

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2116

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2116
January 14, 2011
12902

Conference Committee

Committee Clerk Signature *Kate Oliver*

Explanation or reason for introduction of bill/resolution:

Relating to the designation of a person authorized to direct disposition of a decedent's remains in the event of death during military service.

Minutes:

Testimony Attached

Vice Chairman Sorvaag called the meeting to order, roll was taken with Chairman Dever being the only one absent.

Captain Michelle Hagel: See attached testimony #1.

Senator Berry: Is that specifically stated?

Captain Michelle Hagel: You don't have to provide legal proof that the relationship exists.

Senator Berry: Are you allowed the person if the others do exist.

Captain Michelle Hagel: The directions & codes say that if none of those people exist.

Senator Berry: Does the spouse always get that?

Senator Cook: How do you know that the child is adopted?

Captain Michelle Hagel: I think that it provides clarity if there is any question

Senator Cook: It seems like adoptive child would not have

Captain Michelle Hagel: They want to provide clarity.

Vice Chairman Sorvaag then asked if anyone else to speak in favor, opposition or a neutral position.

Motion to adopt the amendments by Senator Nelson with a second by Senator Schaible.

Roll was taken and the motion passed 6-0-1

A motion to move a do pass as amended by Senator Nelson with a second by Senator Berry with Senator Marcellais. Roll was taken with the motion passing 6-0-1

After bringing the amendment to Legislative Council Tim Dawson was able to correct the spelling error on the bill without amending the bill.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2116

Page 1, line 3, replace "decendent's" with "decedent's"

Renumber accordingly

2110

Date: 1-14-11
Roll Call Vote #: 1

**2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Accept Amendment

Motion Made By Nelson Seconded By Schaible

Senator	Yes	No	Senator	Yes	No
Chairman Dever			Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2116

Date: 1-14-11
Roll Call Vote #: 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Nelson Seconded By Barry

Senator	Yes	No	Senator	Yes	No
Chairman Dever			Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Marcellais

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2116: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2116 was placed on the Eleventh order on the calendar.

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2116

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2116
March 3, 2011
14887

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the designation of a person authorized to direct disposition of a decedent's remains in the event of a death while in military service

Minutes:

Chairman Bette Grande opened the hearing on SB 2116.

Captain Michelle Hagel, legal advisor to the Office of the Adjutant General, appeared. Attachment 1. Attachment 2 is an amendment to this bill. Since we have written the bill and submitted it DOD has gotten hold of us and has told us that the Coast Guard does not have a DD 93. What the amendment would do would also include language to say that the branch is equivalent form. It would be all encompassing of individuals who are North Dakota residents that serve in whatever branch that their Person Authorized to Direct Disposition of remains (PADD) would be given consideration if that member were to die in military service. This bill is very important to us. What we are hoping it would accomplish would be to provide some clarity at a very difficult time for family members and avoid potential conflict while a family is grieving.

There was no one opposed or neutral to this bill.

The hearing was closed.

Vice Chairman Randy Boehning made a motion to adopt the proposed amendment.

Rep. Gary Paur seconded the motion.

A voice vote was taken. Motion carried.

Rep. Roscoe Streyle made a motion for a Do Pass as amended.

Rep. Mark Sanford seconded the motion.

DO PASS AS AMENDED, 13 YEAS, 0 NAYS. Rep. Vicky Steiner is the carrier of this bill.

11.8055.01001
Title.02000

Adopted by the Government and Veterans
Affairs Committee

March 3, 2011

VZ
3/3/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2116

Page 1, line 11, after "form" insert "or its equivalent branch's form"

Renumber accordingly

Date: 3-3-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2116

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider _____

Motion Made By Boehning Seconded By Paur

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice vote to accept the proposed amendment motion carried

Date: 3-3-11
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2116

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Streyle Seconded By Sanford

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth	✓		Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Steiner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

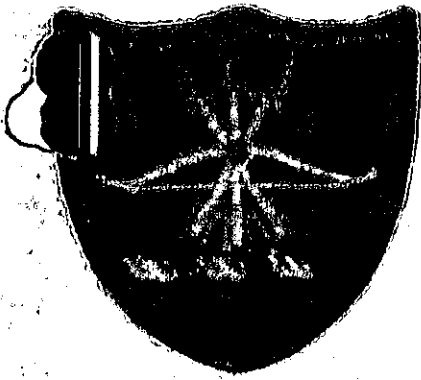
SB 2116: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 11, after "form" insert "or its equivalent branch's form"

Renumber accordingly

2011 TESTIMONY

SB 2116



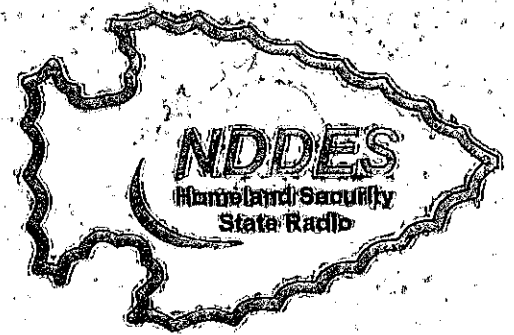
Army National Guard

"The Straight Arrows"



Air National Guard

"The Happy Hooligans"



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Captain Michelle Hagel*

before the

*Government and Veteran
Affairs Committee
January 14, 2011*

SENATE BILL 2116

TESTIMONY OF
CAPTAIN MICHELLE HAGEL
BEFORE THE
GOVERNMENT AND VETERAN
AFFAIRS COMMITTEE
14 JAN 2011
SENATE BILL 2116

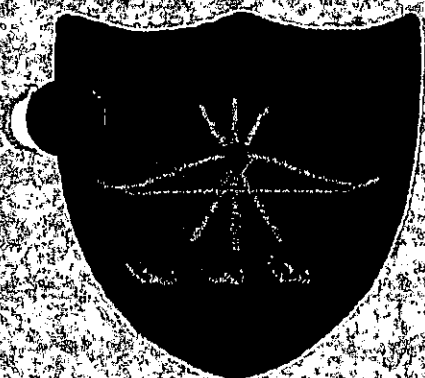
Mr. Chairman and Members of the Committee. I am Captain Michelle Hagel, legal advisor to the Office of the Adjutant General.

As members of the military, we are prepared to make the ultimate sacrifice for our country. Part of being prepared is completing a Department of Defense Record of Emergency Data, DD Form 93. In that form the military member designates a Person Authorized to Direct Disposition of remains (PADD). The individual selected takes charge of the member's remains if the member were to die while in military service.

North Dakota law on disposition of remains does not currently provide for the accommodation of the expressed, written wishes of service members through execution of the federally prescribed "Record of Emergency Data". N.D.C.C. § 23-06-03, Duty of Burial, provides that the duty of burying the body of a deceased individual falls on the surviving husband or wife, if married; or, if not married to the next of kin.

This bill would provide for a clear designation of a Person Authorized to Direct Disposition of remains of a service member when the member dies while in a military service. By providing authority to the Record of Emergency Data, we will avoid potential conflict during a very difficult time.

Mr. Chairman, I will be happy to take any questions that you have.



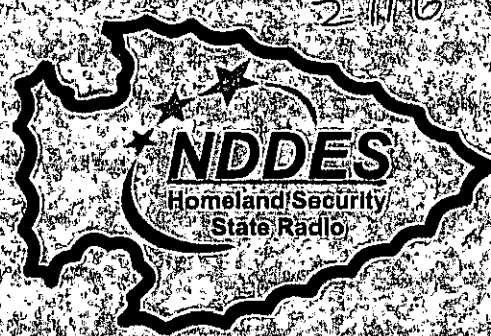
Army National Guard

The Straight Arrows



Air National Guard

The Happy Hooligans



*Department of
Emergency Services
Homeland Security &
State Radio*

*Attachment 1
2/11/16*

*The
Office of the
Adjutant General*

*Testimony of
Captain Michelle Hagel*

before the

*Government and Veteran
Affairs Committee*

March 3, 2011

SENATE BILL 2116

TESTIMONY OF
CAPTAIN MICHELLE HAGEL
BEFORE THE
GOVERNMENT AND VETERAN AFFAIRS COMMITTEE
3 MARCH 2011
SENATE BILL 2116

Madam Chairman and Members of the Committee. I am Captain Michelle Hagel, legal advisor to the Office of the Adjutant General.

As members of the military, we are prepared to make the ultimate sacrifice for our country. Part of being prepared is completing a Department of Defense Record of Emergency Data, DD Form 93. In that form the military member designates a Person Authorized to Direct Disposition of remains (PADD). The individual selected takes charge of the member's remains if the member were to die while in military service.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2116

Attachment 2
2116

Page 1, line 11, after the comma insert: "or its equivalent branch's form."

Renumber accordingly