

BILL ANALYSIS

Senate Research Center
79R126 JRD-F

H.B. 18
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Veteran Affairs & Military Installations
4/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Upon discharge from the military, veterans receive paperwork that contains very confidential information. Generally, this paperwork is filed with the local county clerk's office for safekeeping. Before the 78th Legislature, this paperwork was available to members of the general public through the Open Records Act. That body passed a bill making these records confidential for a period of 75 years, and mandated that only veterans, their legal guardians, spouses, parents, or closest living relative, are allowed to inspect the records and obtain a copy of the record free of charge. The record is also available to a representative of the veteran's estate, a person granted power of attorney by the veteran, or another governmental agency.

However, it would be helpful if an authorized representative from a funeral home could also gain access to this paperwork. Before the last session, funeral homes could easily gain access to this information in order to coordinate death benefits with an authorized veteran service officer, and also take care of all other funeral arrangements. Under the new law, since representatives of funeral homes are not expressly granted access to veteran DD214 forms, a family member or other authorized person must take care of these details.

As engrossed, H.B. 18 corrects this oversight from the last session, and expressly grants an authorized representative from a funeral home access to private veteran discharge records.

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 552.140(c), Government Code, to include an authorized representative of the funeral home that assists with the burial of the veteran amongst the individuals authorized to inspect the military discharge record or obtain from the governmental body free of charge a copy or certified copy of the letter, on request and presentation of proper identification.

SECTION 2. Effective date: upon passage or the 91st day after adjournment.