

2015 DRAFTING REQUEST

Bill

Received: 11/24/2015 Received By: **mgallagh**
For: **Sheila Harsdorf (608) 266-7745** Same as LRB:
May Contact: By/Representing: **Brooke**
Subject: **Occupational Reg. - misc** Drafter: **mgallagh**
Veterans - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**
Aaron.McKean@legis.wisconsin.gov
michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Unclaimed human remains of veterans.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 12/2/2015	eweiss 12/4/2015	_____			
/P1	mgallagh 12/23/2015	eweiss 12/23/2015	_____	sbasford 12/4/2015		
/1			_____	mbarman	mbarman	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			_____	12/23/2015	12/23/2015	S&L

FE Sent For:

*at
intro*

<END>

Gallagher, Michael

From: Froelich, Brooke
Sent: Friday, November 20, 2015 10:50 AM
To: Gallagher, Michael
Subject: Draft Request
Attachments: 201511181006.pdf

Hi Michael,

Could you please draft a bill with the attached information. Called with any questions. Thanks

Brooke Froelich

Office of State Senator Sheila Harsdorf
122S State Capitol
608.266.7745
Brooke.froelich@legis.wi.gov

Greetings.

The photo is of 3 Veterans cremains (unclaimed) sitting in a funeral home in Eau Claire. I have contacted the directors of each of the 560 funeral homes in Wisconsin, and have located another 38 unclaimed Veteran cremains. Some having living relatives, & have signed off, to release their relatives, for interment, at our 3 state Veteran cemeteries.

Rep. Ken Skowronsky, from the Milw. area, was supposed to introduce a bill, that would echo the existing Virginia law, but has so far not begun the process. Every funeral home Director, that I explained this law to, was in full support.

I would ask you to support this effort in your capacity, or to possibly, introduce the bill, on your own. Please contact Rep. Skowronsky and find out his status, on this issue.

Thank you,
For God & Country,
~~Ed Cooper~~
Ed Cooper
Vice-Commander
Dept. of Wisc. of
The American Legion

Scott Walker, Governor

John A. Scocos, Secretary



**STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS**

201 W. Washington Ave.
P.O. Box 7843
Madison, WI 53707-7843

Phone: (608) 266-1311
Toll-free: 1-800-WIS-VETS (947-8387)
Fax: (608) 267-0403
Email: WisVets@dva.wisconsin.gov
Website: www.WisVets.com

Friday, August 7, 2015

Contact: Carla Vigue, 608-266-0517

carla.vigue@dva.wisconsin.gov

WDVA and American Legion to Help Bury Indigent Veterans

MADISON - The Wisconsin Department of Veterans Affairs (WDVA) and the American Legion Department of Wisconsin today announced an effort to ensure that military veterans receive the proper burial they deserve. The partnership seeks to remedy a situation where a veteran may pass away without a next-of-kin claiming them or without the funding to hold a funeral for them.

Together, the WDVA and American Legion are working to reach out to the more than 450 funeral service providers in Wisconsin to identify the remains of deceased veterans who may be potentially eligible for a military burial.

"Not all those who have served our nation honorably have been afforded their full honors," WDVA Secretary John A. Scocos said. "Of the many thousands of brave men and women who served our nation from World War II to the present day, sadly, some will pass on without a next-of-kin to arrange their funerals or without enough money to cover the costs associated with burial. When these Soldiers, Sailors, Airmen, Marines and Coast Guardsmen serve our country, the very least we owe them is a dignified burial and final salute."

When a veteran is located who died without a next-of-kin or without enough funds to cover burial, the American Legion has created a restricted fund to assist with burial costs to ensure the veteran receives the dignified memorial service he or she deserves.

The WDVA operates three State Veterans Cemeteries located in Union Grove, King and Spooner which may be used as a final resting place for these veterans.

As with any other veteran, the American Legion will also perform honors at the funeral – a final rifle volley, playing of 'Taps,' and folding the U.S. flag. The WDVA will also assist in coordinating Military Funeral Honors throughout the state.

"It is important to us to ensure those who served their nation are afforded the final respect they have earned," said Dale Oatman, American Legion Department of Wisconsin commander. "No veteran should go unrecognized, especially in regard to their final honors."

Funeral service providers and cemeteries are asked to contact the American Legion – Department of Wisconsin at 608-745-1090 for further details on providing information about the deceased in order to make a determination of their veteran status.

For more information about the WDVA's Veterans Cemeteries and the Military Funeral Honors program visit www.WisVets.com.



Post Honor Guards Are Called to Action!

Plight of Wisconsin Soldier Killed in Vietnam Calls Attention to Need to Bury Indigent Veterans

Not all those who have served our nation honorably have been afforded their full honors. Some veterans among us pass away without anyone claiming them or holding a funeral for them. The Wisconsin Department of Veterans Affairs and The American Legion, Department of Wisconsin are looking to change this and give all those who served the proper burial they deserve as military veterans.

The recent interment of Terrence Sund, a soldier from Menomonee Falls, who was killed in Vietnam in December 1967 highlighted the plight of veterans who die without next-of-kin or who did not have funds available to ensure proper burial.

Terrence was just 20 years old when he drowned in a Viet Cong tunnel in Vietnam on December 6, 1967. Terrence's remains were returned to Wisconsin in January of 1968 and interred in the north room of Wisconsin Memorial Park Cemetery in Brookfield and kept all these years without proper funeral honors. The necessary funds to have Terry and his mother's remains moved to a niche in the veterans section on the grounds of Wisconsin Memorial Park were raised and a formal, military funeral ceremony took place on Saturday, August 8th.

To ensure that no other Wisconsin veterans go neglected, the WDVA and the The American Legion, Department of Wisconsin are working to reach out to the more than 450 funeral service providers in Wisconsin and reference any names of possible veterans against a United States Department of Defense list of veterans.

The American Legion, Department of Wisconsin has created Terrence Sund Memorial Fund, a Restricted Fund to receive donations so that when a veteran is located who died without a next-of-kin or without enough funds to cover burial, any incidental costs can be covered to ensure the veteran receives the dignified memorial service he or she deserves. Each local American Legion post that regularly performs funeral honors can assist this effort greatly. Honor Guard members are encouraged to ask their local Funeral Service providers if they are aware of any unclaimed remains so that the names can be researched to determine if the individuals were military service members at some point in their life.

"It is important to us to ensure those who served their nation are afforded the final respect they have earned – a final rifle volley, playing of 'Taps,' and folding the U.S. flag," said Commander Dale Oatman of the Anderson – Sather Post No. 524 in White Lake. "No veteran should go unrecognized, especially in regard to their final honors."

Funeral service providers and cemeteries are asked to contact Department headquarters at 608-745-1090 for further details on providing names of the deceased for determination of their veteran status.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER 138

2 *An Act to amend and reenact §§ 54.1-2808.1 and 54.1-2808.2 of the Code of Virginia, relating to*
 3 *unclaimed cremains of veterans; eligible dependents; veterans service organizations.*

4
 5 Approved MAR 16 2015

[S 1106]

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 54.1-2808.1 and 54.1-2808.2 of the Code of Virginia are amended and reenacted as
 8 follows:

9 § 54.1-2808.1. Disposition of cremains.

10 Except as otherwise provided in § 54.1-2808.2, a funeral director may dispose of the cremains of an
 11 individual by interment, entombment, inurnment, or by scattering of the cremains, if after 120 days from
 12 the date of cremation, the contracting agent has not claimed the cremains or instructed the funeral
 13 director as to final disposition. The funeral director shall keep a permanent record of all cremains which
 14 identifies the method and site of final disposition. The costs and all reasonable expenses incurred in
 15 disposing of the cremains shall be borne by the contracting agent. Upon the disposition of the cremains,
 16 the funeral director shall not be liable for the cremains or for the method of final disposition. Except as
 17 otherwise provided in § 54.1-2808.2, any funeral director in possession of unclaimed cremains prior to
 18 July 1, 1993, may dispose of such cremains in accordance with the provisions of this section. However,
 19 no funeral director shall, without written permission of the contracting agent, dispose of cremains in a
 20 manner or a location in which the cremains of the deceased are commingled, except in the scattering of
 21 cremains at sea, by air, or in an area used exclusively for such purpose, or place, temporarily, the
 22 cremains of persons in the same container or urn.

23 For the purposes of this section and § 54.1-2808.2, "contracting agent" means any person,
 24 organization, association, institution, or group of persons who contracts with a funeral director or funeral
 25 establishment for funeral services.

26 § 54.1-2808.2. Identification of unclaimed cremains of veterans and eligible dependents.

27 A. For the purposes of this section:

28 "Eligible dependent" means a veteran's spouse, a veteran's unmarried child younger than 21 years of
 29 age, or veteran's unmarried adult child who before the age of 21 became permanently incapable of
 30 self-support because of physical or mental disability.

31 "Veterans service organization" means an association or other entity organized for the benefit of
 32 veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress
 33 and any employee or representative of such association or entity.

34 B. If the contracting agent has not claimed the cremains or instructed the funeral director as to final
 35 disposition within 90 days from the date of cremation, the funeral director shall provide names and any
 36 other identifying information of the unclaimed cremains to the Department of Veterans Services or a
 37 veterans service organization in order for the Department or organization to determine if the unclaimed
 38 cremains are those of a veteran or eligible dependent. The names and any personal identifying
 39 information submitted by a funeral director to the Department of Veterans Services or veterans service
 40 organization in compliance with this section shall be exempt from disclosure under the Virginia
 41 Freedom of Information Act (§ 2.2-3700 et seq.).

42 ~~B. Commencing July 1, 2014, the~~ C. The Department of Veterans Services or veterans service
 43 organization shall notify the funeral director within 30 45 days of receipt of the information required by
 44 subsection A B if the cremains are those of a veteran or eligible dependent and, if so, whether such
 45 veteran or eligible dependent is eligible for burial in a veterans cemetery in order to permit the transfer
 46 of the unclaimed cremains to a veterans cemetery. If the cremains are those of an eligible veteran or
 47 eligible dependent, a funeral director may transfer the cremains to the Department of Veterans Services
 48 or a veterans service organization for the purpose of disposition of such cremains.

49 G. D. No disposal of the unclaimed cremains of an eligible veteran or eligible dependent shall be
 50 made until the funeral director has notified the Virginia Department of Veterans Services or a veterans
 51 service organization and has received a determination as to whether the cremains are those of an eligible
 52 veteran or eligible dependent. Absent bad faith or malicious intent, no funeral director who transfers the
 53 cremains of a veteran or eligible dependent to the Virginia Department of Veterans Services or a
 54 veterans service organization for purposes of disposition or a veterans service organization that receives
 55 cremains for the purposes of disposition as provided in this section shall be liable for civil negligence.

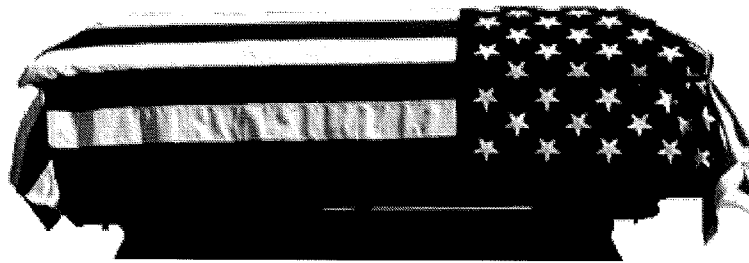
ENROLLED

SBI106ER



American Veteran No Next Of Kin Burial / Information

**This page was created on March 15, 2015 by Jeff Doc Dentice
to provide information about burials of our veterans with no next of kin.**



Doc Dentice

Thank You for posting the info about the burial of the unknown Vet in Union Grove.

This was an experience in itself. I know there will be more.

The information you are providing on this page is very good.

Thanks for always being there for our veterans for the past 30 years.

Tim Baranzyk Wisconsin Vietnam Vets Chapter One - Greendale Legion Post 416

Here Is One Example Of A 2015 No Next Of Kin Burial In S/E Wisconsin

A veteran's remains were taken to the Wisconsin Union Grove Veterans Cemetery for burial with honors.

He was from Milwaukee County, died in a group home in Waukesha County - no family, no friends....

Working with Waukesha County Medical Examiner's Office, Milwaukee County Corporation Counsel, a

funeral home in Hales Corners, and others, they were able to determine his veterans status, get his body

cremated, and the military funeral honors and internment that he deserved, as an American veteran.

At the WI. Union Grove Veterans Cemetery, they have a group of veterans & citizens who are on call.

They attend burial ceremonies when there is no next of kin, so that the veteran will never be buried alone.

Many Thanks to the local veterans providing the military honor guards, and the patriotic citizens who attend those ceremonies.

Please keep in mind that some veterans are also buried at local cemeterys, but no one knew they were a veteran.

Many folks have visited cemeterys and saw a grave, and wondered if maybe that person may have been a veteran.

They have searched on their own, and asked for a further review, and in many cases, it proved to be correct.

Cemeterys in that situation may be provided by the VA, with a headstone or marker for that veterans grave.

In rare cases, the veteran would be disinterred, and buried with honors at a veterans cemetery.

Veterans that pass away, at a VA hospital or Vets home, group homes, or homeless on the streets, or at their own residence.

If they have no family members, or no one in the family who will claim that veteran, then the No Next Of Kin process begins.

If a veteran passes away at a VA hospital or veterans home, and no one claims him/her as a family member, the staff will work with the state or national cemeterys, to ensure that there is a plot or urn provided, and military funeral honors for that veteran.

Funeral directors will also call the morgue, or vice versa, and they in turn will contact the nearest veterans cemetery, and

ask them to check to see if that person was a veteran. Many times they will contact a local County Vets Service Officer for help.

The veterans cemetery staff will check the records, and if that person is a veteran, they in turn will contact

the local area veterans organizations who do funeral honors, to have them provide a military honor guard.

That veteran will be provided a burial plot at that veterans cemetery.



October 20, 2015

The U.S. Department of Veterans Affairs (VA) program to reimburse for the purchase of a casket or urn used to

inter a deceased, eligible, Unclaimed Veteran in a VA National Cemetery, is in place.

The program allows for the reimbursement to any individual or entity, has standards for the casket or urn purchased, and by law requires that the Veteran died on or after January 10, 2014.

For eligible Veterans who died on or after January 10, 2014 and were interred in a VA national cemetery prior to May 13, 2015 there special instructions for applying for the reimbursement.

To learn more about the program and how to receive reimbursement, please reference the fact sheets listed below.

Unclaimed Remains Burial Resources
Unclaimed Veteran Remains – Casket or Urn Reimbursement Program
Retroactive Unclaimed Veteran Remains – Casket or Urn Reimbursement Program



New as of August 7, 2015
WDVA / Legion to Help Bury Indigent Veterans

(WDVA) and the American Legion Wisconsin announce effort to ensure that military veterans receive the proper burial they deserve.

To remedy a situation where a veteran may pass away without a next-of-kin claiming them or without the funding to hold a funeral for them.

They will reach out to more than 450 funeral service providers in Wisconsin to identify the remains of deceased veterans who may be potentially eligible for a military burial.

“Not all those who have served our nation honorably have been afforded their full honors.

Of the many thousands of brave men and women who served our nation from World War II to the present day, some will pass on without a next-of-kin to arrange their funerals or without enough money to cover the costs associated with burial. When these Soldiers, Sailors, Airmen, Marines and

Coast Guardsman serve our country, the very least we owe them is a dignified burial and final salute.”

When a veteran is located who died without a next-of-kin or without enough funds to cover burial, the American

Legion has created a restricted fund to assist with burial costs to ensure the veteran receives the dignified

memorial service he or she deserves. The WDVA operates three State Veterans Cemeteries located in Union Grove, King and Spooner which may be used as a final resting place for these veterans.

As with any other veteran, the American Legion will also perform honors at the funeral – a final rifle volley,

playing of ‘Taps,’ and folding the U.S. flag.

The WDVA will also assist in coordinating Military Funeral Honors throughout the state.

Funeral service providers and cemeteries are asked to contact the American Legion – Department of Wisconsin at 608-745-1090 for further details on providing information about the deceased in order to make a

determination of their veteran status



The U.S. Department of Veterans Affairs (VA) program to reimburse for the purchase of a casket or urn


used to inter a deceased, eligible, Unclaimed Veteran in a VA National Cemetery, is now in place.

The program

allows for the reimbursement to any individual or entity, has standards for the casket or urn purchased, and by law requires that the Veteran died on or after January 10, 2014.

For eligible Veterans who died on or after January 10, 2014 and were interred in a VA national cemetery prior to May 13, 2015 there are special instructions for applying for the reimbursement.

VA



U.S. Department of Veterans Affairs
National Cemetery Administration

Unclaimed Veteran Remains

The U.S. Department of Veterans Affairs (VA) works with Veteran service groups, funeral industry partners, public administrators and other concerned citizens to ensure the dignified burial of unclaimed Veterans. "Unclaimed Veterans" are defined as those who die with no next of kin to claim their remains and insufficient funds to cover burial expenses. A VA pension or other compensation is no longer a prerequisite for these "Unclaimed Veterans" to receive burial benefits. Below is a step-by-step process for determining eligibility and arranging burial for unclaimed Veterans.

Step 1: Determine Eligibility:

- Contact the **National Cemetery Scheduling Office** at **1-800-535-1117** to determine if an identified, unclaimed decedent is a Veteran and eligible for burial in a VA national cemetery. The process may require 48 hours or more.

OR

- State or tribal Veterans cemeteries also offer burial options for eligible Veterans. Contact the state or tribal Veterans cemetery for eligibility determination and scheduling the burial. A listing is available at www.cem.va.gov/cem/cems/listcem.asp.

Step 2: Arrange for the deceased, unclaimed Veteran's burial in either:

- **A National Cemetery** - Contact the **National Cemetery Scheduling Office** at **1-800-535-1117** to arrange burial for eligible Veterans in any of VA's 131 national cemeteries with available space.
- **A State or Tribal Veterans Cemetery** - Contact the state or tribal Veterans cemetery to schedule the burial. A listing is available at www.cem.va.gov/cem/cems/listcem.asp.
- **A Private Cemetery** - Veterans buried in a private cemetery may be entitled to a headstone or marker. To apply, complete **VA Form 40-1330, Claim for Standard Government Headstone or Marker**. NOTE: The cost of setting the headstone or marker is the responsibility of the requestor.

Step 3: Apply for monetary burial benefits associated with the burial of the unclaimed Veteran. Eligibility may depend on the Veteran's place of burial.

Monetary Burial Benefits Available for Unclaimed Veterans by Place of Burial	
National Cemetery	<ul style="list-style-type: none"> • Reimbursement for the cost of a Casket or Urn (VA National Cemetery Only) • Reimbursement for transportation to a National Cemetery • Burial Allowance
VA-Funded State or Tribal Veterans' Cemetery	<ul style="list-style-type: none"> • Burial Allowance
Private Cemetery	<ul style="list-style-type: none"> • Burial Allowance • Plot Allowance

Monetary Burial Benefit Descriptions:

Casket or Urn: An individual or entity that pays for the casket or urn used to inter an unclaimed Veteran, in a VA national cemetery, who died on or after January 10, 2014, may apply for reimbursement of the cost through the National Cemetery Administration. The casket or urn must meet certain standards and must be used for burial or inurnment of the unclaimed Veteran in a national cemetery. Reimbursement is for actual cost, not to exceed an annually established average, published each year in the Federal Register. VA will process claims retroactively to the effective date of the benefit, January 10, 2014. Review the [Unclaimed Veteran Remains – Casket or Urn Reimbursement Program Fact Sheet](#) for instructions on how to apply.

Transportation to a National Cemetery: Any individual or entity that pays for the transportation of an unclaimed Veteran's remains to a national cemetery for burial may apply for reimbursement of the costs through the Veterans Benefits Administration (VBA), **VA Form 21P-530, Application for Burial Benefits**. VBA must receive a receipt, preferably on letterhead, showing who paid the costs, the name of the deceased Veteran, the specific transportation expenses incurred, and the dates of the services rendered. Reimbursement will not exceed the cost of transporting the unclaimed Veteran's remains to the national cemetery closest to the Veteran's last place of residence in which burial space is available.

Burial Allowance: Any individual or entity that pays for the costs associated with preparing the remains of an unclaimed Veteran for burial or inurnment may be eligible for a burial allowance. Submit burial allowance requests through VBA, using **VA Form 21P-530, Application for Burial Benefits**. VBA currently reimburses these costs at a flat rate of \$300. For more information read VBA's [Burial and Plot-Interment Allowances Fact Sheet](#).

Plot Allowances: Any individual or entity that pays for a plot for the burial of an unclaimed Veteran in a private cemetery may be eligible for a plot allowance. Submit plot allowance requests through VBA, using **VA Form 21P-530, Application for Burial Benefits**. VBA currently reimburses these costs at a flat rate of \$745. For more information read VBA's [Burial and Plot-Interment Allowances Fact Sheet](#).

*Veterans eligible for burial in a VA national, state or tribal Veterans' cemetery may receive a headstone or marker, a U.S. Burial Flag and a Presidential Memorial Certificate.

Applicants should annotate "unclaimed remains" to define relationship to the Veteran when completing **VA Form 21P-530, Application for Burial Benefits. Use one **VA Form 21P-530, Application for Burial Benefits**, to apply for the Transportation Reimbursement, Burial Allowance and Plot Allowance. There will be a separate form for the casket or urn reimbursement when the final rule is published.

***If a Veteran dies while at a VA facility under authorized VA admission, and the remains are unclaimed, the facility director will ensure proper burial for the Veteran as defined by [VHA Handbook 1601B.04, Decedent Affairs, Section 8](#), and "Unclaimed Remains." If a Veteran dies at a non-VA facility under authorized admission at VA's expense, and is unclaimed, contact the closest VA healthcare facility to arrange for proper burial of the unclaimed Veteran. A listing is available [here](#).

Updated May 2015

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VA

U.S. Department of Veterans Affairs
National Cemetery Administration

Unclaimed Veteran Remains
Casket or Urn Reimbursement Program

The U.S. Department of Veterans Affairs (VA) will reimburse for the purchase of a casket or urn used to inter a deceased, Unclaimed Veteran in a VA national cemetery if the Veteran died with no identifiable next of kin and insufficient resources to pay for a casket or urn.

WHO – Any individual or entity that pays for a casket or urn used to inter an eligible Unclaimed Veteran, in a VA national cemetery, who died on or after January 10, 2014 and was interred on or after May 13, 2015. For eligible, Unclaimed Veterans who died on or after January 10, 2014 and were interred in a VA National Cemetery prior to May 13, 2015, special instructions apply*.

WHAT – VA will reimburse the actual cost of a casket or urn, not to exceed an annually established average cost. The reimbursement payable in calendar year 2015 is \$1,967 for a casket and \$172 for an urn. The reimbursement amount will be adjusted for inflation on annually.

HOW – Applicants must submit **VA Form 40-10088, Request for Reimbursement of Casket/Urn, Part I** should be submitted with documentation of qualifying military service to the VA National Cemetery Scheduling Office (NCSO). **Part I** may be faxed (toll-free) to 1-866-900-6417, emailed to nca.scheduling@va.gov, or mailed to PO Box 510543, St. Louis, MO 63151.

Applicants (who may differ from the individual or entity that requested burial), must submit **Part II of VA Form 40-10088** with the required reimbursement documentation to NCSO at the time of the burial request, **OR** to the VA national cemetery before the actual interment.

Required documentation for reimbursement purposes includes the following:

- Invoice or bill of sale showing model number and cost of casket or urn.
- Completed and signed FSC Vendor File Request Form (**VA Form 10091**) or previously assigned Vendor ID.

CASKET AND URN STANDARDS (A VA National Cemetery official will verify that caskets and urns meet these standards at the interment):

A **casket** must be of at least 20-gauge metal (thickness), designed to contain human remains and include a gasketed seal and external fixed rails or swing arm handles.

An **urn** must be made of a durable material, such as plastic, wood, metal, or ceramic, designed to hold cremated human remains, and include a secure closure to contain the cremated remains.

*The special instructions for retroactive reimbursements are available in the VA fact sheet entitled "**Retroactive Casket or Urn Reimbursement Requests**." The fact sheet is also available at any VA national cemetery.

For information on other benefits available to assist with providing Unclaimed Veterans a dignified burial please see the **Unclaimed Veteran Remains Fact Sheet**.



U.S. Department of Veterans Affairs
National Cemetery Administration

Retroactive Casket or Urn Reimbursement Requests

On January 10, 2013, Congress enacted the "Dignified Burial and Other Veterans' Benefits Improvement Act of 2012", Public Law 112-260 and codified in Title 38 Code of Federal Regulations section 38.628 which authorizes the U.S. Department of Veterans Affairs (VA) National Cemetery Administration to reimburse an individual or entity for the purchase of a casket or urn used to inter unclaimed remains of a Veteran buried in a VA national cemetery if the Veteran died on or after January 10, 2014, with no known next of kin and where sufficient financial resources are not available to furnish a casket or urn.

This fact sheet provides instructions to individuals or entities that may be eligible for the casket/urn reimbursement. The following information explains the reimbursement program requirements for the different time frames. For information on other benefits available to assist with providing Unclaimed Veterans a dignified burial please see the [Unclaimed Veteran Remains Fact Sheet](#).

<u>For Unclaimed Veterans Who Died on or After January 10, 2014 until July 2, 2014, Interred in a VA National Cemetery</u>	
Who may apply?	Individuals or entities that paid for a casket or urn to bury an eligible Veteran, in a VA national cemetery, who died on or after January 10, 2014, with no next of kin and insufficient resources for burial.
What must I submit?	<ul style="list-style-type: none"> • Completed VA Form 40-10088, Request for Reimbursement of Casket/Urn Part I (blocks 1-4 and 7-9) and Part II (blocks 1-13) • Provide the invoice for the casket/urn used for the unclaimed Veteran's burial • Completed VA Form 10091, FSC Vendor File Request Form or provide Vendor ID in box 11 of Part II of VAF 40-10088
Where do I submit my claim?	Completed VA forms may be faxed or mailed to the following office: National Cemetery Administration Office of Field Programs (41) ATTN: Retroactive Reimbursement Request 810 Vermont Avenue, NW Washington, DC 20420 FAX (not toll-free) 202-273-6697
What type of casket or urn is required?	Caskets and urns are not required to meet the regulatory standards published July 2, 2014
What is the reimbursement rate?	Actual cost up to the maximum 2015 rate of \$1,967 for a casket and \$172 for an urn.

<u>For Unclaimed Veterans Who Died on or After July 2, 2014, until May 13, 2015, Interred in a VA National Cemetery</u>	
Who may apply?	Individuals or entities that paid for a casket or urn to bury an eligible Veteran who died on or after January 10, 2014, with no next of kin and insufficient resources for burial, <u>and</u> were buried in a VA national cemetery between July 2, 2014 and May 13, 2015.

What must I submit?	<ul style="list-style-type: none"> • Completed VA Form 40-10088, Request for Reimbursement of Casket/Urn Part I (blocks 1-4 and 7-9) and Part II (blocks 1-13) • Provide the invoice for the casket/urn used for the unclaimed Veterans burial • Completed VA Form 10091, FSC Vendor File Request Form or provide Vendor ID in box 11 of Part II of VAF 40-10088
Where do I submit my claim?	Completed VA forms may be faxed or mailed to the following office: National Cemetery Administration Office of Field Programs (41) ATTN: Retroactive Reimbursement Request 810 Vermont Avenue, NW Washington, DC 20420 FAX (not toll-free) 202-273-6697
What type of casket or urn is required?	<ul style="list-style-type: none"> • Caskets and urns must meet the regulatory standards published July 2, 2014 in the Federal Register as follows: • Caskets must be of at least 20-gauge metal thickness, designed to contain human remains and include a gasketed seal and external fixed rails or swing arm handles. • Urns must be made of a durable material, such as plastic, wood, metal, or ceramic, designed to hold cremated human remains, and include a secure closure to contain the cremated remains.
What is the reimbursement rate?	Actual cost up to the maximum 2015 rate of \$1,967 for a casket and \$172 for an urn.



emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Notes

(PI)

S.A. ✓
Xref ✓

Sen.

1 AN ACT ...; relating to: disposition of the unclaimed cremated remains of
2 veterans. and their dependents

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 45.61 (2m) of the statutes is created to read:

4 45.61 (2m) UNCLAIMED CREMATED REMAINS OF VETERANS. (a) ^{1.} A funeral director,
5 cemetery authority, or public officer having custody of unclaimed cremated remains
6 shall, if the cremated remains are not claimed within 90 days after the date of
7 cremation, contact the department or a county veterans service officer to determine
8 whether the cremated remains are of a person described under sub. (2).

9 2. If the department or county veterans service officer determines that the
10 cremated remains are of a person described under sub. (2), the funeral director,

1 cemetery authority, or public officer may transfer the cremated remains to the
2 department for burial under this section. ✓

3 (b) A person who transfers cremated remains to the department under par. (a)
4 is immune from civil liability for any injury resulting from that act unless the act
5 constitutes gross negligence or involves reckless, wanton, or intentional misconduct. ✓

6 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3933/P1dn

MPG:...

emw

— Date —

↓
Senator Harsdorf:

Please review this draft carefully to ensure that it is consistent with your intent.

Note that this draft only deals with the *cremated* remains of veterans and their dependents. Please let me know if that is not consistent with your intent.

* Also, it is my understanding that DVA currently has a nonstatutory program—No Next of Kin—for the burial of the unclaimed remains of veterans and their dependents. You may want to discuss this draft with DVA to ensure that their is no unintended conflict with the existing program.

Please do not hesitate to contact me with any questions. here

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3933/P1dn
MPG:emw

December 4, 2015

Senator Harsdorf:

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Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

Gallagher, Michael

From: Froelich, Brooke
Sent: Tuesday, December 22, 2015 12:26 PM
To: Gallagher, Michael
Subject: LRB 3933

Hi Michael,

Could we get an introducible version of LRB 3933 please? Thanks.

Brooke Froelich

Office of State Senator Sheila Harsdorf
122S State Capitol
608.266.7745
Brooke.froelich@legis.wi.gov



THANKS

LRB-3933/P1
MPG:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11

Insert A

1 AN ACT *to create* 45.61 (2m) of the statutes; **relating to:** disposition of the
2 unclaimed cremated remains of veterans and their dependents.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

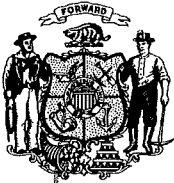
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 45.61 (2m) of the statutes is created to read:
4 45.61 (2m) UNCLAIMED CREMATED REMAINS OF VETERANS. (a) 1. A funeral director,
5 cemetery authority, or public officer having custody of unclaimed cremated remains
6 shall, if the cremated remains are not claimed within 90 days after the date of
7 cremation, contact the department or a county veterans service officer to determine
8 whether the cremated remains are of a person described under sub. (2).
9 2. If the department or county veterans service officer determines that the
10 cremated remains are of a person described under sub. (2), the funeral director,

1 cemetery authority, or public officer may transfer the cremated remains to the
2 department for burial under this section.

3 (b) A person who transfers cremated remains to the department under par. (a)
4 is immune from civil liability for any injury resulting from that act unless the act
5 constitutes gross negligence or involves reckless, wanton, or intentional misconduct.

6 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3895/1
MPG:emw

2015 BILL

This is ~~enact~~ A

1 AN ~~(ACT to create 45.61~~ (2m) of the statutes; **relating to:** disposition of the
2 unclaimed cremated remains of veterans and their dependents.

Analysis by the Legislative Reference Bureau

This bill requires a funeral director, cemetery authority, or public officer having custody of unclaimed cremated remains to contact the Department of Veterans Affairs (DVA) or a county veterans service officer (CVSO) within 90 days after cremation to determine whether the cremated remains are of a veteran or other person eligible for burial at a veterans cemetery. If DVA or the CVSO determines that the cremated remains are of a veteran or other such person, the bill authorizes the funeral director, cemetery authority, or public officer to transfer the cremated remains to DVA for burial in a veterans cemetery. The bill also provides an exemption from civil liability for a person who transfers cremated remains to DVA under the bill, unless the transfer involves negligence or reckless, wanton, or intentional misconduct.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 45.61 (2m) of the statutes is created to read:

STET
all red
changes

county veterans
service
officer

Barman, Mike

From: Griffiths, Terri
Sent: Wednesday, December 23, 2015 1:56 PM
To: LRB.Legal
Subject: Draft Review: LRB -3933/1

Please Jacket LRB -3933/1 for the SENATE.