

CONFERENCE COMMITTEE REPORT
House Bill No. 466 By Representative Henry Burns

May 30, 2014

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 466 by Representative Henry Burns, recommend the following concerning the Engrossed bill:

1. That the set of Legislative Bureau Amendments proposed by the Legislative Bureau and adopted by the Senate on May 19, 2014, be rejected.
2. That the set of Senate Floor Amendments proposed by Senator Adley and adopted by the Senate on May 20, 2014, be rejected.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 2, delete lines 10 through 14 in their entirety and insert in lieu thereof the following:

"C.(1) In the event that the decedent has made multiple notarized declarations of interment pursuant to Subsection A of this Section, the last declaration dated last shall control.

(2) In the event that the decedent has made one or more notarized declarations of interment pursuant to Subsection A of this Section, and the decedent executed a DD Form 93 and died in a manner described in Subsection B of this Section, the declaration or the DD Form 93, whichever is dated last, shall control interment of the decedent's remains."

Respectfully submitted,

Representative Henry Burns

Senator Daniel "Danny" Martiny

Representative Erich E. Ponti

Senator Robert Adley

Representative Nick Lorusso

Senator Edwin R. Murray

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 466 by Representative Henry Burns

Keyword and oneliner of the instrument as it left the House

HUMAN REMAINS: Provides for requirements relative to the disposal of human remains

Report rejects Senate amendments which would have:

1. Made technical change.
2. Added that in the event the decedent has made multiple notarized declarations of interment pursuant to both present and proposed law, the last declaration controls interment of the decedent's remains.

Report amends the bill to:

1. Clarify that if the decedent makes multiple notarized declarations of interment pursuant to both present and proposed law, the declaration dated last controls interment of the decedent's remains.
2. Clarify that if decedent has one or more notarized declarations of interment pursuant to both present and proposed law, and the decedent executes a DD Form 93 and dies in a manner described in proposed law, the declaration or the DD Form 93, whichever is dated last, controls interment of the decedent's remains.

Digest of the bill as proposed by the Conference Committee

Present law provides that the right to control interment of a deceased person's remains is established either by specific directions given in the decedent's written and notarized declaration. Proposed law adds to present law that the right to control interment of the decedent's remains is also established when the decedent designates a specific person to control disposition in the form of a written and notarized declaration.

Present law provides that if the decedent does not have a written and notarized declaration, the right to control interment devolves on the following persons, in ranked order:

- (1) The surviving spouse, if not divorced.
- (2) A majority of the surviving adult children of the decedent.
- (3) The surviving parents of the decedent.
- (4) A majority of the surviving adult brothers and sisters of the decedent.
- (5) A majority of the adult persons respectively in the next degrees of kindred as established by present law.

Proposed law adds that if the decedent has executed a U.S. Department of Defense Form 93 (DD Form 93, Record of Emergency Data) or its successor form and the decedent dies during military service pursuant to the United States Code, 10 U.S.C. 1481 (a)(1)-(8), the right to control interment of the decedent's remains devolves upon the person designated as the Person Authorized to Direct Disposition (PADD), as indicated on the DD Form 93 or its successor form.

Federal law (10 U.S.C. 1481 (a)(1)-(8)) presently enumerates the following, relative to the manner of a decedent's death during military service:

(a) The Secretary of Defense 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; (e) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; (f) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training; (g) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training.
- (3) Serving on funeral honors under federal duty, traveling directly to or from the place at which the member is to serve funeral honors, or remaining overnight at or in the vicinity of that place to serve funeral honors prior to the service, if the place is outside reasonable commuting distance from the member's residence.
- (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; (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) A person who 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.
- (b) A person who is a retired member of an armed force for reasons of physical disability and who dies during a continuous hospitalization 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 the custody of the Secretary of Defense.

Proposed law further provides for no liability of a cemetery authority, funeral establishment, funeral director, crematory authority, or the employees or agents of the aforementioned to whom a copy of a DD Form 93 is presented, purportedly executed by the decedent, for conducting the interment or other disposition of the remains of the decedent pursuant to the instructions of the Person Authorized to Direct Disposition (PADD) on the DD Form 93, or for relying on the representation of the PADD that the decedent died during active service.

Proposed law provides that in the event the decedent has made multiple notarized declarations of interment pursuant to both present and proposed law, the declaration dated last controls interment of the decedent's remains.

Proposed law provides that in the event that the decedent makes one or more notarized declarations of interment, and the decedent executes a DD Form 93 and dies in a manner described in proposed law, the declaration or the DD Form 93, whichever is dated last, controls interment of the decedent's remains.

(Amends R.S. 8:655(A)(intro. para.) and (B); Adds R.S. 8:655(C))