

SB

33

<TARGET><BILL>SB 33</BILL><SUBJECT>SB
33</SUBJECT><COMM>HSTA27</COMM></TARGET>

CS FOR SENATE BILL NO. 33(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS WIELECHOWSKI, PASKVAN, AND COGHILL, Menard, Meyer, Dyson, Olson

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the disposition of remains of a member of the armed forces if the**
2 **member 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 under Military Record of Emergency Data Form (DD Form 93).** If a
7 member of the organized militia who is in active state service has executed the United
8 States Department of Defense Military Record of Emergency Data Form (DD Form
9 93), or its successor form, to serve as a record of emergency data and, on that form,
10 has designated a person who is authorized to direct the disposition of the member's
11 remains if the member dies while in a duty status as described in 10 U.S.C. 1481,
12 notwithstanding any other provision of law, the person authorized to direct the
13 disposition of remains on the executed form has the right to make the decisions
14 concerning the disposition of the member's remains.

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

2 **Sec. 26.10.065. Disposition of remains of state resident armed forces**
3 **personnel on duty status.** (a) Except as provided in (b) of this section, if a state
4 resident who is a member of the armed forces has executed the United States
5 Department of Defense Military Record of Emergency Data Form (DD Form 93), or
6 its successor form, to serve as a record of emergency data and, on that form, has
7 designated a person who is authorized to direct the disposition of the member's
8 remains if the member dies while in a duty status as described in 10 U.S.C. 1481,
9 notwithstanding any other provision of law, the person authorized to direct the
10 disposition of remains on the executed form has the right to make the decisions
11 concerning the disposition of the member's remains.

12 (b) If a state resident who is a member of the United States Coast Guard has
13 executed the United States Coast Guard Designation of Beneficiaries and Record of
14 Emergency Data Form (CG-2020D), or its successor form, to serve as a record of
15 emergency data and, on that form, has designated a person who is authorized to direct
16 the disposition of the member's remains if the member dies while in a duty status as
17 described in 10 U.S.C. 1481, notwithstanding any other provision of law, the person
18 authorized to direct the disposition of remains on the executed form has the right to
19 make the decisions concerning the disposition of the member's remains.

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Chair
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Co-chair
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Member
Admin Reg Review

SENATOR BILL WIELECHOWSKI

Sponsor Statement: CS for SB 33(STA) An Act relating to the disposition of remains of a member of the armed services if the member dies while in a duty status

The intent of the CS for Senate Bill 33(STA) is to ensure that active duty service members who make the ultimate sacrifice are properly honored by ensuring that their remains are disposed of by the person of their choosing.

The Department of Defense requires active duty service members, reservists and guard members to complete a Record of Emergency Data (DD Form 93) annually or prior to deployment. The Coast Guard follows the same procedures, but uses a different form, the Designation of Beneficiaries and Record of Emergency Data (CG-2020D). These forms identify the person authorized to direct disposition of a service member's remains in the event that service member is killed in the line of duty.

Senate Bill 33 will place the state in alignment with armed services procedures, so that the person designated to handle disposition of remains is not called into question. Without compliance with these procedures, the handling of the remains may be delayed, and the service member's wishes not honored.

Around twenty states have laws which comport with armed services rules on disposition. At least four other states, including Alaska, are pursuing laws to comport.

The CS for Senate Bill 33(STA) is supported by the Office of the Deputy Under Secretary of Defense and the Alaska Veterans Association.

Please join me in supporting this legislation to ensure the wishes of our service members are upheld and our fallen soldiers receive the proper burial they deserve.

LEGAL SERVICES

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MEMORANDUM

January 27, 2011

SUBJECT: Sectional summary of proposed CSSB 33(STA) relating to the disposition of the remains of a member of the armed forces if the member dies while in a duty status
(Work Order No. 27-LS0188\D)

TO: Senator Bill Wielechowski
Attn: Michael Caulfield

FROM: *JB*
Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill, which has not yet been read across. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Gives a person the right to make the decisions about the disposition of the remains of a member of the state's organized militia who is in active state service, if the person is authorized by the member on DD Form 93, a Department of Defense emergency data form, to dispose of the member's remains if the member dies while in a duty status under 10 U.S.C. 1481.

Section 2. In sec. 26.10.065(a), gives a person the right to make the decisions about the disposition of the remains of a member of the armed forces who is a state resident, if the person is authorized by the member on DD Form 93, a Department of Defense emergency data form, to dispose of the member's remains if the member dies while in a duty status under 10 U.S.C. 1481.

In sec. 26.10.065(b), gives a person the right to make the decisions about the disposition of the remains of a member of the Coast Guard who is a state resident, if the person is authorized by the member on CG-2020D, a Coast Guard emergency data form, to dispose of the member's remains if the member dies while in a duty status under 10 U.S.C. 1481.

If I may be of further assistance, please advise.

TLB:plm
11-039.plm

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version SB 33
 () Publish Date _____

Identifier (file name) SB033-DMVA-VS-1-24-11 Dept. Affected Military & Veterans Affairs
 Title Disposition of Service Members Remains Appropriation Veterans' Services
 Allocation _____
 Sponsor Senators Wielechowski, Paskvan, Coghill, Menard
 Requester Senate State Affairs OMB Component Number 9

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES								

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version

Prepared by Verdie Bowen, Director
 Division Veterans Services, Department of Military and Veterans Affairs
 Approved by McHugh Pierre, Deputy Commissioner
Department of Military and Veterans Affairs

Phone (907)428-6061
 Date/Time 1/24/11 11:30 AM
 Date 1/24/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB 33

Analysis

There is no fiscal impact.



Chapter 904 - Anchorage, Alaska "An Agenda of Service"

January 24, 2011

Senator Wielechowski
Prime Sponsor
SB33

Senator,

Just wanted to send you a note in support of SB33 and HB27 which you have shown leadership on.

We work with the Alaska Veterans Foundation, Inc. and our local hospitals to ensure that no veteran dies alone. It happens.

Although your bill will not directly address this challenge it does make it clear the process we in Alaska will follow when faced with the remains of a service member and/or in some cases veteran with no next of kin available.

Unfortunately this is a growing problem due to the number of our citizens who are estranged from their immediate family.

Again, thanks for being there in support of our military and veterans.

It is an honor,

Ric Davidge
President, VVA 904



January 21, 2011

Senator Bill Wielechowski
Chairman
Senate Affairs Committee

REF: SB 33

One of the most frustrating and difficult problems we often face as the state's only statewide Veterans Foundation (501c3) representing about 80,000 veterans and their families, is when a veteran or service member dies or is killed in action and we can not find their family.

This happens more then you would think. It's really part of our culture now that many elderly veterans, as a result of divorce or estrangement, die without an ability to notify their next of kin. Just in December of last year we had a two tour Marine, Vietnam Veteran die at home alone and our best efforts and those of the US Department of Veterans Affairs as well as the Department of Defense were unable to find his ex-wife nor his son so that they could be involved in his internment at our National Cemetery.

We strongly support this bill, introduced by you on behalf of our active duty, guard, and reserves that makes it clear that the State of Alaska is in line with most other states in a process that provides for the disposition of service members remains.

We hope this bill becomes law this session, so that this year we can have a process recognized by the State to address this tragedy.

Paul Sheehan
Executive Director

SB 33 – Disposition of Remains of a Member of the Military

BACKGROUND:

- The Department of Defense requires active duty service members, reservists and guard to complete a Record of Emergency Data (DD Form 93), a form that identifies the person authorized to direct disposition of a service member's remains in the event that service member is killed in the line of duty.
- Twenty-one states have laws which comport with DOD rules on disposition. Three are pursuing laws which comport with DOD rules.
- Alaska State law does not currently recognize the DD Form 93.

PROBLEM:

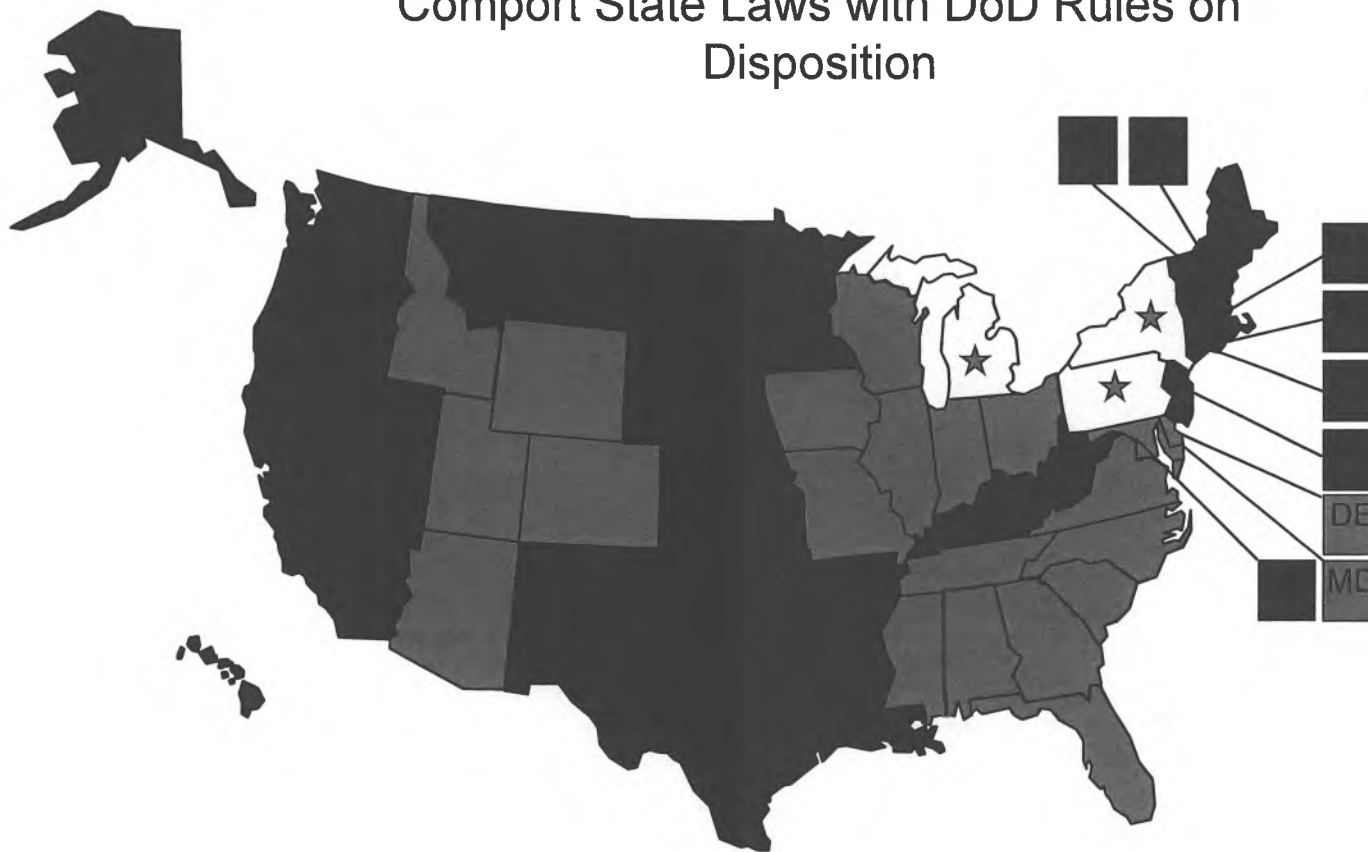
- When there is no one specifically authorized to dispose of remains, the final wishes of the service member may not be followed. Additionally, disputes over the rightful controlling agent may lengthen an already painful process of burial.

STATUTORY SOLUTION:

- SB 33 would place the state in alignment with the Dept. of Defense Emergency Data Form (DD Form 93), so that the person designated to handle disposition of active duty service and guard member's remains is clearly identified.
- Supported by the Office of the Deputy Under Secretary of Defense.



Comport State Laws with DoD Rules on Disposition



- Laws comport with the disposition instructions in Federal statutes and DoD rules
- ★ Legislation pursuing a favorable policy is filed.
- Actively pursuing favorable policy, but no legislation filed as yet.
- Policy not favorable, and Not currently considering favorable adjustments.

As of August 27, 2010


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Issue 9: During its first year of consideration (2010 legislative session), 21 states aligned state with Federal policies regarding the disposition of military members who die on active duty.

Comport State Laws with DoD Rules on Disposition

Issue: State laws on the disposition of human remains do not currently provide for the accommodation of the expressed, written wishes of service members through execution of the federally prescribed "Record of Emergency Data"

According to [Section 564 of Public Law 109-163](#), effective January 2006, service members [as defined in [Title 10, United States Code, Section 1481\(a\)\(1\) - \(8\)](#)] must designate a person authorized to direct disposition of human remains (PADD). The law, [Title 10, United States Code, Section 1482\(c\)](#), specifies a list of possible designees, but does not stipulate any specific order.

States may not recognize the PADD as the legal designee because the state does not recognize the [DD Form 93 \(Record of Emergency Data\)](#) completed by service members to designate a PADD. The DD Form 93 restricts a services member to designating his or her "surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person in loco parentis may be named."

Without a recognized agent, state statutes normally have a prescribed order of who is recognized as the next-of-kin designated to direct disposition, starting with a spouse, followed by adult children and parents. Because some state laws do not currently recognize the federal form as an acceptable one for service members, there have been several instances of civil actions between family members over the ultimate disposition of a fallen service member's remains.

Desired Outcome: Eliminate potential conflict with federal law, which may reduce the potential for family conflict at a time of bereavement, by states amending their laws on disposition of human remains to recognize the DD Form 93 as the authoritative written instrument for service members.

Progress: Ten states currently recognizes the DD 93 as the authoritative document for use by service members; however, we estimate nine states have statutes with sufficient latitude to allow for its use. The remaining states either do not provide for the designation of an agent, require use of a state specific form, or require a certain type of witnessing that might preclude the recognition of the DD Form 93. In order to add clarity for both family members and funeral directors, we believe statutes in all 50 states should include a statement recognizing the authority of the DD Form 93. The map below provides our current estimation of state flexibility for considering designations made on the DD Form 93.

- [DD Form 93 \(Record of Emergency Data\)](#)
- [Public Law 109-163 Sec. 564](#)
- [Title 10 USC, Sec. 1481\(a\)\(1-8\)](#)
- [Title 10 USC, Sec. 1482\(c\)](#)

Best Practice Examples:

The following are bills that were enacted in 2010 that provide for recognition of the DD Form 93:

[Arizona HB 2400](#)
[Mississippi SB 2418](#)
[Maryland SB 408](#)

10 USC § 1481. Recovery, care, and disposition of remains: decedents covered

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

- (1) Any Regular of an armed force under his jurisdiction who dies while on active duty.
- (2) A member of a reserve component of an armed force who dies while—
 - (A) on active duty;
 - (B) performing inactive-duty training;
 - (C) performing authorized travel directly to or from active duty or inactive-duty training;
 - (D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training;
 - (E) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or
 - (F) either—
 - (i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;
 - (ii) traveling directly to or from the place at which the member is to so serve; or
 - (iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.
- [(3) Repealed. Pub. L. 99-661, div. A, title VI, § 604(e)(3)(B), Nov. 14, 1986, 100 Stat. 3877.]
- (4) Any member of, or applicant for membership in, a reserve officers' training corps who dies while
 - (A) attending a training camp,
 - (B) on an authorized practice cruise,
 - (C) performing authorized travel to or from such a camp or cruise, or
 - (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while attending such a camp, while on such a cruise, or while performing that travel.
- (5) Any accepted applicant for enlistment in an armed force under his jurisdiction.

(6) Any person who has been discharged from an enlistment in an armed force under his jurisdiction while a patient in a United States hospital, and who continues to be such a patient until the date of his death.

(7) A person who—

(A) dies as a retired member of an armed force under the Secretary's jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force under the Secretary's jurisdiction.

(8) Any military prisoner who dies while in his custody.

Persons Authorized to Direct Disposition of Remains DoDI 1300.18

E2.41E2.42. Person Authorized to Direct Disposition of Human Remains (PADD).

A person, usually the PNOK (see E2.45E2.46.), who is authorized to direct disposition of human remains. For disposing of human remains, under the authority of Reference (I), the Secretary of the Military Department concerned is deemed to have such standing if no other such person is available. Service members will *shall* identify a PADD on their DD Form 93. (See instructions at Enclosure 7.) Absent the identification of a PADD by the Service member, then the PADD is recognized in the following order:

E2.41.1E2.42.1. Surviving spouse. The legal spouse is one who was married to the deceased as prescribed by civil law, was not divorced from the deceased and has not remarried at the time disposition of remains is to be made. The latter might apply in the case of a Service member who has been declared deceased, body not recovered at the time of the casualty incident, and whose remains are later recovered and identified. If the spouse has remarried at the time disposition is to be made, the right of disposition will go to the next person in order of priority, and the remarried spouse will take priority under paragraph E2.41.8E2.42.8.

E2.41.2E2.42.2. Children who have reached the age of majority in order of seniority (age).

E2.41.3E2.42.3. Parents in order of seniority (age) unless legal custody was granted to another person by reason of court decree or statutory provision. Step-parents, who have not adopted the Service member, serve in *loco parentis* and are not considered parents for PADD purposes.

E2.41.4E2.42.4. Blood or adoptive relative of the individual who was granted legal custody of the Service member by reason of a court decree or statutory provision. The person to whom custody was granted remains the PADD despite the fact that the individual had reached the age of majority at the time of death.

E2.41.5E2.42.5. Brothers or sisters of legal age in order of seniority (age). When the deceased person has full siblings, half-siblings, or step-siblings, the order of precedence is the full siblings then the half-siblings. Step-siblings are not eligible to direct disposition of remains. Adopted siblings are treated the same as full siblings when adopted by both of the deceased person's biological parents. Adopted siblings are considered as half-siblings when adopted by only one of the deceased person's biological parents.

E2.41.6E2.42.6. Grandparents in order of seniority (age).

Change 1, 8/14/09 ENCLOSURE 234 Dodo 1300.18, January 8, 2008

E2.41.7E2.42.7. Other adult blood relatives in order of relationship to the individual under the laws of the deceased's domicile. When two individuals are of equal relationship, priority will be determined by age.

E2.41.8E2.42.8. Remarried surviving spouse. The remarried surviving spouse is one who was not divorced from the deceased and has remarried at the time disposition of remains is to be made. The latter might apply in the case of a Service member who is declared deceased, body not recovered, and whose remains are later recovered and identified.

E2.41.9E2.42.9. Persons standing in *loco parentis*. *Loco parentis* means any person(s) or institution who acted in place of the member's parent(s) for a period of not less than 1

year at any time before the member joined the military. Seniority in age will control when the persons are of equal relationship.

E2.41.10E2.42.10. Legal representative of the estate may make disposition of remains when all efforts to identify or locate a person in categories (1) through (9) are unsuccessful. The legal representative must be properly appointed by a civil court having jurisdiction of the decedent's estate.

E2.41.11E2.42.11. When all known persons in categories (1) through (10) relinquish disposition authority or cannot be identified or located, then disposition of the remains will be made by the administrative determination of the Secretary of the Military Department concerned or their designee.

See item 13a. on page 2 and instructions for same item number at the bottom of page 4 for required actions to be taken by Service members to designate a person authorized to direct disposition (PADD).

RECORD OF EMERGENCY DATA

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 552, 10 USC 655, 1475 to 1480 and 2771, 38 USC 1970, 44 USC 3101, and EO 9397 (SSN).

PRINCIPAL PURPOSES: This form is used by military personnel and Department of Defense civilian and contractor personnel, collectively referred to as civilians, when applicable. For military personnel, it is used to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death. For civilian personnel, it is used to expedite the notification process in the event of an emergency and/or the death of the member. The purpose of soliciting the SSN is to provide positive identification. All items may not be applicable.

ROUTINE USES: None.

DISCLOSURE: Voluntary; however, failure to provide accurate personal identifier information and other solicited information will delay notification and the processing of benefits to designated beneficiaries if applicable.

INSTRUCTIONS TO SERVICE MEMBER

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty (other family members or fiancé), and, to designate beneficiaries for certain benefits if you die. IT IS YOUR RESPONSIBILITY to keep your Record of Emergency Data up to date to show your desires as to beneficiaries to receive certain death payments, and to show changes in your family or other personnel listed, for example, as a result of marriage, civil court action, death, or address change.

INSTRUCTIONS TO CIVILIANS

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty. Not every item on this form is applicable to you. **This form is used by the Department of Defense (DoD) to expedite notification in the case of emergencies or death.** It does not have a legal impact on other forms you may have completed with the DoD or your employer.

IMPORTANT: This form is divided into two sections: Section 1 - Emergency Contact Information and Section 2 - Benefits Related Information. **READ THE INSTRUCTIONS ON PAGES 3 AND 4 BEFORE COMPLETING THIS FORM.**

SECTION 1 - EMERGENCY CONTACT INFORMATION

1. NAME (Last, First, Middle Initial)

2. SSN

3a. SERVICE/CIVILIAN CATEGORY

ARMY NAVY MARINE CORPS AIR FORCE DoD CIVILIAN CONTRACTOR

b. REPORTING UNIT CODE/DUTY STATION

4a. SPOUSE NAME (If applicable) (Last, First, Middle Initial)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

SINGLE DIVORCED WIDOWED

5. CHILDREN

a. NAME (Last, First, Middle Initial)

b. RELATIONSHIP

c. DATE OF BIRTH (YYYYMMDD)

d. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

6a. FATHER NAME (Last, First, Middle Initial)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

7a. MOTHER NAME (Last, First, Middle Initial)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

8a. DO NOT NOTIFY DUE TO ILL HEALTH

b. NOTIFY INSTEAD

9a. DESIGNATED PERSON(S) (Military only)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

10. CONTRACTING AGENCY AND TELEPHONE NUMBER (Contractors only)

SECTION 2 - BENEFITS RELATED INFORMATION

11a. BENEFICIARY(IES) FOR DEATH GRATUITY <i>(Military only)</i>	b. RELATIONSHIP	c. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	d. PERCENTAGE
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12a. BENEFICIARY(IES) FOR UNPAID PAY/ALLOWANCES <i>(Military only)</i> NAME AND RELATIONSHIP	b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	c. PERCENTAGE
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13a. PERSON AUTHORIZED TO DIRECT DISPOSITION (PADD) <i>(Military only)</i> NAME AND RELATIONSHIP	b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER
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14. CONTINUATION/REMARKS

15. SIGNATURE OF SERVICE MEMBER/CIVILIAN <i>(Include rank, rate, or grade if applicable)</i>	16. SIGNATURE OF WITNESS <i>(Include rank, rate, or grade as appropriate)</i>	17. DATE SIGNED (YYYYMMDD)
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INSTRUCTIONS FOR PREPARING DD FORM 93

(See appropriate Service Directives for supplemental instructions for completion of this form at other than MEPS)

All entries explained below are for electronic or typewriter completion, except those specifically noted. If a computer or typewriter is not available, print in black or blue-black ink insuring a legible image on all copies. Include "Jr.," "Sr.," "III" or similar designation for each name, if applicable. When an address is entered, include the appropriate ZIP Code. If the member cannot provide a current address, indicate "unknown" in the appropriate item. Addresses shown as P.O. Box Numbers or RFD numbers should indicate in Item 14, "Continuations/Remarks", a street address or general guidance to reach the place of residence. In addition, the notation "See Item 14" should be included in the item pertaining to the particular next of kin or when the space for a particular item is insufficient. If the address for the person in the item has been shown in a preceding item, it is unnecessary to repeat the address; however, the name must be entered. Those items that are considered not applicable to civilians will be left blank.

ITEM 1. Enter full last name, first name, and middle initial.

ITEM 2. Enter social security number (SSN).

ITEM 3a. Service. **Military:** Mark X in appropriate block. **Civilian:** Mark two blocks as appropriate. Examples: an Army civilian would mark Army and either Civilian or Contractor; a DoD civilian, without affiliation to one of the Military Services, would mark DoD and then either Civilian or Contractor as appropriate.

ITEM 3b. Reporting Unit Code/Duty Station. See Service Directives.

ITEM 4a. Spouse Name. Enter last name (if different from Item 1), first name and middle initial on the line provided. If single, divorced, or widowed, mark appropriate block.

ITEM 4b. Address and Telephone Number. Enter the "actual" address and telephone number, not the mailing address. Include civilian title or military rank and service if applicable. If one of the blocks in 4a is marked, leave blank.

ITEM 5a-d. Children. Enter last name (only if different from Item 1) first name and middle initial, relationship, and date of birth of all children. If none, so state. Include illegitimate children if acknowledged by member or paternity/maternity has been judicially decreed. Relationship examples: son, daughter, stepson or daughter, adopted son or daughter or ward. Date of birth example: 19950704. For children not living with the member's current spouse, include address and name and relationship of person with whom residing in item 5d.

ITEM 6a. Father Name. Last name, first name and middle initial.

ITEM 6b. Address and Telephone Number of Father. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural father is listed, indicate relationship.

ITEM 7a. Mother Name. Last name, first name and middle initial.

ITEM 7b. Address and Telephone Number of Mother. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural mother is listed, indicate relationship.

ITEM 8. Persons Not to be Notified Due to Ill Health.

- a. List relationship, e.g., "Mother," of person(s) listed in Items 4, 5, 6, or 7 who are not to be notified of a casualty due to ill health. If more than one child, specify, e.g., "daughter Susan." Otherwise, enter "None".
- b. List relationship, e.g., "Father" or name and address of person(s) to be notified in lieu of person(s) listed in item 8a. If "None" is entered in Item 8a, leave blank.

ITEM 9a. This item will be used to record the name of the person or persons, if any, other than the member's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if the member is placed in a missing status. Reference 10 USC, Section 655. **NOT APPLICABLE to civilians.**

ITEM 9b. Address and telephone number of Designated Person(s). **NOT APPLICABLE to civilians.**

ITEM 10. Contracting Agency and Telephone Number (**Contractors only**). **NOT APPLICABLE to military personnel.** Civilian contractors will provide the name of their contracting agency and its telephone number. Example: XYZ Electric, (703) 555-5689. The telephone number should be to the company or corporation's personnel or human resources office.

ITEM 11a. Beneficiary(ies) for Death Gratuity (**Military only**). Enter first name(s), middle initial, and last name(s) of the person(s) to receive death gratuity pay. A member may designate one or more persons to receive all or a portion of the death gratuity pay. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the person may receive. If the member does not wish to designate a beneficiary for the payment of death gratuity, enter "None," or if the full amount is not designated, the payment or balance will be paid as follows:

- (1) To the surviving spouse of the person, if any;
- (2) To any surviving children of the person and the descendants of any deceased children by representation;
- (3) To the surviving parents or the survivor of them;
- (4) To the duly appointed executor or administrator of the estate of the person;
- (5) If there are none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

The member should make specific designations, as it expedites payment.

INSTRUCTIONS FOR PREPARING DD FORM 93

(Continued)

ITEM 11a. (Continued) Seek legal advice if naming a minor child as a beneficiary. If a member has a spouse but designates a person other than the spouse to receive all or a portion of the death gratuity pay, the Service concerned is required to provide notice of the designation to the spouse. **NOT APPLICABLE to civilians.**

Item 11b. Relationship. **NOT APPLICABLE to civilians.**

ITEM 11c. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 11d. Show the percentage to be paid to each person. Enter 10%, 20%, 30%, up to 100% as appropriate. The sum shares must equal 100 percent. If no percent is indicated and more than one person is named, the money is paid in equal shares to the persons named. **NOT APPLICABLE to civilians.**

ITEM 12a. Beneficiary(ies) for Unpaid Pay/Allowance (**Military only**). Enter first name(s), middle initial, last name(s) and relationship of person to receive unpaid pay and allowances at the time of death. The member may indicate anyone to receive this payment. If the member designated two or more beneficiaries, state the percentage to be paid each in item 10c. If the member does not wish to designate a beneficiary, enter "By Law." The member is urged to designate a beneficiary for unpaid pay and allowances as payment will be made to the person in order of precedence by law (10 USC 2771) in the absence of a designation. Seek legal advice if naming a minor child as beneficiary. **NOT APPLICABLE to civilians.**

ITEM 12b. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 12c. If the member designated two or more beneficiaries, state the percentage to be paid each in this section. The sum shares must equal 100 percent. **NOT APPLICABLE to civilians.**

ITEM 13a. Enter the name and relationship of the Person Authorized to Direct Disposition (PADD) of your remains should you become a casualty. Only the following persons may be named as a PADD: surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person standing in loco parentis may be named. **NOT APPLICABLE to civilians.**

ITEM 13b. Address and telephone number of PADD. **NOT APPLICABLE to civilians.**

ITEM 14. Continuations/Remarks. Use this item for remarks or continuation of other items, if necessary. Prefix entry with the number of the item being continued; for example, 5/John J./son/ 19851220/321 Pecan Drive, Schertz TX 78151. Also use this item to list name, address, and relationship of other persons the member desires to be notified. Other dependents may also be listed. This block offers the greatest amount of flexibility for the member to record other important information not otherwise requested but considered extremely useful in the casualty notification and assistance process. Besides continuing information from other blocks on this form, the member may desire to include additional information such as: NOK language barriers, location or existence of a Will, additional private insurance information, other family member contact numbers, etc. If additional space is required, attach a supplemental sheet of standard bond paper with the information.

ITEM 15. Signature of Service Member/Civilian. Check and verify all entries and sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade if applicable. May be electronically signed (see DoD Instruction 1300.18 for guidelines).

ITEM 16. Signature of Witness. Have a witness (disinterested person) sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade as appropriate. A witness signature is not required for electronic versions of the DD Form 93 (see DoD Instruction 1300.18).

ITEM 17. Date the member or civilian signs the form. This item is an ink entry and must be completed on all copies.

ALASKA STATE LEGISLATURE

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Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Admin Reg Review

Senator_Bill_Wielechowski@legis.state.ak.us

SENATOR BILL WIELECHOWSKI

February 9, 2011

Representative Bob Lynn, Chair
House State Affairs Committee
State Capitol, Room 106
Juneau, Alaska 99801

Michael Caulfield
x 2435

Dear Representative Lynn:

I am writing to request a hearing on CS for SB 33(STA) "An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

CS for SB 33(STA) will place the State of Alaska in alignment with the Department of Defense Emergency Data Form (DD Form 93) and the Coast Guard Designation of Beneficiaries and Record of Emergency Data Form (CG-2020D), so that the authorized person designated to handle disposition of active duty service and guard member's remains is upheld.

CS for SB 33(STA) will honor the preferences chosen by armed forces members, guarantee that their remains are handled in the manner of their choosing, and ensure that family members avoid painful legal battles in the event of their death.

The bill passed the Senate unanimously with nineteen cosponsors, and the House Military and Veterans Committee unanimously voted "Do pass" on its companion bill.

Included with this letter you will find:

1. Sponsor Statement
2. Current Version of the Bill (LSO188\D)
3. Sectional Summary
4. Fiscal Note
5. Two Statements of Support
6. USA4Military Website Notice of Support
7. 10 USC § 1481
8. Department of Defense Form 1300.18
9. Map of States Comporting with Department of Defense Rules on Disposition
10. DD Form 93

Additionally, Ric Davidge of Vietnam Veterans of America will provide testimony from an LIO. Mark San Souci of the Under Deputy Secretary of Defense would like to be available on the Off-net line.

Verdie Bowen of the Alaska Department of Veterans Affairs will also be available for any additional questions. Thank you for your consideration of this request.

Sincerely,



Senator Bill Wielechowski
Co-prime Sponsor



Senator John Coghill
Co-prime Sponsor



Senator Joe Paskvan
Co-prime Sponsor