible for burial in a veterans cemetery, then DVS can provide that veteran with a dignified burial and an honorable final resting place among his/her comrades in arms.

Date: 1/17/12

Document: Janet Vogelgesang G:\12-14\FIS\HB439.doc

c: Secretary of Veterans Affairs and Homeland Security