

1-1 By: Menendez, Moody (Senate Sponsor - Campbell) H.B. No. 3064
 1-2 (In the Senate - Received from the House April 22, 2013;
 1-3 April 24, 2013, read first time and referred to Committee on
 1-4 Veteran Affairs and Military Installations; May 9, 2013, reported
 1-5 favorably by the following vote: Yeas 4, Nays 0; May 9, 2013, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
 1-15 AN ACT

1-16 relating to the disposition of unclaimed cremated remains of
 1-17 certain veterans.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle B, Title 8, Health and Safety Code, is
 1-20 amended by adding Chapter 696 to read as follows:

1-21 CHAPTER 696. DISPOSITION OF UNCLAIMED CREMATED REMAINS

1-22 Sec. 696.001. DEFINITIONS. In this chapter:

1-23 (1) "Verification information" means data required by
 1-24 the United States Department of Veterans Affairs to verify whether
 1-25 a person is a veteran or a veteran's dependent eligible for burial
 1-26 in a veterans cemetery, including a copy of the person's death
 1-27 certificate and the person's name, service number, social security
 1-28 number, date of birth, date of death, and place of birth.

1-29 (2) "Veterans' service organization" means:

1-30 (A) a veterans' organization that is chartered by
 1-31 the United States Congress;

1-32 (B) a veterans' service organization recognized
 1-33 by the United States Department of Veterans Affairs; or

1-34 (C) a veterans' service organization that is
 1-35 organized for verifying whether a person is a veteran or a veteran's
 1-36 dependent and providing for interment of veterans and their
 1-37 dependents and that is exempt from the payment of federal income
 1-38 taxes under Section 501(c) of the Internal Revenue Code of 1986 by
 1-39 being listed as an exempt organization under Section 501(c)(3) or
 1-40 501(c)(19) of that code.

1-41 Sec. 696.002. APPLICABILITY. This chapter applies to any
 1-42 person who possesses unclaimed cremated remains, including a
 1-43 funeral establishment or funeral director licensed under Chapter
 1-44 651, Occupations Code, a coroner, or a crematory.

1-45 Sec. 696.003. AUTHORIZATION TO RELEASE INFORMATION. A
 1-46 person who possesses unclaimed cremated remains may release to the
 1-47 United States Department of Veterans Affairs or a veterans' service
 1-48 organization verification information associated with the remains
 1-49 to verify whether the remains are the remains of a person who was a
 1-50 veteran or a veteran's dependent eligible to be interred in a
 1-51 veterans cemetery if:

1-52 (1) the person has possessed the cremated remains for
 1-53 at least five years;

1-54 (2) the person authorized to dispose of the decedent's
 1-55 remains under Section 711.002 has not claimed the cremated remains;
 1-56 and

1-57 (3) the person made a reasonable effort to locate a
 1-58 relative of the decedent to claim the remains, including publishing
 1-59 notice in a newspaper of general circulation in the county in which
 1-60 the person is located, and more than 30 days have passed since the
 1-61 person first made an effort to locate a relative of the decedent.

2-1 Sec. 696.004. TRANSFER OF UNCLAIMED CREMATED REMAINS. A
2-2 person who receives notice from the United States Department of
2-3 Veterans Affairs or a veterans' service organization that the
2-4 unclaimed cremated remains are the remains of a veteran or
2-5 veteran's dependent eligible to be interred in a veterans cemetery
2-6 may:

2-7 (1) transport the cremated remains to the veterans
2-8 cemetery for burial; or

2-9 (2) transfer the cremated remains to a veterans'
2-10 service organization that will ensure that the cremated remains are
2-11 interred in a veterans cemetery.

2-12 Sec. 696.005. CIVIL IMMUNITY. (a) A person who releases
2-13 verification information as authorized by this chapter or who
2-14 transfers cremated remains to a veterans' service organization or a
2-15 veterans cemetery as authorized by this chapter is immune from
2-16 civil liability for damages resulting from the release or transfer.

2-17 (b) A veterans' service organization that inters cremated
2-18 remains in a veterans cemetery as authorized by this chapter is
2-19 immune from civil liability for damages arising from the interment.

2-20 SECTION 2. Subchapter I, Chapter 651, Occupations Code, is
2-21 amended by adding Section 651.410 to read as follows:

2-22 Sec. 651.410. AUTHORIZED RELEASE OF INFORMATION. Nothing
2-23 in this chapter prohibits a funeral director or establishment from
2-24 releasing information under Chapter 696, Health and Safety Code.

2-25 SECTION 3. This Act takes effect September 1, 2013.

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