

Legislative Analysis



COMPLY WITH SERVICE MEMBER DISPOSITION DIRECTIVES

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House Bill 5850 (Substitute H-1)

Sponsor: Rep. Fred Miller

Committee: Military and Veterans Affairs and Homeland Security

Complete to 3-17-10

A SUMMARY OF HOUSE BILL 5850 AS REPORTED FROM COMMITTEE ON 3-16-10

The Estates and Protected Individuals Code (EPIC) sets out the priority of persons who are presumed to have the right and power to make decisions about funeral arrangements and the handling, disposition, or disinterment of a decedent's body, including decisions about cremation and the right to possess cremated remains of the decedent.

House Bill 5850 would amend the EPIC Code to provide that if the decedent was a service member who had designated a person to direct the disposition of his or her remains according to a statute of the United States or a regulation, policy, directive, or instruction of the Department of Defense and is able and willing to exercise the rights and powers under the Code, then the priority provision in the code would not apply, and the designated person would have the rights and powers regarding funeral arrangements and the decedent's remains. The bill specifies that this designated person should be the surviving spouse, an adult blood relative, or an adoptive relative of the decedent, or a person standing in loco parentis if those others cannot be found.

[Currently, the United States Department of Defense requires service members scheduled for deployment to complete DD Form 93 which, among other things, provides for disposition of the service member's remains should he or she die during military service. Although this is a federal mandate, state law does not conform by allowing service member designation of a person to direct the disposition of their remains. This bill would bring state law into conformity.]

FISCAL IMPACT:

House Bill 5850 would have an indeterminate, but likely negligible, fiscal impact on state and local government.

POSITIONS:

The Department of Military and Veterans Affairs supports the bill. (3-16-10)

Fraternal Order of the Purple Heart supports the bill. (3-16-10)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.