

Legislative Analysis



COMPLY WITH SERVICE MEMBER DISPOSITION DIRECTIVES

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House Bill 4639 (Substitute H-1)

Sponsor: Rep. Kurt Damrow

Committee: Military and Veterans Affairs and Homeland Security

Complete to 6-22-11

A SUMMARY OF HOUSE BILL 4639 AS REPORTED FROM COMMITTEE 6-14-11

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 specify that if all of the following apply, 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 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.
- The designated person is the surviving spouse, an adult blood relative, or an adoptive relative of the decedent, or if the surviving spouse, an adult blood relative, or an adoptive relative of the decedent cannot be found, a person standing in loco parentis.
- The designated person is able and willing to exercise the rights and powers under the Code.

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.]

FISCAL IMPACT:

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

POSITIONS:

The Department of Military and Veteran Affairs supports the bill. (6-14-11)

American Legion, Commander's Group, and Marine Corps League support the bill. (6-14-11)

Michigan Funeral Directors Association supports the bill (6-14-11)

Military Order of the Purple Heart supports the bill. (6-14-11)

VFW of Michigan supports the bill. (6-14-11)

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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.