

Amend **HJR 127** (Senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the joint resolution and renumber subsequent SECTIONS of the joint resolution as appropriate:

SECTION _____. Article III, Texas Constitution, is amended by adding Section 49-b-1 to read as follows:

Sec. 49-b-1. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD MEMBERS. (a) In this section:

(1) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of descent and distribution to the estate of a decedent who dies intestate.

(2) "Eligible survivor" means a person designated as a beneficiary on the deceased individual's group life insurance program under 38 U.S.C. Section 1965 et seq.

(b) This section applies only to a member of the Texas National Guard who died after September 11, 2001, while:

(1) on federal active duty under Title 10, United States Code; or

(2) serving in a named military operation on active duty under state authority in accordance with Title 32, United States Code.

(c) The adjutant general's department or another agency designated by the legislature may pay \$250,000 to:

(1) the eligible survivor of an individual described by Subsection (b) or the appropriate pro rata portion of that amount to the eligible survivors of the individual; or

(2) the heirs of an individual described by Subsection (b) if there are no eligible survivors of that individual.

(d) An eligible survivor or heir must apply for benefits in accordance with rules adopted under this section.

(e) The benefit provided under this section is in addition to any other benefit provided under state or federal law.

(f) The state agency administering the benefits provided by this section shall adopt rules to administer this section, including rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this section.

(2) Strike Section 2 of the joint resolution (page 1, lines

42-47), and substitute the following:

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices and to provide a death benefit to the survivors or heirs of certain members of the Texas National Guard."