

**House Joint Resolution 127**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

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.

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including rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this section.

SECTION 1. Section 40(a), Article XVI, Texas Constitution, is amended to read as follows:

(a) No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers and enlisted members of the Texas State Guard and any other active militia or military force organized under state law, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, ~~and~~ the National Guard Reserve, the Texas State Guard, and any other active militia or military force organized under state law, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air

Same as House version.

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Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the State soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified.

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."

SENATE VERSION

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 survivors or heirs of certain members of the Texas National Guard."

CONFERENCE