

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 16-07-26-02

IN THE MATTER OF AMENDING LANE  
MANUAL CHAPTER 62 TO UPDATE  
DISPOSITION OF DECEASED INDIGENTS,  
UNIDENTIFIED AND DESTITUTE PERSONS

The Board of County Commissioners of Lane County Orders as follows:

Lane Manual Chapter 62 is hereby amended by deleting, substituting, and adding the following section:

REMOVE THESE SECTIONS

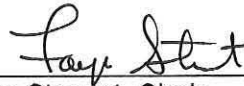
ALL OF CHAPTER 62

INSERT THESE SECTIONS

ALL OF CHAPTER 62

If any section, subsection, sentence, clause, phrase or portion of this Order is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

**ADOPTED** this 26th day of July 2016.



\_\_\_\_\_  
Faye Stewart, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date \_\_\_\_\_

\_\_\_\_\_  
LANE COUNTY OFFICE OF LEGAL COUNSEL

Lane Manual  
CHAPTER 62 CONTENTS

DISPOSITION OF DECEASED INDIGENTS, UNIDENTIFIED AND DESTITUTE PERSONS

- 62.020 Disposition of Deceased Indigents, Unidentified and Destitute Persons.
- 62.022 Disposition of Unidentified.
- 62.023 Disposition of Remains of Persons Whose Deaths are Investigated by the Medical Examiner.
- 62.024 Disposition of Property of Deceased Persons.

## Chapter 62

### DISPOSITION OF DECEASED INDIGENTS, UNIDENTIFIED AND DESTITUTE PERSONS

#### **62.020 Disposition of Deceased Indigents, Unidentified and Destitute Persons.**

(1) The law pertaining to the responsibility for the disposition of deceased persons is contained in the following provisions of the Oregon Revised Statutes: ORS 97.130 and 97.170. The procedures set forth in LM 62.021, 62.022, 62.023 and 62.024 are adopted pursuant to the legal requirements set forth in the above ORS.

(2) Costs for the burial or cremation of deceased indigent or destitute persons may be borne totally or in part by the State of Oregon. Applications for burial or cremation expenses may be made to the Oregon State Mortuary and Cemetery Board (OSMCB). Such applications may be made by a relative or friend of the deceased or by a funeral director acting as agent for such relatives or friend. OSMCB will determine if a need for burial or cremation expenses exists through contacts with Social Security, Veterans Administration, and Public Health for eligibility for burial or cremation benefits. If none exist, OSMCB will authorize payment from funds designated for this purpose to the extent available. The payment will be made directly to the funeral director upon presentation of an itemized bill in an amount no more than the average burial or cremation benefits provided by Social Security, Veterans Administration, and Public Health, less the amount of available collateral sources. *(Revised by Order 93-3-31-7, Effective 3.31.93)*

#### **62.022 Disposition of Unidentified.**

When the Medical Examiner's Office, in conjunction with the concerned law enforcement agency, cannot ascertain the identity of remains, the Deputy State Medical Examiner may authorize and direct disposition. Arrangements for a plain and decent burial or cremation will be made by the funeral director. Payment for these services will be made by OSMCB from funds designated for this purpose to the extent available. The payment will be made directly to the funeral director upon presentation of an itemized bill in an amount no more than the average burial or cremation benefits provided by Social Security, Veterans Administration and Public Health, less the amount of available collateral sources. *(Revised by Order 93-3-31-7, Effective 3.31.93)*

#### **62.023 Disposition of Remains of Persons Whose Deaths are Investigated by the Medical Examiner.**

The procedures of this section must be followed in those situations where the death is investigated by the Medical Examiner pursuant to ORS 146.090. After completion of the investigation, if the remains are claimed by a relative or friend willing to pay the burial or cremation expenses, custody of those remains will be given to that relative or friend. The concerned law enforcement agency or Medical Examiner will make diligent efforts to ascertain and notify next of kin. If the remains are not claimed within five days, the remains will be offered to the Demonstrator of Anatomy of the State Board of Higher Education. If the remains are not desired, the Deputy Medical Examiner may direct and authorize disposition. OSMCB will arrange for payment of expenses of disposition. If after investigation the Medical Examiner concludes that the death may have involved a condition of public health concern, the Medical Examiner will notify the County Public Health Officer, in writing, of that concern. This notification will include appropriate clinical, laboratory, and imaging data supporting the reason(s) for the Medical Examiner's determination. *(Revised by Order 81-1-21-17, Effective 1.21.81; 93-3-31-7, 3.31.93)*

**62.024 Disposition of Property of Deceased Persons.**

If the deceased appears to have died intestate and without heirs, the property of the deceased should be delivered to the Director of the Division of State Lands. A claim should be filed against the Director of the Division of State Lands for the costs of transporting or disposing of the remains. Otherwise, the property will be delivered to such claimants as are legally entitled to the property, after deducting from any money of the deceased the costs of disposing of the remains. If property is not claimed within 30 days, the inventory should be filed in the Department of Public Safety and a copy made available to the Lane County Board of Commissioners. The Board may authorize destruction of the property if it is without value or authorize its sale if it has value. Any proceeds of sale should be held for seven years, then be turned over to the Division of State Lands pursuant to state law. *(Revised by Order 81-1-21-17, Effective 1.21.81)*

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~~BURIAL OF INDIGENTS, STRANGERS AND DESTITUTE PERSONS~~

- ~~62.020—Burial of Indigents, Strangers and Destitute Persons.~~
- ~~62.021—Burial of Indigent or Destitute Persons.~~
- ~~62.022—Burial of Strangers.~~
- ~~62.023—Disposition of Remains of Persons Whose Deaths are Investigated by the Medical Examiner.~~
- ~~62.024—Disposition of Property of Deceased Persons.~~

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~~Strikethrough~~ indicates material being deleted

LEGISLATIVE  
FORMAT

62.020

Lane Manual

62.023

## Chapter 62

### ~~Chapter 62~~—BURIAL-DISPOSITION OF DECEASED INDIGENTS, STRANGERS UNIDENTIFIED AND DESTITUTE PERSONS

#### **62.020 Burial-Disposition of Deceased Indigents, Strangers-Unidentified and Destitute Persons.**

(1) The law pertaining to the ~~County's~~ responsibility for the ~~burial-disposition~~ of **deceased** persons is contained in the following provisions of the Oregon Revised Statutes:— ORS 97.130, ~~97.141~~, and 97.170, ~~146.121 and 146.125~~. The procedures set forth in LM 62.021, 62.022, 62.023 and 62.024 are adopted pursuant to these legal requirements **set forth in the above ORS.** *(Revised by Order 93-3-31-7, Effective 3.31.93)*

#### **~~62.021 Burial of Indigent or Destitute Persons.~~**

(2) Costs for the burial **or cremation** of deceased indigent or destitute persons may be borne totally or in part by ~~Lane County~~**the State of Oregon.**

—Applications for burial **or cremation** expenses may be made to the **Oregon State Mortuary and Cemetery Board (OSMCB)** ~~Medical Examiner's Office of the Health Division of the Health and Human Services Department~~. Such applications may be made by a relative or friend of the deceased **or**, by a funeral director acting ~~either~~ as agent for such relatives or friend ~~or, when designated, by the Medical Examiner.~~

—~~OSMCB will~~**The Medical Examiner's Office shall** determine if a need for burial **or cremation** expenses exists through contacts with Social Security, **Veterans Administration, and** Public ~~Welfare Health and Veterans Administration~~ for eligibility for burial **or cremation** benefits. If none exist, ~~the Medical Examiner~~**OSMCB will shall** authorize payment from funds designated for this purpose to the extent available. ~~If funds are unavailable, a request will be made to the Board of County Commissioners for payment.~~The payment will be made directly to the funeral director, upon presentation of an itemized bill, in an amount no more than the average burial **or cremation** benefits provided by Social Security, Veterans Administration, and Public ~~Welfare Health~~, less the amount of available collateral sources. *(Revised by Order 93-3-31-7, Effective 3.31.93)*

#### **~~62.022 Burial of Strangers~~Disposition of Unidentified.**

When the Medical Examiner's Office, in conjunction with the concerned law enforcement agency, cannot ascertain the identity of remains, the Deputy State Medical Examiner may authorize and direct disposition. Arrangements for a plain and decent burial or cremation will be made by the ~~Medical Examiner's Office~~**funeral director**. Payment for these services ~~shall will~~ be made by ~~the Medical Examiner's Office~~**OSMCB** from funds designated for this purpose to the extent available. ~~If funds are unavailable, a request will be made to the Board for payment.~~The payment will be made directly to the funeral director, upon presentation of an itemized bill, in an amount no more than the average burial **or cremation** benefits provided by Social Security, Veterans Administration and Public ~~Welfare Health~~, less the amount of available collateral sources. *(Revised by Order 93-3-31-7, Effective 3.31.93)*

#### **62.023 Disposition of Remains of Persons Whose Deaths are Investigated by the Medical Examiner.**

The procedures of this section ~~shall must~~ be followed in those situations where the death is investigated by the Medical Examiner pursuant to ORS 146.090.

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LEGISLATIVE  
FORMAT

62.024

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62.024

—After completion of the investigation, if the remains are claimed by a relative or friend willing to pay the burial **or cremation** expenses, custody of those remains ~~shall~~ **will** be given **to** that relative or friend.

—The concerned law enforcement agency **or Medical Examiner** will make ~~reasonably~~ diligent efforts to ascertain and notify next of kin. If the remains are not claimed within five days, the remains will be offered to the Demonstrator of Anatomy of the State Board of Higher Education. If the remains are not desired, the Deputy ~~State~~ **Medical Examiner** may direct and authorize disposition. ~~The Medical Examiner's Office shall~~ **OSMCB will** arrange for payment of expenses of disposition. **If after investigation the Medical Examiner concludes that the death may have involved a condition of public health concern, the Medical Examiner will notify the County Public Health Officer, in writing, of that concern. This notification will include appropriate clinical, laboratory, and imaging data supporting the reason(s) for the Medical Examiner's determination.** (Revised by Order 81-1-21-17, Effective 1.21.81; 93-3-31-7, 3.31.93)

**62.024 Disposition of Property of Deceased Persons.**

~~The Sheriff or Medical Examiner shall make a verified inventory of any money or personal property found on the body or in the possession of the deceased. The inventory shall be filed with the Medical Examiner and any money deposited with the Financial Services Division.~~

If ~~it~~ **the deceased** appears ~~that the person~~ **to have** died intestate and without heirs, the property of the deceased should be delivered to the Director of the Division of State Lands. A claim should be filed against the Director of the Division of State Lands for the costs of transporting or disposing of the remains.

—Otherwise, the property ~~shall~~ **will** be delivered to such claimants as are legally entitled to the property, after deducting from any money of the deceased the costs of disposing of the remains. If property is not claimed within 30 days, the inventory should be filed in the Department of Public Safety and a copy made available to the **Lane County Board of Commissioners.**— The Board may authorize destruction of the property if it is without value or authorize its sale if it has value. Any proceeds of sale, ~~together with unclaimed property presumed abandoned,~~ should be held for seven years, then be turned over to the Division of State Lands pursuant to ~~ORS 98.302 to 98.436~~ **state law.** (Revised by Order 81-1-21-17, Effective 1.21.81)