

SENATE BILL REPORT

SHB 1073

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 16, 2012

Title: An act relating to the disposition of remains of persons who died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard.

Brief Description: Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kelley, McCoy, Green and Van De Wege).

Brief History: Passed House: 1/30/12, 96-0.

Committee Activity: Government Operations, Tribal Relations & Elections: 2/16/12 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Sharon Swanson (786-7447)

Background: A person has the right to control the disposition of his or her own remains. This can be accomplished by executing a written document signed by the decedent in the presence of a witness that expresses the decedent's wishes regarding the place or method of disposition of the decedent's remains. In addition, control of the disposition of a person's remains may be accomplished by making a pre-arrangement with a licensed funeral establishment or cemetery authority. Pre-arrangements that are prepaid or that are filed with a licensed funeral establishment or cemetery authority are not subject to cancellation or substantial revision by survivors. A funeral establishment or cemetery authority is not liable for acting upon a pre-arrangement in the absence of actual knowledge of contrary legal authorization by the decedent.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a pre-arrangement or directions given for the disposition of the decedent's remains has not been made, then the right to control the disposition of the remains vests in the following people in the order named:

- the surviving spouse or state-registered domestic partner;
- the surviving adult children;
- the surviving parents;
- the surviving siblings; and
- a person acting as a representative of the decedent under the signed authorization of the decedent.

Service members are required to complete a DD Form 93. This form is used to show the names and addresses of the service member's spouse, children, parents, and other persons that are to be notified if the service member becomes a casualty and to designate beneficiaries for certain benefits if the service member dies. The form is also used for the service member to designate a person who has the right to control the disposition of the service member's remains. DD Form 93 restricts the designation to the following persons:

- the surviving spouse;
- a blood relative of legal age;
- adoptive relatives of the decedent; and
- a person standing in loco parentis.

Summary of Bill: A person who is designated by a service member with the right to control the disposition of the service member's remains has the first right to control the disposition of the remains if the person is designated on the service member's DD Form 93, or its successor form, and if the service member died while serving in military service in any branch of the United States armed forces, United States reserve forces, or National Guard.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill has been before the committee several times. This is a good bill that honors the wishes of service personnel who are heading into battle. Prior to each deployment, service members must designate the person they want to determine what happens to their remains, if the personnel are to die while on active duty. Prior to December 2011, Congress had prescribed a very limited list of options for the service member to choose from. Currently, the service member can designate anyone they choose. This is a good bill and we strongly recommend the committee keep it moving.

Persons Testifying: PRO: Mark San Souci, Department of Defense, State Liaison Office; Everett Brown, Veterans Legislative Coalition; Major General Gary Magonigle, WA National Guard.