

By: Heflin, Hochberg, Corte, Noriega, Berman,
et al.

H.B. No. 3211

A BILL TO BE ENTITLED

AN ACT

relating to certain veterans' assistance programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.001(a)(7), Natural Resources Code,
is amended to read as follows:

(7) "Veteran" means a person who:

(A)(i) served not less than 90 continuous days,
unless sooner discharged by reason of a service-connected
disability, on active duty in the Army, Navy, Air Force, Coast
Guard, United States Public Health Service (as constituted under 42
U.S.C. Section 201 et seq.), or Marine Corps of the United States
after September 16, 1940, and who on the date of filing an
application under the program has not been dishonorably discharged
from the branch of the service in which the person served;

(ii) has at least 20 years of active or
reserve military service as computed when determining the person's
eligibility to receive retired pay under applicable federal law;
~~or~~

(iii) has enlisted or received an
appointment in the Texas National Guard, who has completed all
initial active duty training required as a condition of the
enlistment or appointment, and who on the date of filing the
person's application has not been dishonorably discharged from the
Texas National Guard; or

1 (iv) served in the armed forces of the
2 Republic of Vietnam between February 28, 1961, and May 7, 1975, if
3 the board adopts a rule regarding these veterans under Subsection
4 (b);

5 (B) at the time of the person's enlistment,
6 induction, commissioning, appointment, or drafting was a bona fide
7 resident of this state or has resided in this state at least one
8 year [~~five years~~] immediately before the date of filing an
9 application under this chapter; and

10 (C) at the time of the person's application under
11 this chapter is a bona fide resident of this state. The term
12 includes the unmarried surviving spouse of a veteran who died or who
13 is identified as missing in action if the deceased or missing
14 veteran meets the requirements of this section, with the exception
15 that the deceased or missing veteran need not have served 90
16 continuous days under Paragraph (A)(i) of this subdivision, and if
17 the deceased or missing veteran was a bona fide resident of this
18 state at the time of enlistment, induction, commissioning,
19 appointment, or drafting.

20 SECTION 2. Section 161.001(b), Natural Resources Code, is
21 amended to read as follows:

22 (b) Notwithstanding Subdivision (7) of Subsection (a) of
23 this section, the board may by rule change the definition of
24 "veteran" as necessary or appropriate to protect the best interests
25 of the program. If the board adopts a rule to change the definition
26 of "veteran" to include a person who served in the armed forces of
27 the Republic of Vietnam between February 28, 1961, and May 7, 1975,

1 the rule must include procedures for establishing proof of that
2 service.

3 SECTION 3. Section 162.001(a)(8), Natural Resources Code,
4 is amended to read as follows:

5 (8) "Veteran" has the meaning assigned by Section
6 161.001 ~~[means a person who:~~

7 ~~[(A)(i) served not less than 90 continuous days,~~
8 ~~unless sooner discharged by reason of a service-connected~~
9 ~~disability, on active duty in the Army, Navy, Air Force, Coast~~
10 ~~Guard, United States Public Health Service (as constituted under 42~~
11 ~~U.S.C. Section 201 et seq.), or Marine Corps of the United States~~
12 ~~after September 16, 1940, and who on the date of filing a loan~~
13 ~~application has not been dishonorably discharged from the branch of~~
14 ~~the service in which the person served;~~

15 ~~[(ii) has at least 20 years of active or~~
16 ~~reserve military service as computed when determining the person's~~
17 ~~eligibility to receive retired pay under applicable federal law; or~~

18 ~~[(iii) has enlisted or received an~~
19 ~~appointment in the Texas National Guard, who has completed all~~
20 ~~initial active duty training required as a condition of the~~
21 ~~enlistment or appointment, and who on the date of filing the~~
22 ~~person's loan application has not been dishonorably discharged from~~
23 ~~the Texas National Guard;~~

24 ~~[(B) at the time of the person's enlistment,~~
25 ~~induction, commissioning, appointment, or drafting was a bona fide~~
26 ~~resident of this state or has resided in this state at least five~~
27 ~~years immediately before the date of filing an application for a~~

1 loan; and

2 ~~[(C) at the time of the person's application for~~
3 ~~a loan under this chapter is a bona fide resident of this state. The~~
4 ~~term includes the unmarried surviving spouse of a veteran who died~~
5 ~~or who is identified as missing in action if the deceased or missing~~
6 ~~veteran meets the requirements in this section, with the exception~~
7 ~~that the deceased or missing veteran need not have served 90~~
8 ~~continuous days under Paragraph (A)(i) of this subdivision, and if~~
9 ~~the deceased or missing veteran was a bona fide resident of the~~
10 ~~state at time of enlistment, induction, commissioning,~~
11 ~~appointment, or drafting].~~

12 SECTION 4. Section 164.002(a)(6), Natural Resources Code,
13 is amended to read as follows:

14 (6) "Veteran" has the meaning assigned by Section
15 161.001 ~~[means a person who:~~

16 ~~[(A)(i) served not less than 90 continuous days,~~
17 ~~unless sooner discharged by reason of a service-connected~~
18 ~~disability, on active duty in the Army, Navy, Air Force, Coast~~
19 ~~Guard, United States Public Health Service (as constituted under 42~~
20 ~~U.S.C. Section 201 et seq.), or Marine Corps of the United States~~
21 ~~after September 16, 1940, and who on the date of filing an~~
22 ~~application for financial assistance under this chapter has not~~
23 ~~been dishonorably discharged from the branch of the service in~~
24 ~~which the person served,~~

25 ~~[(ii) has at least 20 years of active or~~
26 ~~reserve military service as computed when determining the person's~~
27 ~~eligibility to receive retired pay under applicable federal law; or~~

1 ~~[(iii) has enlisted or received an~~
2 ~~appointment in the Texas National Guard, who has completed all~~
3 ~~initial active duty training required as a condition of the~~
4 ~~enlistment or appointment, and who on the date of filing the~~
5 ~~person's application has not been dishonorably discharged from the~~
6 ~~Texas National Guard;~~

7 ~~[(B) at the time of the person's enlistment,~~
8 ~~induction, commissioning, appointment, or drafting was a bona fide~~
9 ~~resident of this state or has resided in this state at least one~~
10 ~~year immediately before the date of filing an application; and~~

11 ~~[(C) at the time of the person's application~~
12 ~~under this chapter is a bona fide resident of this state. The term~~
13 ~~includes the unmarried surviving spouse of a veteran who died or who~~
14 ~~is identified as missing in action if the deceased or missing~~
15 ~~veteran meets the requirements in this section, with the exception~~
16 ~~that the deceased or missing veteran need not have served 90~~
17 ~~continuous days under Paragraph (A)(i) of this subdivision, and if~~
18 ~~the deceased or missing veteran was a bona fide resident of the~~
19 ~~state at the time of enlistment, induction, commissioning,~~
20 ~~appointment, or drafting].~~

21 SECTION 5. Sections 162.001(b) and (c) and 164.002(b),
22 Natural Resources Code, are repealed.

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2003.