

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

April 7, 2009

1:08 p.m.

MEMBERS PRESENT

Representative Carl Gatto, Chair
Representative Bob Lynn
Representative Kurt Olson
Representative Jay Ramras
Representative Robert L. "Bob" Buch
Representative Scott Kawasaki

MEMBERS ABSENT

Representative John Harris

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 31

Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act.

- MOVED CSHJR 31(MLV) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 31

SHORT TITLE: SUPPORT SOLDIERS' BURIAL DESIGNATIONS

SPONSOR(S): REPRESENTATIVE(S) THOMAS

04/01/09	(H)	READ THE FIRST TIME - REFERRALS
04/01/09	(H)	MLV, STA
04/07/09	(H)	MLV AT 1:00 PM BARNES 124

WITNESS REGISTER

JOSH TEMPEL, Staff
Joint Alaska State Legislative Veterans' Caucus
Juneau, Alaska

POSITION STATEMENT: Introduced HJR 31 for the prime sponsor, Representative Bill Thomas.

NICHOLAS HENDERSON
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 31.

DAVID ROGERS

POSITION STATEMENT: Testified about HJR 31.

ACTION NARRATIVE

[1:08:56 PM](#)

CHAIR CARL GATTO called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:08 p.m. Representatives Gatto, Olson, Lynn, Kawasaki, Buch, and Ramras were present at the call to order.

HJR 31-SUPPORT SOLDIERS' BURIAL DESIGNATIONS

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CHAIR GATTO announced that the only order of business would be HOUSE JOINT RESOLUTION NO. 31, Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act.

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REPRESENTATIVE LYNN moved to adopt the proposed committee substitute (CS) for HJR 31, Version 26-LS0835\R, Bailey, 4/7/09, as the working document. There being no objection, Version R was adopted as the working document.

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JOSH TEMPEL, Staff, Joint Alaska State Legislative Veterans' Caucus, said that HJR 31 expressed Alaska's support for H.R. 1633, a U.S. Congressional bill entitled "Honor the WISH Act." He explained that HJR 31 would allow military personnel to designate someone other than spouse, blood relatives, or adoptive parents to oversee the disposition of their remains should they be killed in the line of duty. He established that current law prohibited the authorization of non-relatives. He reported that military personnel filled out DD Form 93 to designate disposition of their remains, with the accompanying funeral payment, should they die in action. He reported that some military personnel requested a person not listed in the aforementioned categories, but that federal law prohibited it. He opined that passage of HJR 31 would show Alaska's support of the military while in combat.

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NICHOLAS HENDERSON offered his belief that, although he was representing himself, he was also speaking for active military personnel, veterans, and their families. He explained that HJR 31 allowed the last wishes of a service member to be honored. He referred to the Sponsor Statement [Included in the members' packets.] and shared his personal relationship with Specialist Fox, who was featured in the Sponsor Statement as an example of the need for this legislation. He pointed out that Specialist Fox had specified Amy Frost to dispense with his remains, yet custody of his remains was awarded to his estranged step father. He noted that the biological father of Specialist Fox "stepped in at the last moment" to handle the dispensation.

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CHAIR GATTO asked how the biological father was found.

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MR. HENDERSON explained that Specialist Fox, after his deployment to Iraq, had renewed a long dormant communication with his biological father.

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MR. HENDERSON explained that HJR 31 offered support for H.R. 1633, which would "amend title 10, United States Code, to authorize a member of the Armed Forces to designate anyone as the person authorized to direct disposition of the remains of the member if the member dies while on active duty."

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CHAIR GATTO asked if Amy Frost was aware of this legislation.

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MR. HENDERSON responded that she was.

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DAVID ROGERS said, as the father of a fallen soldier, that this "might be opening a door for manipulation to young soldiers." He pointed out that "young soldiers are going through so much at a young age," and that there might "be a reason why the system is the way it is." He noted the wonderful relationship that he

had with his son, and he shared the difficulty for parents of losing a child. He reflected on the importance to the parents of receiving this deference. He reiterated his concern for any manipulation of a young soldier's benefits.

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CHAIR GATTO asked to clarify that HJR 31 added an alternative, not a substitution or a deletion, for the designation of remains.

MR. TEMPEL agreed.

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MR. HENDERSON referred to H.R. 1633, and he reiterated that it modified [Section 1482(c) of title 10, United States Code] by inserting before paragraph (2):

(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.

He explained that it did not remove the original designation, but that it allowed another option.

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CHAIR GATTO asked to clarify that the soldier designated the individual to dispense of their remains.

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MR. HENDERSON reported that DD Form 93 contained several sections for designation of people, which included the life insurance payout, and the dispensation of the remains with the associated funeral expense payout.

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CHAIR GATTO asked about the dispensation of the \$100,000 for funeral arrangements.

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MR. HENDERSON said that the \$100,000 payment was to a designee. He pointed out that the life insurance payout, as well as the dispensation of the remains, could have different designees.

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REPRESENTATIVE LYNN asked [referring to ITEM 13a of DD Form 93] that if the soldier specified someone other than the surviving spouse, blood relative of legal age, or adoptive relatives of the decedent, could the parents appeal this designation.

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MR. HENDERSON agreed, and he summarized the situation with Specialist Fox, in which the biological father superseded both Amy Frost and the adoptive family with award for dispensation of the remains.

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MR. HENDERSON, in response to Chair Gatto, said that HJR 31 would make Amy Frost eligible to receive the remains.

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CHAIR GATTO asked if HJR 31 would allow the biological father to appeal the dispensation of the remains.

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MR. HENDERSON said that he did not know the appeals policy.

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MR. TEMPEL said that there was a predetermined military life insurance policy for \$400,000, which cost about \$20 per month. He allowed that, upon occasion, the distribution intention was ill-treated, or not updated. He endorsed that although many soldiers were young, they were responsible for themselves. He pointed out that HJR 31 aligned with the civilian option for an individual to designate their choice for dispensation of their remains. He acknowledged the pain for parents of deceased military personnel, but he endorsed the right for an adult to make their own decisions.

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REPRESENTATIVE LYNN asked if the \$100,000 was allocated to the designee to spend.

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MR. TEMPEL explained that the \$100,000 payment was increased from \$10,000 during the Bush Administration.

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REPRESENTATIVE LYNN asked to clarify whether the \$100,000 went to the estate or to the contracted burial representatives.

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MR. TEMPEL, in response to Representative Lynn, said that the money went directly to the designee for dispersement of the remains, although the money could be spent for anything.

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REPRESENTATIVE LYNN agreed that there was potential for abuse, and he opined that the money should only be allowed for funeral expenses.

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CHAIR GATTO asked how often this abuse occurred.

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MR. TEMPEL, in response to Chair Gatto, said that, according to the law, the \$100,000 went to parents, blood relatives, or adopted parents. He explained that the \$400,000, as with any life insurance policy, was distributed to whomever the service member designated. He acknowledged that the military maintained counsel with the soldiers to ensure the policy was updated regularly. In response to Representative Lynn, he clarified that a designated distribution for the \$100,000 was not included in HJR 31, but he allowed that there was the potential for abuse of the money.

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CHAIR GATTO reflected that it was the right of each individual to determine how they designated the life insurance money.

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MR. TEMPEL, in response to Representative Lynn, said that most military units monitored and counseled their staff.

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REPRESENTATIVE LYNN reminisced on the counseling support he received while in the military.

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MR. HENDERSON reflected on his role as a counselor, and the counseling process, while in the military. He explained that the counseling was offered from the squad upward to the company level. He described the role of the casualty assistance office in monitoring the forms and the designees.

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REPRESENTATIVE LYNN moved to report CSHJR 31, Version 26-LSO835\R, Bailey, 4/7/09, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHJR 31(MLV) was reported from the House Special Committee on Military and Veterans' Affairs.

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:49 p.m.