

By: Geren

H.B. No. 3071

A BILL TO BE ENTITLED

AN ACT

relating to benefits for members and veterans of the United States  
armed forces and the state military forces.

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

SECTION 1. Subtitle A, Title 5, Business & Commerce Code, is  
amended by adding Chapter 73 to read as follows:

CHAPTER 73. EXEMPTION FROM CERTAIN BUSINESS REGULATIONS

Sec. 73.001. DEFINITION. In this chapter, "license" means  
a license, certificate of registration, permit, or other  
authorization issued by this state or a political subdivision of  
this state to operate a business.

Sec. 73.002. EXEMPTION FOR VETERANS FROM LICENSE FEES. (a)  
A veteran of the United States armed forces who was discharged under  
honorable conditions may not be assessed a fee to obtain a license  
to operate a business selling goods in this state.

(b) The exemption provided by this section does not apply to  
a permit or license issued under the Alcoholic Beverage Code.

SECTION 2. Section 105.003(a), Business & Commerce Code, is  
amended to read as follows:

(a) A person who operates a service station shall provide,  
on request, refueling service to a person with a disability who is  
the driver of a vehicle and displays:

(1) a license plate issued under Section 504.201,  
504.202, or 504.203, Transportation Code; or

(2) a disabled parking placard issued under Section 681.004, Transportation Code.

SECTION 3. Section 406.007, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state may not impose the fees for a notary public commission under Subsections (a) and (b) on a disabled veteran who has a service-connected disability of at least 50 percent.

SECTION 4. Subchapter A, Chapter 431, Government Code, is amended by adding Section 431.0176 to read as follows:

Sec. 431.0176. TEXAS FLAG FOR STATE MILITARY PERSONNEL. (a) On the request of a person listed in Subsection (b), the adjutant general shall provide the person with a Texas flag for use in the funeral service for a decedent who served in the state military forces.

(b) The following persons may request a Texas flag from the adjutant general:

- (1) the decedent's spouse;
- (2) the decedent's adult children, if there is no spouse;
- (3) the decedent's parents, if there is no spouse or adult child;
- (4) the decedent's brothers or sisters, if there is no spouse, adult child, or parent; or
- (5) the executor or administrator of the decedent's estate, if there is no spouse, adult child, parent, or brother or sister.

1        (c) The adjutant general shall adopt rules to implement this  
2 section.

3        SECTION 5. Subchapter B, Chapter 431, Government Code, is  
4 amended by adding Section 431.0362 to read as follows:

5        Sec. 431.0362. USE OF ARMORIES. (a) In this section,  
6 "veterans organization" means a nonprofit organization:

7                (1) whose members are veterans or dependents of  
8 veterans of the armed forces of the United States; and

9                (2) that is chartered by the United States Congress  
10 and organized to advance the interests of veterans or active duty  
11 personnel of the armed forces of the United States and their  
12 dependents.

13        (b) The adjutant general shall adopt rules to allow a  
14 veterans organization to use a national guard armory for meetings  
15 and functions of the veterans organization. The veterans  
16 organization may not be charged a fee for the use of a national  
17 guard armory under this section.

18        SECTION 6. Section 431.039, Government Code, is amended to  
19 read as follows:

20        Sec. 431.039. EXEMPTION FROM FEES FOR MILITARY PERSONNEL  
21 AND VETERANS [BEING DEPLOYED]. A member of the National Guard on  
22 federal active duty, or a member of the armed forces of the United  
23 States on active duty, who is preparing to be deployed to serve in a  
24 hostile fire zone as designated by the United States secretary of  
25 defense or who has returned from active duty is exempt from paying  
26 the following state or local governmental fees the member incurs  
27 because of the deployment to arrange the member's personal affairs

1 or to receive benefits from the United States Department of  
2 Veterans Affairs:

3 (1) fees for obtaining copies of:

4 (A) a birth certificate;

5 (B) a recorded marriage license;

6 (C) a divorce decree;

7 (D) a child support order;

8 (E) guardianship documents; and

9 (F) property tax records;

10 (2) fees for issuing a marriage license or duplicate  
11 marriage license; and

12 (3) fees for transferring title to real or personal  
13 property.

14 SECTION 7. Chapter 431, Government Code, is amended by  
15 adding Subchapter K to read as follows:

16 SUBCHAPTER K. LOANS TO NATIONAL GUARD MEMBERS CALLED  
17 TO ACTIVE DUTY

18 Sec. 431.201. LOAN PROGRAM. The adjutant general shall  
19 create a program to provide interest-free loans to support members  
20 of the Texas National Guard who are called to federal active duty  
21 and their families.

22 Sec. 431.202. NATIONAL GUARD TEMPORARY ASSISTANCE ACCOUNT.

23 (a) The national guard temporary assistance account is an account  
24 in the general revenue fund.

25 (b) The money in the account may be appropriated only for  
26 the purpose of making loans under this subchapter.

27 (c) The adjutant general shall deposit to the credit of the

account all loan payments made by a member of the Texas National Guard for a loan under this subchapter.

Sec. 431.203. GIFTS AND GRANTS. The adjutant general may solicit and accept gifts and grants from any source, including any governmental entity, any private or public corporation, and any other person, for the purposes of this subchapter. The adjutant general shall deposit a gift or grant to the credit of the national guard temporary assistance account.

Sec. 431.204. RULES. The adjutant general shall adopt rules as necessary to administer the loan program, including rules relating to the application procedure, financial qualifications, loan repayment, and default.

SECTION 8. Subchapter A, Chapter 434, Government Code, is amended by adding Sections 434.019 and 434.020 to read as follows:

Sec. 434.019. ROSTER OF WOMEN VETERANS. The Texas Veterans Commission shall create a roster of women veterans who reside in this state to assist the commission in ensuring that women veterans receive their veterans benefits. The commission shall use the roster to communicate with women veterans about events that affect women veterans, benefits that are available to women veterans, and any other issue related to veterans. The roster is confidential and may not be disclosed under Chapter 552, Government Code.

Sec. 434.020. DISABLED VETERAN IDENTIFICATION CARDS. (a) In this section:

(1) "Commission" means the Texas Veterans Commission.

(2) "Disabled veteran" means a person who:

(A) has served in:

1                   (i) the army, navy, air force, coast guard,  
2 or marine corps of the United States or the United States Public  
3 Health Service under 42 U.S.C. Section 201 et seq.;

4                   (ii) the state military forces as defined  
5 by Section 431.001; or

6                   (iii) an auxiliary service of one of those  
7 branches of the armed forces;

8                   (B) has been honorably discharged from the branch  
9 of the service in which the person served; and

10                  (C) has a service-connected disability.

11           (b) The commission shall issue an identification card to  
12 each disabled veteran residing in this state who:

13                   (1) applies for an identification card; and

14                   (2) provides proof of the person's status as a disabled  
15 veteran.

16           (c) The identification card must include:

17                   (1) the full name of the disabled veteran;

18                   (2) a photograph of the disabled veteran consistent  
19 with the disabled veteran's appearance;

20                   (3) the branch of United States armed forces in which  
21 the disabled veteran served;

22                   (4) the signature of the executive director of the  
23 commission;

24                   (5) a brief description of the disabled veteran,  
25 including the disabled veteran's height, weight, and eye color;

26                   (6) the thumbprint of the disabled veteran or a bar  
27 code with a unique identification label for the disabled veteran;

1           (7) the date the card was issued to the disabled  
2 veteran;

3           (8) the disability status of the disabled veteran; and

4           (9) a telephone number operational 24 hours a day,  
5 seven days a week that a person may call to verify the validity of  
6 the identification card.

7           (d) On the identification card, the commission shall print:

8                 (1) "State of Texas" and the state seal; and

9                 (2) "This identification card certifies that (insert  
10 name of disabled veteran) is an honorably discharged disabled  
11 veteran who served in the United States armed forces and is entitled  
12 to benefits as a disabled veteran."

13           (e) An identification card issued under this subchapter  
14 expires on a date specified by the commission.

15           (f) An identification card issued under this subchapter  
16 must be, to the extent practicable, tamper-proof.

17           (g) If an identification card issued under this subchapter  
18 is lost or stolen, the commission may:

19                 (1) require a disabled veteran to submit an affidavit  
20 executed by the disabled veteran that the identification card was  
21 lost or stolen; and

22                 (2) issue a duplicate identification card to the  
23 disabled veteran.

24           SECTION 9. Subtitle C, Title 4, Government Code, is amended  
25 by adding Chapter 437 to read as follows:

26                         CHAPTER 437. BENEFITS FOR CERTAIN  
27                         MILITARY VETERANS AND THEIR SURVIVORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITION. In this chapter, "eligible survivor" means a person eligible to receive benefits under this chapter.

Sec. 437.002. ADDITIONAL BENEFIT. The benefits provided under this chapter are in addition to any other benefit provided under state or federal law.

[Sections 437.003-437.050 reserved for expansion]

SUBCHAPTER B. ADMINISTRATION OF CHAPTER

Sec. 437.051. COMPTROLLER. (a) Except as provided by Section 437.052, the comptroller shall administer this chapter, including payment of benefits.

(b) The comptroller shall prescribe forms necessary to administer this chapter.

Sec. 437.052. ADJUTANT GENERAL. The adjutant general shall administer this chapter for the payment of benefits to:

(1) members of the United States armed forces;

(2) members of the Texas National Guard on federal active duty under Title 10, United States Code; and

(3) eligible survivors.

Sec. 437.053. RULES. The comptroller and adjutant general shall adopt rules to administer this chapter, including rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this chapter.

[Sections 437.054-437.100 reserved for expansion]

SUBCHAPTER C. PAYMENTS TO DISABLED MILITARY VETERANS

Sec. 437.101. ELIGIBILITY. This subchapter applies only to



members of the United States armed forces and members of the Texas National Guard on federal active duty under Title 10, United States Code.

Sec. 437.102. PAYMENT TO DISABLED VETERAN. The state shall pay \$5,000 to a member of the United States armed forces or Texas National Guard described by Section 437.101 who became disabled while serving on federal active duty in a combat zone or in a hazardous duty area.

Sec. 437.103. APPLICATION FOR BENEFITS. A disabled veteran must apply for benefits in accordance with rules adopted under this chapter.

[Sections 437.104-437.150 reserved for expansion]

SUBCHAPTER D. PAYMENTS TO ELIGIBLE SURVIVORS

Sec. 437.151. APPLICABILITY. This subchapter applies only to eligible survivors of a member of the United States armed forces or of a member of the Texas National Guard on federal active duty under Title 10, United States Code, who died while serving in a combat zone or in a hazardous duty area.

Sec. 437.152. ELIGIBILITY. (a) In this section, "heirs" has the meaning assigned by Section 3, Texas Probate Code.

(b) An eligible survivor is a person designated as a beneficiary on the deceased individual's group life insurance program under 38 U.S.C. Section 1965 et seq. If a beneficiary for that individual is not listed on the policy, the eligible survivors are the heirs.

Sec. 437.153. PAYMENT TO ELIGIBLE SURVIVOR. The state shall pay \$3,000 to the eligible survivor of an individual or the

1 appropriate pro rata portion of that amount to the eligible  
2 survivors of the individual.

3 Sec. 437.154. APPLICATION FOR AND PAYMENT OF BENEFITS. An  
4 eligible survivor must apply for benefits in accordance with this  
5 chapter.

6 SECTION 10. Chapter 250, Local Government Code, is amended  
7 by adding Section 250.006 to read as follows:

8 Sec. 250.006. DISABLED VETERANS EXEMPT FROM FEES. A county  
9 and a municipality may not impose a fee for a permit as defined by  
10 Section 245.001 required to perform any construction to make the  
11 primary residence of a veteran of the United States armed forces who  
12 has a service-connected disability handicap accessible.

13 SECTION 11. Chapter 371, Transportation Code, as added by  
14 Chapters 103 (H.B. 570) and 258 (S.B. 11), Acts of the 80th  
15 Legislature, Regular Session, 2007, is reenacted, redesignated as  
16 Chapter 372, Transportation Code, and amended to read as follows:

17 CHAPTER 372 [~~371~~]. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF  
18 TOLL PROJECT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 372.001 [~~371.001~~]. DEFINITIONS. In this chapter:

21 (1) "Toll project" means a toll project described by  
22 Section 201.001(b), regardless of whether the toll project:

23 (A) is a part of the state highway system; or

24 (B) is subject to the jurisdiction of the  
25 department.

26 (2) "Toll project entity" means an entity authorized  
27 by law to acquire, design, construct, finance, operate, and

1 maintain a toll project, including:

2 (A) the department under Chapter 227 or 228;

3 (B) a regional tollway authority under Chapter  
4 366;

5 (C) a regional mobility authority under Chapter  
6 370; or

7 (D) a county under Chapter 284.

8 SUBCHAPTER B. TOLL PROJECT OPERATION

9 Sec. 372.051 [~~371.051~~]. USE OF MOTOR VEHICLE REGISTRATION  
10 OR LICENSE PLATE INFORMATION. (a) A toll project entity may not  
11 use motor vehicle registration or other information derived from a  
12 license plate on a vehicle using a toll project, including  
13 information obtained by the use of automated enforcement technology  
14 described by Section 228.058, for purposes other than those related  
15 to:

16 (1) toll collection and toll collection enforcement;  
17 and

18 (2) law enforcement purposes on request by a law  
19 enforcement agency[~~, subject to Section 228.058(d)~~].

20 (b) If a toll project entity enters into an agreement with  
21 an entity in another state that involves the exchange of motor  
22 vehicle registration or license plate information for toll  
23 collection or toll collection enforcement purposes, the agreement  
24 must provide that the information may not be used for purposes other  
25 than those described in Subsection (a).

26 Sec. 372.052 [~~371.001~~]. VEHICLES USED BY NONPROFIT  
27 DISASTER RELIEF ORGANIZATIONS. [~~(a) In this section:~~

1           ~~[(1) "Toll project" means a toll project described by~~  
2 ~~Section 201.001(b), regardless of whether the toll project is:~~

3                     ~~[(A) a part of the state highway system; or~~  
4                     ~~[(B) subject to the jurisdiction of the~~  
5 ~~department.~~

6           ~~[(2) "Toll project entity" means an entity authorized~~  
7 ~~by law to acquire, design, construct, finance, operate, and~~  
8 ~~maintain a toll project, including:~~

9                     ~~[(A) the department under Chapter 227 or 228;~~  
10                    ~~[(B) a regional tollway authority under Chapter~~  
11 ~~366;~~

12                    ~~[(C) a regional mobility authority under Chapter~~  
13 ~~370; or~~

14                    ~~[(D) a county under Chapter 284.~~

15       ~~[(b)]~~ A toll project entity may not require a vehicle  
16 registered under Section 502.203 to pay a toll for the use of a toll  
17 project.

18       Sec. 372.053. VETERAN PROGRAM. A toll project entity shall  
19 establish a program for certain electronic toll collection  
20 customers who are veterans. The program must include free use of  
21 the entity's toll project by an electronic toll collection customer  
22 whose account relates to a vehicle registered:

23               (1) under Section 504.202;

24               (2) under Section 504.315(g); or

25               (3) by a person who has received the Medal of Honor.

26       SECTION 12. Subtitle K, Title 6, Transportation Code, is  
27 amended by adding Chapter 462 to read as follows:

1     CHAPTER 462. MISCELLANEOUS PROVISIONS APPLICABLE TO PUBLIC

2                     TRANSPORTATION PROVIDERS

3             Sec. 462.001. DEFINITION. In this chapter, "public  
4 transportation provider" has the meaning assigned by Section  
5 461.002.

6             Sec. 462.002. DISABLED VETERANS. A public transportation  
7 provider shall provide free service to disabled veterans who have a  
8 service-connected disability of at least 50 percent.

9             SECTION 13. Section 504.202(a), Transportation Code, is  
10 amended to read as follows:

11             (a) A person entitled to specialty license plates under this  
12 section may register, for the person's own use, one vehicle without  
13 payment of any fee paid for or at the time of registration,  
14 including ~~[except]~~ the fee for the license plates. Registration  
15 under this section is valid for one year.

16             SECTION 14. This Act takes effect immediately if it  
17 receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for immediate  
20 effect, this Act takes effect September 1, 2009.