

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 - 0 - 1
Yeas: Boone, Huffman, Matthews, Esquivel, Witt
Nays: 0
Exc.: Parrish
Prepared By: Jill Petty, Administrator
Meeting Dates: 3/15, 3/22

WHAT THE MEASURE DOES: Recognizes validity of a written instrument commonly used in Armed Forces for directed disposition of decedent's remains.

ISSUES DISCUSSED:

- Record of Emergency Data (Department of Defense Form 93) allows service member to direct disposition of their own remains
- State laws default to providing surviving spouse authority to direct disposition of service members remains
- Problems develop when service member and surviving spouse are estranged

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Pursuant to federal law, military service members must complete the United States Department of Defense Department of Defense Form 93. The form requires, in part, that service members designate a "person authorized to direct disposition" of their remains in the event of death. Only a family member can be selected for this responsibility.

Currently, Oregon law allows for disposition of remains only if the written document is in compliance with the form provided in ORS 97.130. When a written instrument does not comply with the form provided under ORS 97.130, disposition of service members remains defaults to a priority listing of individuals. House Bill 3163 adds a provision to ORS 97.130 recognizing the validity of written instruments provided by the Armed Forces of the United States for disposition of remains which includes Department of Defense Form 93.