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FISCAL IMPACT REPORT

SPONSOR McCoy **ORIGINAL DATE** 03/06/09
LAST UPDATED _____ **HB** 852
SHORT TITLE Disposition of Veterans' Cremains Act **SB** _____
ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Veterans' Services (DVS)

SUMMARY

Synopsis of Bill

House Bill 852 creates the "Disposition of Veterans' Cremains Act" which proposes that a funeral service practitioner shall make a reasonable effort to determine whether a deceased person whose remains have been submitted to a funeral establishment for final disposition by cremation is a veteran, spouse of a veteran, or dependent child of a veteran.

FISCAL IMPLICATIONS

This bill carries no appropriation and has no fiscal impact.

SIGNIFICANT ISSUES

According to DVS, The Missing in America Project has identified 21 veterans' cremains that have gone unclaimed. It is incumbent on New Mexico to honor these veterans with a proper burial. This bill would allow the cremains to be given a full military honors funeral at the Santa Fe National Cemetery or the Veteran Cemetery at Ft. Bayard in Southwest New Mexico.

The bill requires that a funeral practitioner initiate action within 72 hours after an order of disposition for cremation has been signed by the authorizing agent. Essentially, the funeral

practitioner has 72 hours to identify a veteran, spouse of a veteran, or dependent child of a veteran before the cremation process begins. If the practitioner cannot determine with certainty the deceased person's status as a veteran, spouse of a veteran, or dependent child of a veteran, the practitioner may allow the National Cemetery Administration of the United States Department of Veteran Affairs to have access to all information regarding the deceased person in order to determine whether the deceased person meets the qualifications of this Act.

If the practitioner determines that the deceased person meets the qualifications of this Act, he/she shall immediately notify the authorizing agent that the deceased may be eligible to be interred at an appropriate veterans' cemetery.

If the cremains of a veteran, spouse of a veteran, or dependent child of a veteran are not claimed by an authorizing agent, the practitioner shall hold any cremains for at least two years. After two years, the practitioner shall send written notice to an authorizing agent requesting disposition instructions. If a response is not received within thirty days, the practitioner shall contact any veterans' organization whose purpose is to locate and identify veterans to make arrangements for disposition.

Lastly, a practitioner complying with the provisions of the Disposition of Veterans' Cremains Act is immune from any criminal or civil liability regarding the release of information.

PV/mc