

HB 2043 STAFF MEASURE SUMMARY

Carrier: Sen. Olsen

Senate Committee On Veterans and Emergency Preparedness

Action Date: 04/24/19

Action: Do pass.

Vote: 4-0-0-0

Yeas: 4 - Boquist, Monnes Anderson, Olsen, President Courtney

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 4/24

WHAT THE MEASURE DOES:

Clarifies that a Record of Emergency Data form completed by a member of the U.S. Armed Forces may direct disposition of the service member's remains, even if death occurs outside of duty status.

ISSUES DISCUSSED:

- Applicability of DD Form 93 in the event of death of active duty service members: it controls in the absence of other instruments
- Need to clarify applicability of DD Form 93 for traditional reservists who are part-time, in the event of death outside of duty status

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A Record of Emergency Data, also known as a DD Form 93, is used by both military and civilian personnel with the U.S. Department of Defense. Among other things, the DD Form 93 allows service members to designate an individual to make decisions about the disposition of their remains in the event of their death "while serving" in the Armed Forces, in the absence of other instruments. If the service member is a traditional reservist however - serving part-time - there is potential for confusion when death occurs outside of duty status: it may be argued that the part-time service member was not "serving" at the time. The service member's wishes may be disregarded, and replaced by state laws governing default intestate succession.

House Bill 2043 clarifies that a service member's Record of Emergency Data may be used to provide for disposition of their remains even in the event of death outside of duty status.