

BILL ANALYSIS

Senate Research Center
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H.B. 74
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Veteran Affairs & Military Installations
4/5/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law relating to the disposition of human remains does not provide for the accommodation of the express, written wishes of members of the United States armed forces through execution of the federally prescribed DD Form 93, or Record of Emergency Data. H.B. 74 includes this form among the written instruments that can be used to control the disposition of the remains of a service member who dies while on active duty or otherwise meets the criteria described in federal law.

H.B. 74 amends current law relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

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 Section 711.002, Health and Safety Code, by adding Subsection (a-1), as follows:

(a-1) Provides that for purposes of Subsection (a)(1) (relating to the priority of persons who have rights over remains), a written instrument includes a United States Department of Defense Record of Emergency Data, DD Form 93, or a successor form, in effect at the time of death for a decedent who died in a manner described by 10 U.S.C. Sections 1481(a)(1) through (8). Provides that notwithstanding Subsections (b) (relating to the form of the written instrument required for priority over remains) and (c) (relating to further requirements of the written instrument required for priority over remains), the form is legally sufficient under Subsection (a)(1) if it is properly completed, signed by the decedent, and witnessed in the manner required by the form. Provides that to the extent the form conflicts with another written instrument described by Subsection (a)(1), DD Form 93, or a successor form, controls.

SECTION 2. Effective date: upon passage or September 1, 2011.