

BILL ANALYSIS

C.S.S.B. 363
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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, soldiers who have served on active duty are entitled to two years of care from the Veterans Administration (VA) from the time the soldier leaves military service, unless the injury was incurred or aggravated while on active duty, such as a disability caused by exposure to depleted uranium. However, soldiers seeking such care encounter difficulty in meeting the burden of proof connecting the disability to the service before the Department of Defense and VA. Veterans have also encountered difficulty in obtaining appropriate medical care through the VA Health Care System to treat the effects of exposure to depleted uranium.

C.S.S.B. 363 requires the adjutant general and the Texas Veterans Commission to assist a member of the Texas National Guard in obtaining federal government treatment services, including a screening test if there is reason to believe the member has been exposed to depleted uranium during military service. This bill also requires the adjutant general to report on the feasibility of adding pre-deployment training concerning potential exposure to depleted uranium.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSSB 363 amends Subchapter A, Chapter 431, Government Code, by adding Section 431.0185, to define "depleted uranium," "eligible member," "medically qualified screening test," and "military physician." Requires the adjutant general and the Texas Veterans Commission (TVC) to assist an eligible member to obtain federal government treatment services if the eligible member has been assigned a risk level I, II, or III for depleted uranium exposure by the member's branch of service; is referred by a military physician; or if the member has reason to believe that the member was exposed to depleted uranium during military service.

CSSB 363 requires the adjutant general to report in writing to the presiding officer of the standing committee of each house of the legislature with primary jurisdiction over military and veteran matters on the scope and adequacy of instruction received by members of the national guard on detecting whether their service is likely to entail, or to have entailed, exposure to depleted uranium. Requires the adjutant general to consider the information provided to eligible members on potential exposure to depleted uranium and other toxic chemical substances; whether the eligible members were provided an opportunity to ask questions; and whether the eligible members were provided with information on referrals to appropriate federal agencies. The report must include an assessment of the feasibility and cost of adding predeployment instruction concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended while in a combat zone.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSSB 363 changes the definition of "eligible member" from the engrossed version. The substitute does not include members or former members of the Texas National Guard who served in the Persian Gulf War, as described by 38 USC Section 101. Further, the substitute requires that the adjutant general reports on the scope and adequacy of instruction, instead of the scope and adequacy of training.

CSSB 363 adds a requirement that the adjutant general consider the information provided to eligible members on potential exposure to depleted uranium and other toxic chemical substances; whether the eligible members were provided an opportunity to ask questions; and whether the eligible members were provided with information on referrals to appropriate federal agencies.