

SENATE BILL NO. 33

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATORS WIELECHOWSKI, PASKVAN, AND COGHILL, Menard, Meyer, Dyson, Olson

Introduced: 1/19/11

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the disposition of remains of a member of the military if the member**
2 **dies while in a duty status."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 26.05 is amended by adding a new section to read:

5 **Sec. 26.05.262. Disposition of remains of members of organized militia on**
6 **duty status.** (a) Except as provided in (b) of this section, if a member of the organized
7 militia who is in active state service has executed the United States Department of
8 Defense Military Record of Emergency Data Form (DD Form 93), or its successor
9 form, to serve as a record of emergency data and, on that form, has designated a
10 person who is authorized to direct the disposition of the member's remains if the
11 member dies while in a duty status as described in 10 U.S.C. 1481, notwithstanding
12 any other provision of law, the person authorized to direct the disposition of remains
13 on the executed form has the right to make the decisions concerning the disposition of
14 the member's remains.

1 (b) The Department of Military and Veterans' Affairs may, notwithstanding
 2 any other provision of law, contact the National Cemetery Administration of the
 3 United States Department of Veterans Affairs to dispose of the remains of a member
 4 of the organized militia who is in active state service and who dies while in a duty
 5 status as described in 10 U.S.C. 1481, if the following persons are not available or are
 6 unable to make the decisions concerning the disposition of the remains of the member:

7 (1) the person authorized by the member on the United States
 8 Department of Defense Military Record of Emergency Data Form (DD Form 93), or
 9 its successor form, to make the decisions concerning the disposition of the member's
 10 remains; or

11 (2) a person who is 18 years of age or older and who is related to the
 12 member by blood, marriage, or adoption.

13 * **Sec. 2.** AS 26.10 is amended by adding a new section to read:

14 **Sec. 26.10.065. Disposition of remains of state resident military personnel**
 15 **on duty status.** (a) Except as provided in (b) of this section, if a state resident who is a
 16 member of the military has executed the United States Department of Defense
 17 Military Record of Emergency Data Form (DD Form 93), or its successor form, to
 18 serve as a record of emergency data and, on that form, has designated a person who is
 19 authorized to direct the disposition of the member's remains if the member dies while
 20 in a duty status as described in 10 U.S.C. 1481, notwithstanding any other provision of
 21 law, the person authorized to direct the disposition of remains on the executed form
 22 has the right to make the decisions concerning the disposition of the member's
 23 remains.

24 (b) The Department of Military and Veterans' Affairs may, notwithstanding
 25 any other provision of law, contact the National Cemetery Administration of the
 26 United States Department of Veterans Affairs to dispose of the remains of a state
 27 resident who is a member of the military and who dies while in a duty status as
 28 described in 10 U.S.C. 1481, if the following persons are not available or are unable to
 29 make the decisions concerning the disposition of the remains of the member:

30 (1) the person authorized by the member on the United States
 31 Department of Defense Military Record of Emergency Data Form (DD Form 93), or

1 its successor form, to make the decisions concerning the disposition of the member's
2 remains; or

3 (2) a person who is 18 years of age or older and who is related to the
4 member by blood, marriage, or adoption.