

BILL ANALYSIS

Senate Research Center
83R9814 AJZ-D

H.B. 3064
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Veteran Affairs & Military Installations
5/2/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties report that there are unclaimed remains of United States military veterans held in various funeral homes, coroner's facilities, or other locations around the state that are cremated, frozen, or otherwise preserved but are not interred in a suitable location because, despite passage of a reasonable amount of time, next-of-kin or other authorized individuals have not claimed the remains. The parties assert that as the veterans of World War II and the Korean War continue to age, the number of incidents of such unclaimed remains is certain to increase. The parties note that there are a number of veterans' organizations and other 501(c)3 nonprofit organizations willing to assume the responsibility of interring those remains with suitable military honors at either state or national cemeteries in Texas; however, there are prohibitive restrictions on those entities currently storing the remains.

H.B. 3064 seeks to remove applicable restrictions and clarify the authority of funeral homes and other entities that are in possession of military veterans' remains to transfer those remains to non-family or next-of-kin organizations for the purpose of military burial.

H.B. 3064 amends current law relating to the disposition of unclaimed cremated remains of certain veterans.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 8, Health and Safety Code, by adding Chapter 696, as follows:

CHAPTER 696. DISPOSITION OF UNCLAIMED CREMATED REMAINS

Sec. 696.001. **DEFINITIONS.** Defines, in this chapter, "verification information" and "veterans' service organization."

Sec. 696.002. **APPLICABILITY.** Provides that this chapter applies to any person who possesses unclaimed cremated remains, including a funeral establishment or funeral director licensed under Chapter 651 (Cemetery and Cremator Services, Funeral Directing, and Embalming), Occupations Code, a coroner, or a crematory.

Sec. 696.003. **AUTHORIZATION TO RELEASE INFORMATION.** Authorizes a person who possesses unclaimed cremated remains to release to the United States Department of Veterans Affairs or a veterans' service organization verification information associated with the remains to verify whether the remains are the remains of a person who was a veteran or a veteran's dependent eligible to be interred in a veterans cemetery if:

- (1) the person has possessed the cremated remains for at least five years;

(2) the person authorized to dispose of the decedent's remains under Section 711.002 (Disposition of Remains; Duty to Inter) has not claimed the cremated remains; and

(3) the person made a reasonable effort to locate a relative of the decedent to claim the remains, including publishing notice in a newspaper of general circulation in the county in which the person is located, and more than 30 days have passed since the person first made an effort to locate a relative of the decedent.

Sec. 696.004. TRANSFER OF UNCLAIMED CREMATED REMAINS. Authorizes a person who receives notice from the United States Department of Veterans Affairs or a veterans' service organization that the unclaimed cremated remains are the remains of a veteran or veteran's dependent eligible to be interred in a veterans cemetery to transport the cremated remains to the veterans cemetery for burial or transfer the cremated remains to a veterans' service organization that will ensure that the cremated remains are interred in a veterans cemetery.

Sec. 696.005. CIVIL IMMUNITY. (a) Provides that a person who releases verification information as authorized by this chapter or who transfers cremated remains to a veterans' service organization or a veterans cemetery as authorized by this chapter is immune from civil liability for damages resulting from the release or transfer.

(b) Provides that a veterans' service organization that inters cremated remains in a veterans cemetery as authorized by this chapter is immune from civil liability for damages arising from the interment.

SECTION 2. Amends Subchapter I, Chapter 651, Occupations Code, by adding Section 651.410, as follows:

Sec. 651.410. AUTHORIZED RELEASE OF INFORMATION. Provides that nothing in this chapter prohibits a funeral director or establishment from releasing information under Chapter 696, Health and Safety Code.

SECTION 3. Effective date: September 1, 2013.