

Legislative Analysis



COMPLY WITH SERVICE MEMBER DISPOSITION DIRECTIVES

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House Bill 4639

Sponsor: Rep. Kurt Damrow

Committee: Military and Veterans Affairs and Homeland Security

Complete to 6-6-11

A SUMMARY OF HOUSE BILL 4639 AS INTRODUCED 5-12-11

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 4639 would amend the EPIC Code to provide that if the decedent was a service member who had designated a person to direct 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 if the designated person 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 would define "service member" to mean a member of the Armed Forces, a reserve branch of the Armed Forces, or the Michigan National Guard.

[Currently, the United States Department of Defense requires service members scheduled for deployment to complete DD Form 93 which, among other things, provides for the disposition of the service member's remains should he or she die during military service. Although this is a federal mandate, state law does conform by allowing service member designation of a person to direct the disposition of their remains.]

MCL 700.3206

FISCAL IMPACT:

House Bill (4639 would have an indeterminate, but likely negligible, fiscal impact on state and local government.

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