

SB

33

<TARGET><BILL>SB 33</BILL><SUBJECT>SB
33</SUBJECT><COMM>SSTA27</COMM></TARGET>

ALASKA STATE LEGISLATURE

Senate State Affairs Committee

Senator Bill Wielechowski, Chair

State Capitol Building, Room 101
Juneau, Alaska 99801-1182
Phone (907) 465-2435
Fax (907) 465-6615
sen.bill.wielechowski@legis.state.ak.us



Committee Members:

Senator Joe Paskvan, Vice-chair
Senator Albert Kookesh
Senator Bettye Davis
Senator Kevin Meyer

AGENDA

Tuesday, January 25, 2011
9:00-10:30

1. SB 31: Counting of Write-in Votes
2. SB 33: Disposition of Service Members' Remains

ALASKA STATE LEGISLATURE

Session
State Capitol, Rm. 101
Juneau, AK 99801
(907) 465-2435
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716 W. 4th Ave, Ste. 540
Anchorage, AK 99501
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Senator_Bill_Wielechowski@legis.state.ak.us



Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Admin Reg Review

SENATOR BILL WIELECHOWSKI

Sponsor Statement: SB 33

An Act relating to the disposition of remains of a member of the military if the member dies while in a duty status

The intent of SB 33 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. This form 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.

SB 33 will place the state in alignment with Department of Defense 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.

Twenty-one states have laws which comport with Department of Defense rules on disposition. At least four other states, including Alaska, are pursuing laws to comport.

SB 33 is supported by the Office of the Deputy Under Secretary of Defense.

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.

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.

27-LS0188V
Bannister
1/24/11

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

A BILL

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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 military personnel**
3 **on duty status under Military Record of Emergency Data Form (DD Form 93).** If
4 a state resident who is a member of the military 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,
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10 disposition of remains on the executed form has the right to make the decisions
11 concerning the disposition of the member's remains.

27-LS0188\M
Bannister
12/30/10

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATOR WIELECHOWSKI

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

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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.

27-LS0188\B
Bannister
1/18/11

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 33
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATORS WIELECHOWSKI AND PASKVAN

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

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9 93), or its successor form, to serve as a record of emergency data and, on that form,
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5 Department of Defense Military Record of Emergency Data Form (DD Form 93), or
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7 designated a person who is authorized to direct the disposition of the member's
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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.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 21, 2011

SUBJECT: Sectional summary of SSSB 33 relating to the disposition of the remains of a member of the military if the member dies while in a duty status (Work Order No. 27-LS0188\B)

TO: Senator Bill Wielechowski
Attn: Michael Caulfield

FROM:  Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. 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. Gives a person the right to make the decisions about the disposition of the remains of a member of the military 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.

If I may be of further assistance, please advise.

TLB:plm
11-024.plm

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.

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

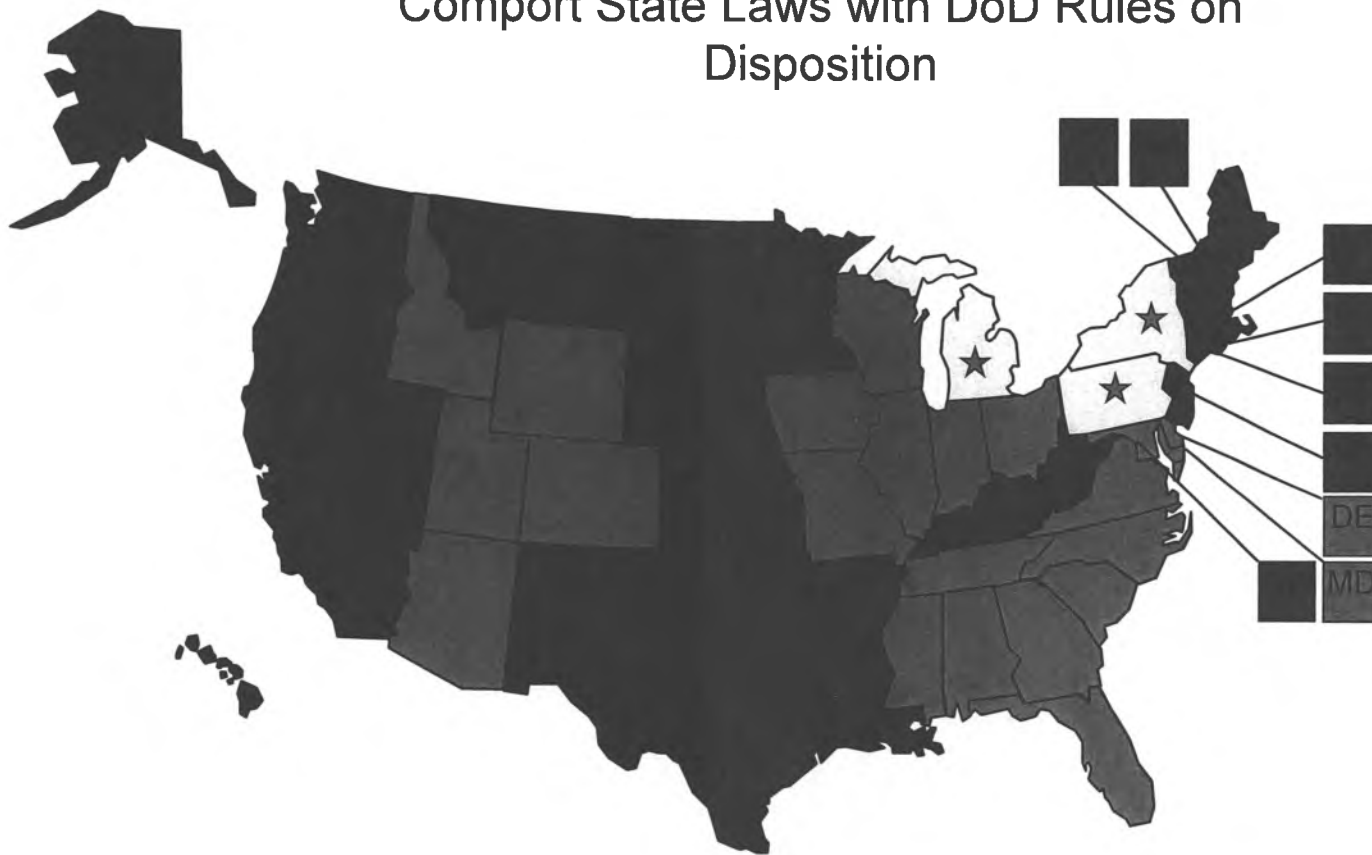
year at any time before the member joined the military. Seniority in age will control when the persons are of equal relationship.

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.



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 2: By the close of the 2010 legislative sessions, 36 states have adopted some of the measures that ensure deployment separations do not determine custody decisions for military members.

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](#)

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								
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CHANGE IN REVENUES								
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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.

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.



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



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

January 24, 2011

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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 interment 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

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.