

- SUBJECT:** Providing grave markers for certain members of the state military forces
- COMMITTEE:** Defense Affairs and State-Federal Relations — committee substitute recommended
- VOTE:** 9 ayes — Corte, Campbell, Berman, Herrero, Hodge, Leibowitz, Merritt, P. Moreno, Noriega
- 0 nays — None
- WITNESSES:** For — Margie Cappel
- Against — None
- On — Cruz Montemayor, Texas Veterans Commission; Bill Reimer, Adjutant General’s Department
- BACKGROUND:** The state military forces in Texas include the Texas National Guard and the Texas State Guard. The Texas National Guard includes both the Texas Army National Guard and the Texas Air National Guard.
- The National Guard, a branch of the U.S. armed forces, maintains units available for mobilization in time of war or national emergency. Members of the Texas National Guard serve a dual commission to the United States and to Texas. During peacetime, Texas National Guard members answer to the governor as commander-in-chief. When National Guard units are mobilized by the President of the United States — or “federalized” — they answer to the president as commander-in-chief.
- Texas State Guard units are not subject to being federalized. The Texas State Guard provides volunteer forces to assist state and local authorities in homeland security and community service. Texas State Guard members train a minimum of one weekend each month and serve without pay except if called upon for state active duty by the governor.
- DIGEST:** CSHB 1318 would allow the adjutant general to provide a grave marker for someone who served in the state military forces upon request of the deceased veteran’s spouse, another close relative, or the executor of the deceased’s estate.

The state grave marker would be modeled after the federal marker. A state grave marker would only be available to a member of the state military forces who died on or after September 1, 2005, and would not be available to a veteran who was eligible for a federal grave marker. The adjutant general would have the authority to create rules to implement this proposal.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

CSHB 1318 would offer a fitting tribute to the honorable men and women who served in the National Guard or the Texas State Guard and yet are not eligible to receive a military headstone. A person who served for 20 years in the Texas National Guard, for example, but was never called for national duty is not eligible under current law to receive a military headstone. Those who commit to military service are willing to sacrifice for their country, state, and community. The state should honor this dedication by making a military headstone available.

Family members who request a military headstone to honor a loved one who served in the Texas National Guard often are surprised to learn that the deceased is ineligible because he was never federalized. This discovery usually happens as funeral arrangements are being made, and it is painful and inconvenient for family members to learn this bad news during such a difficult time. There is a public expectation that those who served in the Texas National Guard should be honored with a military headstone. This bill not only would bring statutes in line with this expectation, it would spare certain families additional surprises and grief in the wake of a loved one's death.

Concerns that this bill would cost the state an excessive amount of money are exaggerated. While thousands of people leave the Texas National Guard each year, some of them are eligible to receive a federal headstone and others do not choose to apply for the marker. The state also could explore ways to reduce the cost of making the grave markers, such as the use of prison labor. Further, the state would not incur any significant design costs because the design of the grave marker closely would match the federal version. Taking all these factors into consideration, the state should have no financial difficulty honoring those who have served in defense of Texas.

OPPONENTS  
SAY:

While providing military headstones for state military veterans is a good idea in principle, the state should not adopt such a proposal without a means to fund it. The fiscal note indicates that the state would pay for these grave markers at an estimated cost of \$255,000 per year. However, there has been no appropriation made for the production of state military grave markers, which could result in funds being cut from another program to fund this one.

The bill would not address the length of time that a member of the state military would be required to serve before that person was eligible to receive a state military headstone. The standard length of service to become eligible for a federal headstone is six years. The bill should address this issue because the program would cost more if veterans with only two years' service, for example, were eligible to receive the military markers.

Members of the Texas State Guard are not required to receive military training because they are not subject to being federalized. Members of the State Guard virtually never serve in combat situations. Their role usually is to perform such duties as community support and clean-up projects following hurricanes. Although these people do serve the state in an important way, it would not be appropriate to commemorate service of this nature with a military headstone.

NOTES:

The original bill would have required that a member of the state military forces have died during active service in order to receive a grave marker. The committee substitute specified which family member or other person could request this benefit for a deceased member of the state military.

The fiscal note projects that CSHB 1318 would cost the state \$255,000 per fiscal year in general revenue-related funds, based on an estimated 1,000 eligible members of the state military annually requesting a state headstone.