

## **BILL ANALYSIS**

Senate Research Center  
82R10987 ALB-D

C.S.H.B. 74  
By: Flynn et al. (Van de Putte)  
Veteran Affairs & Military Installations  
4/8/2011  
Committee Report (Substituted)

### **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. C.S.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.

C.S.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 if a United States Department of Defense Record of Emergency Data, DD Form 93, or a successor form, was in effect at the time of death for a decedent who dies in a manner described by 10 U.S.C. Sections 1481(a)(1) through (8), the DD Form 93 controls over any other written instrument described by Subsection (a)(1) (relating to the priority of persons who have rights over remains) or (g) (relating to written directions for the disposition of the remains) with respect to designating a person to control the disposition of the decedent's remains. Provides that notwithstanding Subsections (b) (relating to the form providing control over disposition of remains) and (c) (relating to the provision that a written instrument is sufficient under certain conditions), the form is legally sufficient if it is properly completed, signed by the decedent, and witnessed in the manner required by the form.

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