

BILL ANALYSIS

H.B. 3064
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties report that there are unclaimed remains of U.S. 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 the 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' 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 the 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 a military burial.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3064 amends the Health and Safety Code to authorize any person possessing unclaimed cremated remains, including a licensed funeral establishment or funeral director, a coroner, or a crematory, to release to the U.S. Department of Veterans Affairs or a veterans' service organization verification information associated with the remains in order 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 the person has possessed the cremated remains for at least five years; if the person authorized to dispose of the decedent's remains has not claimed the cremated remains; and if 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.

H.B. 3064 authorizes a person who receives notice from the U.S. 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 to transfer the cremated remains to a veterans' service organization that will ensure that the cremated remains are interred in a veterans cemetery. The bill establishes that a person who releases such verification information or who transfers cremated remains to a veterans' service organization or a veterans cemetery is immune from civil liability for damages resulting from the release or transfer. The bill specifies that the veteran's service organization that inters cremated remains in a veterans cemetery is immune

from civil liability for damages arising from the interment.

H.B. 3064 amends the Occupations Code to establish that statutory provisions regulating cemetery and crematory services, funeral directing, and embalming do not prohibit a funeral director or establishment from releasing information associated with certain unclaimed cremated remains in order 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.

EFFECTIVE DATE

September 1, 2013.