

## **BILL ANALYSIS**

C.S.H.B. 1912  
By: Cain  
Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that Texas is in need of greater flexibility in the way that the state honors certain of its citizens. C.S.H.B. 1912 seeks to address this issue by providing for qualifying citizens to be awarded the Texas Medal for the Defense of Freedom.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 1912 amends the Government Code to include the Texas Medal for the Defense of Freedom among the medals for which the governor or adjutant general, if delegated the authority, may adopt policies and regulations relating to the award, which is to be awarded to any civilian who is killed or wounded by hostile action while serving under any competent authority of the Texas Military Department under conditions for which a service member would be eligible for receipt of the Texas Purple Heart Medal.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1912 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Section 437.355(a), Government Code, as amended by Chapters 144 (H.B. 115) and 760 (H.B. 2108), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 437.355(a), Government Code, as amended by Chapters 144 (H.B. 115) and 760 (H.B. 2108), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

85R 27219

17.118.1439

Substitute Document Number: 85R 22861

(a) The governor or adjutant general, if delegated the authority, may adopt policies and regulations relating to awarding:

- (1) the Texas Purple Heart Medal, which shall be awarded to a service member who:
  - (A) after September 11, 2001:
    - (i) was inducted into federal service from the Texas National Guard; and
    - (ii) meets the criteria for an award of the federal Purple Heart Medal; or
  - (B) was wounded or killed at Fort Hood on November 5, 2009;
- (2) the Texas Superior Service Medal, which shall be awarded to:
  - (A) a service member of the Texas military forces who has:
    - (i) completed 30 or more years of honorable state service or a combination of state and federal service; and
    - (ii) continually demonstrated superior performance and service while assigned to key leadership positions demanding responsibility; or
  - (B) a civilian who has contributed significant service to the Texas military forces;
- (3) the Lone Star Distinguished Service Medal, which shall be awarded to a member of the military forces of this state, another state, or the United States, an employee of the department, or a civilian selected by the adjutant general for exceptionally outstanding achievement or service to this state in performance of a duty of great responsibility while serving in [with] the Texas military forces or as a department employee or in a manner that brings exceptionally meritorious acknowledgement of the department and for whom the department receives a letter of recommendation for award of the Lone Star Distinguished Service Medal that:
  - (A) gives an account of the exceptional achievement or service; and
  - (B) includes facts and photographs, and extracts from official documents to support and amplify the facts;
- (4) the Texas Outstanding Service Medal, which shall be awarded to a service member of the military forces of this state, another state, or the United States who has performed service in a superior and clearly outstanding manner;
- (5) the Texas Humanitarian Service Medal, which shall be awarded to a service member

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  - (A) after September 11, 2001:
    - (i) was inducted into federal service from the Texas National Guard; and
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    - (i) completed 30 or more years of honorable state service or a combination of state and federal service; and
    - (ii) continually demonstrated superior performance and service while assigned to key leadership positions demanding responsibility; or
  - (B) a civilian who has contributed significant service to the Texas military forces;
- (3) the Lone Star Distinguished Service Medal, which shall be awarded to a member of the military forces of this state, another state, or the United States for exceptionally outstanding achievement or service to this state in performance of a duty of great responsibility while serving with the Texas military forces for whom the department receives a letter of recommendation for award of the Lone Star Distinguished Service Medal that:
  - (A) gives an account of the exceptional achievement or service; and
  - (B) includes facts and photographs, and extracts from official documents to support and amplify the facts;
- (4) the Texas Outstanding Service Medal, which shall be awarded to a service member of the military forces of this state, another state, or the United States who has performed service in a superior and clearly outstanding manner;
- (5) the Texas Humanitarian Service Medal, which shall be awarded to a service member

who:

(A) does not meet the criteria for an award of the federal Humanitarian Service Medal;

(B) is a member of the Texas military forces; and

(C) while serving on state active duty or active duty under state authority in accordance with Title 32, United States Code, participates satisfactorily in defense support to a mission under civilian authority to protect life or property during or soon after a natural disaster or civil unrest in the state;

(6) the Texas Homeland Defense Service Medal, which shall be awarded to a service member of the Texas military forces who served:

(A) on or after September 11, 2001;

(B) on state active duty or active duty under state authority in accordance with Title 32, United States Code; and

(C) satisfactorily in defense support to a mission in the state under civilian authority;

(7) the Federal Service Medal, which shall be awarded to a service member who was inducted into federal service from the Texas military forces between June 15, 1940, and January 1, 1946, or after June 1, 1950, if the service was for more than 90 days;

(8) the Texas Combat Service Ribbon, which shall be awarded to a service member of the Texas National Guard who served, after September 11, 2001, in a hostile fire zone as designated by the United States secretary of defense;

(9) the Texas Faithful Service Medal, which shall be awarded to a member of the Texas military forces who has completed five years of honorable service during which the service member has shown fidelity to duty, efficient service, and great loyalty to this state;

(10) the Texas Medal of Merit, which shall be awarded to a member of the military forces of this state, another state, or the United States who performs outstanding service or attains extraordinary achievement in behalf of the state or United States;

(11) the Texas State Guard Service Medal, which shall be awarded to a service member who completes three consecutive years of honorable service in the Texas State Guard during which the service member has shown fidelity to duty, efficient service, and great loyalty to this state;

who:

(A) does not meet the criteria for an award of the federal Humanitarian Service Medal;

(B) is a member of the Texas military forces; and

(C) while serving on state active duty or active duty under state authority in accordance with Title 32, United States Code, participates satisfactorily in defense support to a mission under civilian authority to protect life or property during or soon after a natural disaster or civil unrest in the state;

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(9) the Texas Faithful Service Medal, which shall be awarded to a member of the Texas military forces who has completed five years of honorable service during which the service member has shown fidelity to duty, efficient service, and great loyalty to this state;

(10) the Texas Medal of Merit, which shall be awarded to a member of the military forces of this state, another state, or the United States who performs outstanding service or attains extraordinary achievement in behalf of the state or United States;

(11) the Texas State Guard Service Medal, which shall be awarded to a service member who completes three consecutive years of honorable service in the Texas State Guard during which the service member has shown fidelity to duty, efficient service, and great loyalty to this state;

(12) the Texas Desert Shield/Desert Storm Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard after August 1, 1990, in support of Operation Desert Shield or Operation Desert Storm, without regard to the place that the service member was deployed while serving on active federal military duty;

(13) the Texas Iraqi Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard, without regard to the place that the service member was deployed while serving on active federal military duty, after:

(A) March 19, 2003, in support of Operation Iraqi Freedom; or

(B) August 31, 2010, in support of Operation New Dawn;

(14) the Texas Afghanistan Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard after October 6, 2001, in support of Operation Enduring Freedom, without regard to the place that the service member was deployed while serving on active federal military duty; ~~and~~

(15) the Cold War Medal, which, subject to Subsection (c), shall be awarded to a member of the military forces of this state or the United States who:

(A) served between September 2, 1945, and December 26, 1991; and

(B) was a resident of this state at the time the service member entered military service;

(16) the Texas Adjutant General's Individual Award, which shall be awarded to an individual member of the Texas military forces for the individual's meritorious achievement or outstanding service in the performance of a duty that is extremely noteworthy but does not meet the criteria for an award of a higher state decoration; and

(17) the Texas Medal for the Defense of Freedom, which shall be awarded to any civilian who is killed or wounded by hostile action while serving under any competent authority of the department under conditions for which a service member would be eligible for receipt of the Texas Purple Heart Medal.

(12) the Texas Desert Shield/Desert Storm Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard after August 1, 1990, in support of Operation Desert Shield or Operation Desert Storm, without regard to the place that the service member was deployed while serving on active federal military duty;

(13) the Texas Iraqi Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard, without regard to the place that the service member was deployed while serving on active federal military duty, after:

(A) March 19, 2003, in support of Operation Iraqi Freedom; or

(B) August 31, 2010, in support of Operation New Dawn;

(14) the Texas Afghanistan Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard after October 6, 2001, in support of Operation Enduring Freedom, without regard to the place that the service member was deployed while serving on active federal military duty; ~~and~~

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(A) served between September 2, 1945, and December 26, 1991; and

(B) was a resident of this state at the time the service member entered military service;

and

(16) the Texas Medal for the Defense of Freedom, which shall be awarded to any civilian who is killed or wounded by hostile action while serving under any competent authority of the department under conditions for which a service member would be eligible for receipt of the Texas Purple Heart Medal.

SECTION 2. Section 437.355, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (a)(3), a civilian is ineligible to be awarded the Lone Star Distinguished Service Medal if the civilian is:

(1) required to register under Chapter 305 or has any current or potential pecuniary interest related to department activities or fee-based services provided to a member of the Texas military forces or a department employee;

(2) employed by a person or organization that is required to register under Chapter 305 or that has any current or potential pecuniary interest related to department activities or fee-based services provided to a member of the Texas military forces or a department employee; or

(3) recommended for the award based on exceptional achievement or service that occurred at a time when the civilian was required to register under Chapter 305 or had any pecuniary interest related to department activities or fee-based services provided to a member of the Texas military forces or a department employee.

No equivalent provision.

SECTION 3. Subchapter H, Chapter 437, Government Code, is amended by adding Section 437.3555 to read as follows:

Sec. 437.3555. GOVERNOR'S UNIT CITATION. (a) The Governor's Unit Citation shall be awarded to a unit or organizational detachment of the Texas military forces for extraordinary valor or exceptionally meritorious conduct or achievement in the performance of outstanding combat operations, combat support, or service support operations or activities.

(b) To be eligible for the Governor's Unit Citation, a unit or organizational detachment of the Texas military forces must:

(1) have served for at least 90 continuous days in support of military operations;

(2) have served under the authority of Title 10 or Title 32 of the United States Code, within or outside the continental United States; and

(3) have performed with marked distinction under difficult or hazardous conditions during single or successive operations covering the 90 days required under

No equivalent provision.

Subdivision (1).

(c) The adjutant general shall award the Governor's Unit Citation.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.