

SENATE BILL REPORT

SB 5481

As Reported by Senate Committee On:
Government Operations & Elections, February 09, 2009

Title: An act relating to veterans' burials.

Brief Description: Concerning veterans' burials.

Sponsors: Senators Marr, Becker, Hobbs, Haugen, Franklin, Parlette, Eide, Rockefeller, Hatfield, Jarrett, Jacobsen, Kilmer, Berkey, Tom, Swecker, King, Kastama, Shin, McDermott, Prentice, Fairley, Holmquist, Brandland, McCaslin, Ranker, McAuliffe, Roach, Honeyford and Kauffman.

Brief History:

Committee Activity: Government Operations & Elections: 2/03/09, 2/09/09 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

Staff: Edward Redmond (786-7471)

Background: A person or entity in lawful possession of unclaimed human remains for a period of 90 days or more may dispose of the remains. The disposition of the unclaimed human remains must be in accordance with the rules adopted by the Washington State Cemetery Board and the Board of Funeral Directors and Embalmers.

The Department of Veterans Affairs (DVA) uses various records and databases to determine whether a decedent is eligible for interment at a state or federal veterans' cemetery. An individual must be a United States veteran discharged under conditions other than dishonorable, a veteran's spouse, or a veterans' dependent child to be eligible for interment at the National Veterans' Cemetery or Washington State Veterans' Cemetery.

Summary of Bill (Recommended Substitute): Any deceased veteran or veteran's dependant that is left unclaimed for a period of 90 days or longer, and is certified by the DVA as eligible for interment at a federal or state veterans' cemetery, must be transferred

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

from the person or entity in possession of such human remains to the custody of the DVA. The person or entity transferring the human remains to the DVA is immune from any liability associated with such transfer. The state, its employees, and agents are also immune from any liability related to the transfer of such human remains to the DVA.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Clarifies that the certification and transfer of human remains to the DVA only applies in cases where remains are unclaimed for a period of 90 days or longer. Changes the liability language to conform with preferred drafting conventions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: In April 2008 DVA learned that a significant amount of unclaimed veterans remained in the possession of funeral homes and were not given proper military burials. This bill establishes a collaborative process, between DVA and funeral directors, to transfer veterans and provide them with proper burials.

Persons Testifying: PRO: John Lee, Director, Washington State Department of Veterans Affairs.