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House Bill 4639 (Substitute H-1 as reported without amendment)

Sponsor: Representative Kurt Damrow

House Committee: Military and Veterans Affairs and Homeland Security

Senate Committee: Veterans, Military Affairs and Homeland Security

CONTENT

The bill would amend the Estates and Protected Individuals Code to recognize the right and power of a person designated by a service member to make decisions about funeral arrangements and the handling, disposition, or disinterment of the deceased service member's body.

The Code identifies and prioritizes the people who 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.

Under the bill, those provisions would not apply and the person designated by a service member would have the rights and powers to make decisions about funeral arrangements and the handling, disposition, or disinterment of a decedent's body, if all of the following applied:

- The decedent was a service member who designated a person to direct disposition of his or her remains according to a U.S. statute or a regulation, policy, directive, or instruction of the U.S. Department of Defense.
- The designated person was the decedent's surviving spouse, an adult blood relative, or an adoptive relative or, if such a person could not be found, was a person in loco parentis.
- The designated person was able and willing to exercise the rights and powers to make the decisions.

The bill would define "service member" as a member of the Armed Forces, a reserve branch of the Armed Forces, or the Michigan National Guard. "Armed Forces" would mean that term as defined in the Veteran Right to Employment Services Act (the Army, Air Force, Navy, Marine Corps, Coast Guard, or other military force designated by Congress as a part of the Armed Forces of the United States). "Michigan National Guard" would mean that term as defined in the Michigan Military Act (the Army National Guard and the Air National Guard).

MCL 700.3206 & 700.3209

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 2-21-12

Fiscal Analyst: Dan O'Connor