

1-1 By: Heflin, et al. (Senate Sponsor - Van de Putte) H.B. No. 3211
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 22, 2003, reported
1-5 favorably by the following vote: Yeas 4, Nays 0; May 22, 2003, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to certain veterans' assistance programs.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 161.001(a)(7), Natural Resources Code,
1-12 is amended to read as follows:

1-13 (7) "Veteran" means a person who:

1-14 (A)(i) served not less than 90 continuous days,
1-15 unless sooner discharged by reason of a service-connected
1-16 disability, on active duty in the Army, Navy, Air Force, Coast
1-17 Guard, United States Public Health Service (as constituted under 42
1-18 U.S.C. Section 201 et seq.), or Marine Corps of the United States
1-19 after September 16, 1940, and who on the date of filing an
1-20 application under the program has not been dishonorably discharged
1-21 from the branch of the service in which the person served;

1-22 (ii) has at least 20 years of active or
1-23 reserve military service as computed when determining the person's
1-24 eligibility to receive retired pay under applicable federal law;
1-25 [~~or~~]

1-26 (iii) has enlisted or received an
1-27 appointment in the Texas National Guard, who has completed all
1-28 initial active duty training required as a condition of the
1-29 enlistment or appointment, and who on the date of filing the
1-30 person's application has not been dishonorably discharged from the
1-31 Texas National Guard; or

1-32 (iv) served in the armed forces of the
1-33 Republic of Vietnam between February 28, 1961, and May 7, 1975, if
1-34 the board adopts a rule regarding these veterans under Subsection
1-35 (b);

1-36 (B) at the time of the person's enlistment,
1-37 induction, commissioning, appointment, or drafting was a bona fide
1-38 resident of this state or has resided in this state at least one
1-39 year [~~five years~~] immediately before the date of filing an
1-40 application under this chapter; and

1-41 (C) at the time of the person's application under
1-42 this chapter is a bona fide resident of this state. The term
1-43 includes the unmarried surviving spouse of a veteran who died or who
1-44 is identified as missing in action if the deceased or missing
1-45 veteran meets the requirements of this section, with the exception
1-46 that the deceased or missing veteran need not have served 90
1-47 continuous days under Paragraph (A)(i) of this subdivision, and if
1-48 the deceased or missing veteran was a bona fide resident of this
1-49 state at the time of enlistment, induction, commissioning,
1-50 appointment, or drafting.

1-51 SECTION 2. Section 161.001(b), Natural Resources Code, is
1-52 amended to read as follows:

1-53 (b) Notwithstanding Subdivision (7) of Subsection (a) of
1-54 this section, the board may by rule change the definition of
1-55 "veteran" as necessary or appropriate to protect the best interests
1-56 of the program. If the board adopts a rule to change the definition
1-57 of "veteran" to include a person who served in the armed forces of
1-58 the Republic of Vietnam between February 28, 1961, and May 7, 1975,
1-59 the rule must include procedures for establishing proof of that
1-60 service.

1-61 SECTION 3. Section 162.001(a)(8), Natural Resources Code,
1-62 is amended to read as follows:

1-63 (8) "Veteran" has the meaning assigned by Section
1-64 161.001 [~~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 a loan application 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 loan application has not been dishonorably discharged from the Texas National Guard;~~

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

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

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

(6) "Veteran" has the meaning assigned by Section 161.001 [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 for financial assistance under this chapter 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;~~

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

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

SECTION 5. Sections 162.001(b) and (c) and 164.002(b),

3-1 Natural Resources Code, are repealed.

3-2 SECTION 6. This Act takes effect immediately if it receives
3-3 a vote of two-thirds of all the members elected to each house, as
3-4 provided by Section 39, Article III, Texas Constitution. If this
3-5 Act does not receive the vote necessary for immediate effect, this
3-6 Act takes effect September 1, 2003.

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