

1-1 By: Van de Putte, Uresti S.B. No. 363
1-2 (In the Senate - Filed January 30, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 10, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; April 10, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 363 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to protecting certain members of the Texas National Guard
1-11 from exposure to depleted uranium.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 431, Government Code, is
1-14 amended by adding Section 431.0185 to read as follows:

1-15 Sec. 431.0185. TESTING FOR EXPOSURE TO DEPLETED URANIUM.

1-16 (a) In this section:

1-17 (1) "Depleted uranium" means uranium containing less
1-18 uranium-235 than the naturally occurring distribution of uranium
1-19 isotopes.

1-20 (2) "Eligible member" means a member or former member
1-21 of the Texas National Guard who served:

1-22 (A) in the Persian Gulf War, as defined by 38
1-23 U.S.C. Section 101;

1-24 (B) in an area designated as a combat zone or
1-25 qualified hazardous duty area by the president of the United States
1-26 during Operation Enduring Freedom or Operation Iraqi Freedom; or

1-27 (C) in any other military assignment in which
1-28 there was a high probability that the person was exposed to depleted
1-29 uranium from exploded munitions containing depleted uranium.

1-30 (3) "Medically qualified screening test" means:

1-31 (A) a best practice health screening test for
1-32 exposure to depleted uranium using a bioassay procedure involving:

1-33 (i) sensitive methods capable of detecting
1-34 depleted uranium at low levels; and

1-35 (ii) the use of equipment with the capacity
1-36 to discriminate between different radioisotopes in naturally
1-37 occurring levels of uranium and the characteristic ratio and marker
1-38 for depleted uranium; or

1-39 (B) a closely comparable test that is equally
1-40 capable or more capable of detecting depleted uranium at low levels
1-41 in the body.

1-42 (4) "Military physician" includes a physician who is
1-43 under contract with the United States Department of Defense to
1-44 provide physician services to members of the armed forces.

1-45 (b) The adjutant general and the Texas Veterans Commission
1-46 shall assist an eligible member to obtain federal government
1-47 treatment services, including a medically qualified screening
1-48 test, if the eligible member:

1-49 (1) has been assigned a risk level I, II, or III for
1-50 depleted uranium exposure by the member's branch of service;

1-51 (2) is referred by a military physician; or

1-52 (3) has reason to believe that the member was exposed
1-53 to depleted uranium during military service.

1-54 SECTION 2. (a) In this section, "depleted uranium" and
1-55 "eligible member" have the meanings assigned by Section 431.0185,
1-56 Government Code, as added by this Act.

1-57 (b) Not later than December 1, 2008, the adjutant general
1-58 shall report in writing to the presiding officer of the standing
1-59 committee of each house of the legislature with primary
1-60 jurisdiction over military and veterans matters on the scope and
1-61 adequacy of training received by members of the national guard on
1-62 detecting whether their service as eligible members is likely to
1-63 entail, or to have entailed, exposure to depleted uranium.

2-1 (c) The report must include an assessment of the feasibility
2-2 and cost of adding predeployment training concerning potential
2-3 exposure to depleted uranium and other toxic chemical substances
2-4 and the precautions recommended under combat and noncombat
2-5 conditions while in a combat zone.

2-6 SECTION 3. This Act takes effect September 1, 2007.

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