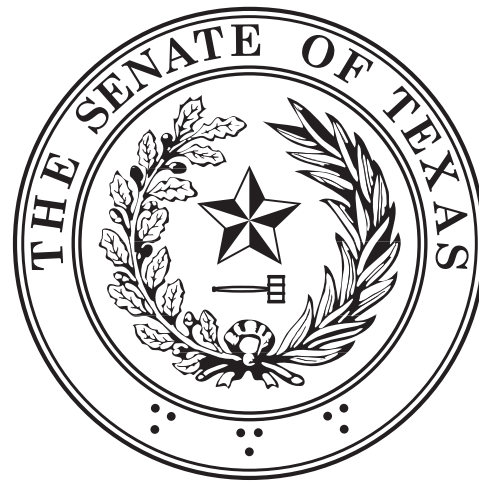
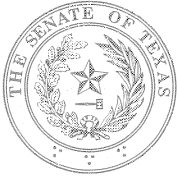


**The Senate Committee on
Veteran Affairs & Military Installations**

**Report and Recommendations
to the
82nd Texas Legislature**



December 2010



The Senate Committee on
Veteran Affairs & Military Installations

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December 1, 2010

The Honorable David Dewhurst
Lieutenant Governor of Texas
P.O. Box 12068
Austin, Texas 78711

Dear Lieutenant Governor Dewhurst:

The Senate Committee on Veteran Affairs and Military Installations hereby submits our interim report, including recommendations to the 82nd Texas Legislature.

This report is dedicated to the memory of the 495 brave Texans who have died in the defense of our nation while in the service of the United States military during the current Global War on Terror.

Respectfully submitted,

Senator Leticia Van de Putte, Chair

Senator Jeff Wentworth, Vice Chair

Senator Wendy Davis

Senator Brian Birdwell

Senator Eliot Shapleigh

Senator Craig Estes

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APPENDIX

Items included in this Appendix:

1. Letter from Texas Veterans Commission Executive Director Thomas Palladino to Senate Veteran Affairs and Military Installations Committee (VAMI) and Select Committee on Veterans Health, follow-up to September 30, 2010 Interim hearing.
2. Letter from Texas Veterans Commission Executive Director Thomas Palladino to Senator Van de Putte, update on Fund for Veterans' Assistance grants.
3. Summary of Texas Veterans Commission Fund for Veterans' Assistance Grants Awarded.
4. *Texas Veterans Commission assists VA to reduce disability claims backlog*, Texas Veterans Commission.
5. Texas Veterans Commission Press Release, Nov. 23, 2009.
6. *Veterans Courts Give Those Who Served in Combat a Second Chance*, Texas Veterans Commission Journal, Sept./Oct. 2010.
7. *Veterans' Courts*, Texas Public Policy Foundation Policy Brief, Nov. 2009.
8. *Bexar County Veterans Treatment Court Criteria*, Bexar County Department of Community Resources, Aug. 2010.
9. *Employment Situation of Veterans—2009*, Bureau of Labor Statistics U.S. Department of Labor News Release, March 2010.
10. Nonfinancial Agreement, Texas Workforce Commission Texas Veterans Leadership Program and Texas Health and Human Services Commission, April 2009.
11. *Quick Facts From the 72IBCT AKO Soldier Survey*, 72IBCT Personnel and Human Resources Office, May 2010.
12. *TX ESGR Committee Information Paper on Employment of Service Members and Veterans*, Dwain James, Executive Director, Texas ESGR Committee, June 2010.
13. *DOD to Resume Restructured Military Spouse Career Program*, U.S. Department of Defense News Release, July 2010.
14. *Key Quality of Life Issues Supporting Service Members and Families*, Department of Defense for Military Families.
15. Letter from Congressman Silvestre Reyes to Governor Rick Perry, Veterans Nursing Homes in Texas.
16. Letter from Senator Leticia Van de Putte to Congressman Silvestre Reyes, Texas Senate's Committee on Veteran Affairs and Military Installations Review of Veterans Nursing Homes in Texas.
17. Department of Aging and Disability Services Regulatory Services Policy Internal Memorandum, Joint Investigation of Nursing Home Abuse and Neglect Allegations, March 2005.
18. Texas Health and Human Services Commission, Memorandum Regarding Follow-Up to May 12 Hearing, May 21, 2010.
19. Texas Veterans Homes QRS Scores Over Time, Department of Aging and Disability Services.
20. CMS 5 Star versus DADS QRS Comparison, Department of Aging and Disability Services.

21. Response to Senate Committee on Veteran Affairs and Military Installation's, Texas Veterans Land Board, May 2010.
22. Letter from El Paso Mayor John Cook to the Honorable Susan Combs, Sales Tax Collected on Military Installations, Sept. 2010.
23. *Making Peace: Lawmakers Are Looking for Ways to Resolve Land-Use Conflicts Between Civilian Communities and Military Bases*, National Conference on State Legislatures, March 2010.
24. Statement by Mr. James Cannizzo, Attorney Advisor, Camp Stanley, Camp Bulli, and Fort Sam Houston, August 24, 2010.
25. Statement by Mr. Dave Dahl, Navy Region Southeast N38, August 24, 2010.
26. Letter from T.G. Alexander, Rear Admiral, U.S. Navy, to the Honorable Susan Combs, February 24, 2010.
27. Memorandum of Understanding Between the Texas General Land Office and Veterans Land Board and the Texas Veterans Commission, Sept. 2009.
28. Communications Center TVC Data, Texas Veterans Land Board, May 2010.
29. *Veterans' Services at Selected Institutions of Higher Education and Survey Results Related to Veterans' Services at All Texas Public Higher Education Institutions*, State Auditor's Office, Sept. 2010.

Interim Charges

1. Study veteran employment and veteran-owned small business issues, including the usefulness of creating a veteran-specific employment database to target job openings tailored to the skill sets of Texas' returning veterans. Include an assessment and recommendations to best implement the veteran employment database.
2. Examine the potential risk factors for returning service members, which may contribute to an increase in domestic violence and child abuse cases. Additionally, determine best practices, including funding options, to ensure that specific counseling related to these risk factors is available to and provided for returning service members and their family members during the initial reunion phase.
3. Examine the use of the new GI Bill by veterans and their families in conjunction with the changes made to the Hazlewood Act during the 81st Legislature, Regular Session, as the number of service members returning from Iraq and Afghanistan continues to rise. Include an assessment and recommendations on how the programs can be maximized to better serve veterans and their families.
4. Study the specific needs of female veterans and service members and whether they are met. Make recommendations for improving services.
5. Study the value of enhancing training requirements for Veterans County Service Officers (VCSO) to improve veterans service at the local level, especially in rural areas. Make recommendations on how to best use technology for training purposes and expanding accreditation of VCSO.
6. Study the advantages of centralizing call center activities for referral to benefits providers (e.g., TVC, TVLB, VA, DSHS, Suicide Prevention Call Centers, etc.), including the costs associated with maintaining multiple call centers, the potential savings of consolidating reporting systems, and any options for obtaining federal funds. Make suggestions to streamline the process for veterans to obtain resources and benefits.
7. Inventory and assess veteran workforce programs offered by state agencies (i.e., TVC, TWC, TAG), and include the usefulness of creating a veteran-specific employment database, which would target job openings tailored to the skill set of Texas' returning veterans as well as job training for spouses. Make recommendations to allow agencies to work more effectively and for efficient implementation of a veteran employment database.
8. Consider the mission of the State Guard and the numbers of volunteers within the State Guard. Make recommendations to incentivize recruitment and retention of volunteers to the State Guard.
9. Monitor the implementation of legislation addressed by the Senate Committee on Veteran Affairs & Military Installations, 81st Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, review the following:
 - o Monitor implementation of constitutional amendments relating to veterans issues;
 - o Monitor the implementation of \$5 million for mental health services programs for veterans, the military and their dependents, following the Ft. Hood tragedy;

- Monitor and analyze the closure process for the following installations and communicate with district Senators and communities: Naval Station Ingleside; Brooks City-Base, San Antonio; and Lone Star Army Ammunition Plant.
- Monitor and analyze the realignment of the various installations across the state, including but not limited to, Fort Sam Houston in San Antonio, Fort Bliss in El Paso, and Red River Army Depot in Texarkana.

Senate Committee on Veteran Affairs and Military Installations Interim Hearings

May 12, 2010, Betty King Committee Room

The Committee took invited and public testimony on Charge Nos. 4, 5 and 6.

June 17, 2010, Fort Worth City Council Chamber

The Committee took invited and public testimony on Charge Nos. 1, 3, 7 and 8.

August 24, 2010, University of Texas at El Paso

The Committee took invited and public testimony on Charge No. 9c and 9d.

September 30, 2010, Bexar County Commissioner's Court

The Committee and Select Committee on Veterans Health took invited and public testimony on Charge Nos. 2, 9a and 9b, as well as Select Committee Charge Nos. 1, 2 and 3.

Audio/Video recordings, minutes and witness lists for the above referenced hearings may be found online at: <http://www.senate.state.tx.us/75r/senate/commit/c650/c650.htm>.

Introduction

The Global War on Terror, which includes Operations Iraqi Freedom and Enduring Freedom (OIF/OEF), has been the longest sustained U.S. military operation since the Vietnam War. These operations have added to the state's population of younger wartime veterans, many of whom come home with severe mental health issues, including post-traumatic stress disorder and severe depression. As service members continue to come home from these conflicts, states, communities, and families will all have to assist in reintegrating the veteran into society. Fortunately, the state of Texas is well-positioned to do all it can to help in this effort. Texas remains the leader in recognizing the service and sacrifice of its brave soldiers, sailors, marines, airmen, and coast guardsmen through legislative initiatives that acknowledge their selflessness, such as the In-State Tuition bill (S.B. 297, 81R) and the Hazlewood Legacy Act (S.B. 93, 81R). It is our obligation to ensure that we make our appreciation for those who wear and have worn the uniform of this country loud and clear.

According to the U.S. Census Bureau 2008 American Community Survey, 1,603,981 veterans live in the state of Texas.¹ With 9.2% of the overall Texas adult population having served for the freedom of our nation, it is crucial to consider the impact that wartime service has not only on those directly serving, but also the entire State. Texas is home to 18 military installations, all of which impact the economy of the local communities in which they're situated. San Antonio, or Military City USA, has four installations that contribute to the city's economic security and vibrancy. The Base Realignment and Closure (BRAC) activities that are scheduled to occur in San Antonio in 2011 will be one of the largest economic development projects in the city. As San Antonio becomes the home of military medicine, it can expect to receive 4,886 new employees and their families, 9,000 additional students per year, and \$2.1 billion in construction of military facilities.² The full-time employment expected to result from this development is estimated to be 46,339.³

The largest military installation in the world is Fort Hood, located in Killeen, Texas. One out of every 10 active duty service member in the U.S. Army is stationed at Fort Hood.⁴ Capital improvement and infrastructure projects have provided a substantial increase in employment in Central Texas. With 53,000 soldiers, 5,100 Department of Army civilians, and 9,200 contract employees, Fort Hood is the largest on-site employer in Texas.⁵ The economic impact Fort Hood contributes to Central Texas is estimated at \$7.1 billion.⁶ The impact to the state as a

¹ U.S. Census Bureau. 2008 American Community Survey.
http://www.factfinder.census.gov/servlet/STTable?_bm=y&

² <http://www.militarycityusa.com/>

³ *Id.*

⁴ Texas Comptroller of Accounts. *Industry Profiles: The Military in Central Texas*.
<http://www.window.state.tx.us/specialrpt/tif/central/indProfiles.php>

⁵ Texas Insider.org, "[Fort Hood Impacts Texas Economy By \\$10.9 Billion](#)," p. 2,
<http://www.texasinsider.org/modules.php?name=News&file=article&sid=3563>.

⁶ Texas Comptroller of Accounts. *Industry Profiles: The Military in Central Texas*.
<http://www.window.state.tx.us/specialrpt/tif/central/indProfiles.php>

whole is tremendous, bringing in \$10.9 billion, which is a 78.3 percent increase from 2004.⁷ According to the Texas Comptroller of Public Accounts, Fort Hood's economic impact is expected to continually grow. Out of 97 Army installations, Fort Hood is ranked first in terms of future capability.⁸

Economic Impact of Fort Hood

	Direct Expenditure*	Total Statewide Economic Impact*
Military and Civilian Pay	\$3.75 billion	\$9.70 billion
Military Construction Projects	\$0.19 billion	\$0.33 billion
Contracts/Other Expenditures	\$0.40 billion	\$0.73 billion
Federal Impact Aid	\$0.06 billion	\$0.10 billion

Source: Killeen Chamber of Commerce

*Based on 2007 numbers

A Snapshot of the Military in Texas, Fiscal Year 2008:

- Number of veterans: 1,705,000
- VA expenditures in Texas: \$6.9 billion
- Compensation and pensions: \$3.6 billion
- Readjustment benefits: \$397 million
- Medical and construction programs: \$2.6 billion
- Insurance and indemnities: \$71 million
- Number of veterans and survivors receiving disability compensation or pension payments in Texas: 330,292
- Number of Texas veterans using GI Bill education benefits: 42,562
- Number of home loans in Texas backed by VA guarantees: 22,179
- Value of Texas home loans guaranteed by VA: \$3.7 billion
- Number of VA life insurance policies held by Texas residents: 79,927
- Value of VA life insurance policies held by Texas residents: \$927 million
- Number of Texas participants in vocational rehabilitation: 8,355
- Number of veterans buried in Texas's VA national cemeteries: 10,834
- Number of headstones and markers provided for graves of Texas veterans and survivors: 25,797⁹

⁷ Heart of Texas Defense Alliance, "[Estimate of the Economic Impact of Fort Hood on the Texas Economy.](#)", *HOTDA Fact Sheet* (May 12, 2008), p. 1, <http://www.hotda.org/Articles%20of%20Interest/Economic%20Impact%20Fact%20Sheet.pdf>.

⁸ Texas Comptroller of Public Accounts, "[March Along, Sing Our Song.](#)", *Fiscal Notes* (August 2008) p. 1, <http://www.window.state.tx.us/comptrol/fnotes/fn0808/>. (Last visited March 18, 2009.); and Texas Insider.org, "Fort Hood Impacts Texas Economy By \$10.9 Billion."

⁹ The Texas Governor's Committee on People with Disabilities. "An Analysis of the Survey of Texas Veterans with Disabilities." Pgs. 7-8. Nov. 2010.

Texas Veterans Serving During Times of Conflict:

- World War II: 9.8%
- Korean War: 11.2%
- Vietnam: 35.6%
- Gulf War: 19.5%
- Post September 11, 2001: 10.5%

Ages of Texas Veterans:

- 18 to 34: 10.2%
- 35 to 54: 29.6%
- 55 to 64: 24.9%
- 65 to 74: 16.9%
- 75 years and older: 18.4%

Educational Levels:

- 20.5% of Texas' total population have less than a high school education
- 25.5% of Texas' total population are high school graduates
- 28.7% of Texas' total population have some college
- 25.3% of Texas' total population have a Bachelor's degree or higher
- 8.4% of Texas veterans have less than a high school education
- 24.7% of Texas veterans are high school graduates
- 39.6% of Texas veterans have some college
- 27.3% of Texas veterans have obtained a Bachelor's degree or higher¹⁰

The conflicts that the United States are engaged in right now differ substantially from wars this country has previously engaged in. Considering the lengthy duration of deployments, increased number of redeployments, type of warfare, prevalent and detrimental mental health effects on service members, and higher survival rate, it is accurate to classify the OIF/OEF war as one fundamentally different from those in the past. On account of improved military equipment and highly-advanced battlefield medical care, the survival rate for U.S. service members in Iraq is over 90 percent.¹¹ Injuries that service members would not have survived in Vietnam and World War II—such as those caused by bomb blasts—means that soldiers and marines are coming home with needs that the U.S. Department of Veterans Affairs has never had to meet. For every service member killed in Iraq, 15 others have survived illness or injury.¹² Service members endure extreme injuries such as hearing loss, amputations, and traumatic brain injury (TBI). More soldiers from OIF/OEF suffer from TBI than from any previous conflict.¹³

¹⁰ The Texas Governor's Committee on People with Disabilities. "An Analysis of the Survey of Texas Veterans with Disabilities." Pg 14. Nov. 2010.

¹¹ Kotrla, Kathryn J., M.D. *Community Response for Returning Veterans and their Families*. Texas A&M Health Science Center. Round Rock, TX. 2010. Lecture.

¹² The Texas Governor's Committee on People with Disabilities. "An Analysis of the Survey of Texas Veterans with Disabilities." Pgs. 7-8. Nov. 2010.

¹³ *Id.*

In addition to differences from previous wars in the demographic composition of the current all-volunteer force, deployment to OEF and OIF has some unique characteristics. Because the number of troops in the active component of the military is smaller than in past conflicts, the Department of Defense (DoD) has had to send military personnel on repeat tours in theater to meet the demands of an extended conflict. Overall, about 40% of current military service members have been deployed more than once and, as of October 2009, 263,150 service members have served more than two tours. Multiple tours coupled with the additional emotional stress inherent in fighting an insurgency has resulted in a very high incidence of [Post Traumatic Stress Disorder](#) (PTSD).¹⁴

Late last year, Fort Hood and its soldiers suffered a major tragedy. On November 5, 2009, a U.S. Army major with links to radical Islam shot and killed 13 soldiers, and wounded 30 others. Although this incident has not been directly associated with mental illness, it has raised the visibility of the strain service members experience before or after deployments. Nearly one-third of service members returning from OEF or OIF are affected by PTSD, major depression or TBI.¹⁵ The diagnosis of a mental health illness may be a result of multiple deployments and the anxiety related to combat. About 50% of individuals with a mental illness attempt personal injury for reasons related to financial, employment and relationship issues as well.¹⁶ According to the Center for Health Promotion and Preventive Medicine, 82% of service member suicide deaths had at least one significant stressor. One stressor identified was a behavioral health diagnosis. Of those that had been diagnosed with a behavioral health issue, 26% had been diagnosed with an Adjustment Disorder, 18% had a substance abuse diagnosis, 9.1% had been diagnosed with post-traumatic stress disorder (PTSD) and 5.6% had a history of self-harm behavior. As the conflicts overseas continue, an awareness of the mental health strain our military members undergo is an imperative factor for legislators and community leaders to recognize, particularly as more service members begin to return home. Perhaps no trend more disturbingly documents the detrimental health effects that multiple deployments can have on an individual than the recent rise in military suicides.¹⁷

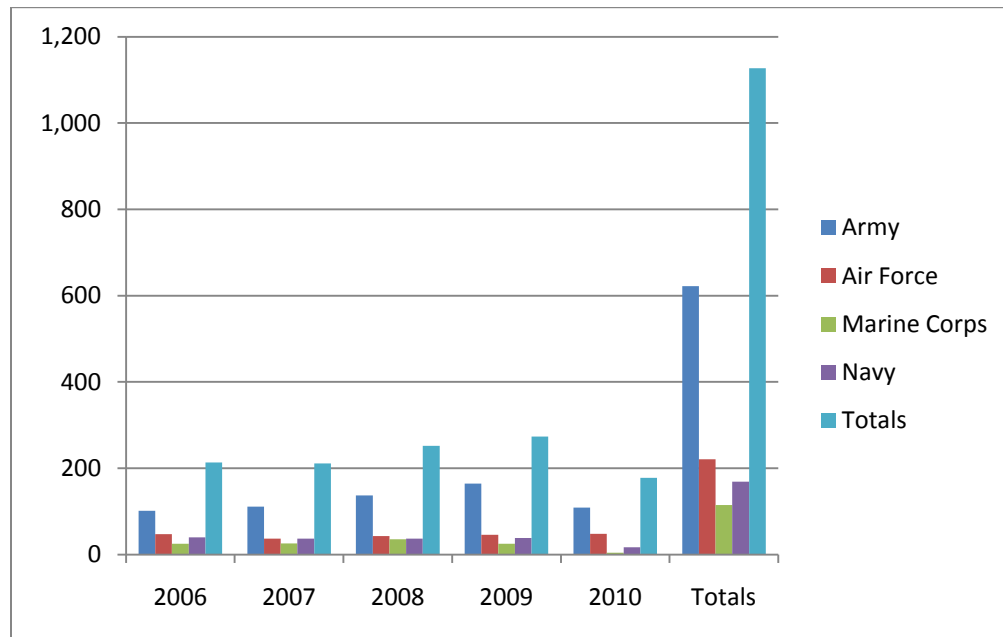
¹⁴ *Id.*

¹⁵ Tanielian, Terri , and Lisa H. Jaycox, ed. RAND Center for Military Health Policy Research. *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*. Santa Monica: RAND Corporation, 2008. Web. 1 Nov 2010. <http://www.rand.org/pubs/monographs/MG720/>.

¹⁶ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Jose Mayorga, Texas Adjutant General, State of Texas).

¹⁷ Army, *Health Promotion, Risk Reduction, Suicide Prevention*, Annual Report, 2010. http://usarmy.vo.llnwd.net/e1/HPRRSP/HP-RR-SPReport2010_v00.pdf

Confirmed Self-Inflicted Military Deaths by Service for January 2006 through 1 November 2010



Source: Defense Casualty Analysis System

As of 1 November 2010

As active duty personnel begin to separate from the military and reservists and National Guardsmen rotate off deployment, the need for health, employment, education and financial assistance will be greater than at any time in recent history.¹⁸ There is another group of Texans that we also must not fail to acknowledge as we head into another legislative session: the families of deployed military personnel. The spouses, children and affected family members of those who serve in our nation's military forces face tremendous hardships before, during and after a deployment. Although they might not put on a uniform, they also are serving our great country by supporting all those who serve in our armed forces.

The Texas Senate's Veteran Affairs and Military Installations Committee remains steadfastly dedicated to ensuring that those who have served us so bravely and selflessly are treated appropriately when they return home. This means providing access to the very best healthcare, working to prevent homelessness, and improving access to our institutions of higher education. The state of Texas has a solemn responsibility to help our veterans adjust to the "new normal" after war, and the Veteran Affairs and Military Installation's Committee takes this responsibility very seriously. With the submission of this report to the 82nd Legislature, it is this Committee's hope that our collective and unabiding appreciation for the sacrifices of those who keep us safe is transmitted with it.

"As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." -John Fitzgerald Kennedy

¹⁸ The Texas Governor's Committee on People with Disabilities. "An Analysis of the Survey of Texas Veterans with Disabilities." Pg. 12. Nov. 2010.

Interim Charge Discussion and Recommendations

INTERIM CHARGE 1

Study veteran employment and veteran-owned small business issues, including the usefulness of creating a veteran-specific employment database to target job openings tailored to the skill sets of Texas' returning veterans. Include an assessment and recommendations to best implement the veteran employment database.

Background

The veteran employment situation is most readily apprehended from a national perspective, as no official state-level database for veteran employment and unemployment data is currently available. The United States Department of Labor's Bureau of Labor Statistics releases an annual report on the veteran employment situation. Some of the highlights of the 2009 report include:

- Young male veterans (those ages 18 to 24) who served during Gulf War era II (those who served in the military after September 2001) had an unemployment rate of 21.6 percent in 2009, slightly higher than the 19.1 percent jobless rate of young male nonveterans.
- The unemployment rate for disabled veterans from all service periods was 8.2 percent in August 2009, essentially the same as the rate for nondisabled veterans.
- Nearly 1 in 3 employed veterans with a service-connected disability worked in the public sector; 1 in 5 disabled veterans was employed by the federal government.¹⁹

Small Business Issues

The Committee gained valuable insight into the employment challenges that veterans encounter when it took the testimony of the American GI Forum's National Veterans Outreach Program, Inc. (NVOP). Headquartered out of San Antonio, Texas, and having five field offices throughout the State of Texas, the NVOP is a 38 year old organization that has served Texas veterans since its founding in 1972. This organization specializes in the job placement of recently separated veterans, homeless veterans, disabled veterans, and other veterans with special challenges to employment. Since 1972, the NVOP has served over 450,000 veterans. Issues of social integration, homelessness, and substance abuse in many returning veterans pose significant difficulties in job placement. Often, an initial stabilization phase and various support services—including housing, medical, and counseling services—are necessary prior to job training and placement.²⁰

¹⁹ Bureau of Labor Statistics News Release, March 12, 2010, Employment Situation of Veterans

²⁰ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010, (testimony of Robert Flores on behalf of Carlos Martinez, American GI Forum National Veteran Outreach Program)

Government Code, Sec. 2155.505 requires the comptroller to encourage a vendor awarded a multiple-award contract to use a historically underutilized or small business to provide a service under that contract. The historically underutilized or small business must present documentation to the comptroller showing authorization from the vendor to provide a service.²¹ During the 81st Regular Session, the Texas Senate voted 30-0 on Senate Bill 1958. This legislation would have included veterans service agencies in the definition of small businesses. An eligible veterans service agency would be a federally tax-exempt organization that provides housing, substance abuse treatment, case management, or employment training to low-income, disabled, or homeless veterans; in addition, the employed veterans must provide at least 75 percent of the direct labor hours required to produce the goods or services required by the vendor contract. Eligible non-profit organizations that meet the aforementioned, strict criteria would be eligible for the small business definition necessary for procurement opportunities within the State of Texas. By including certain veteran service organizations in the Government Code's definition of small business, organizations such as the NVOP will have enhanced opportunities to create jobs for veterans.

According to post-deployment surveys conducted by the Texas Military Forces' Joint Family Support Services division, employment ranks number two on the individual and familial issues reported by returning soldiers. In his testimony, Texas Adjutant General Major General Jose. S. Mayorga emphasized the negative effect that employment difficulties can have on several other factors a returning service member encounters upon his or her return from deployment: personal relationships, financial status, and mental health. In addition, he specified that unemployment can greatly exacerbate the level of stress experienced by service members suffering from post-traumatic stress disorder (PTSD), which often leads to drug and alcohol abuse, and, in the more severe situations, suicidal ideation.²²

The Texas Employer Support of the Guard and Reserve (ESGR) Committee is an active member of Partners Across Texas. A Department of Defense organization that provides special services to the members of the Guard and Reserve and their employers, the Texas ESGR has established a strategic alliance with the Texas Council Society of Human Resource Management (SHRM) and Texas Workforce Solutions to establish a process of preparing military service members to enter the workforce. By implementing the following initiatives, the Texas ESGR aims to work with all active members of Partners Across Texas and employers in order to accomplish the following:²³

- Assist with the education of SHRM members on assessing and translating military skills, training, and experiences into civilian job requirements and specifications;
- Secure SHRM cooperation in promoting the advantages of hiring veterans through the issuance of newsletter articles to SHRM members, presentations on hiring military personnel at SHRM conferences and chapter meetings, and working with allied private

²¹ Texas Government Code, ch. 2155, §505

²² Senate Committee on Veteran Affairs and Military Installations, June 17, 2010, (testimony of Texas Adjutant General Jose Mayorga)

²³ *Id.*

organizations to develop processes to better assist employers' Human Resource managers in understanding the civilian compatibility of military skills, training, and experiences;

- Share database information obtained during pre-deployment processing on unemployed Texas Army National Guard personnel with the Job Connection Education Program, and provide collective statistics for use by SHRM members and employment services.²⁴

Veterans and the Historically-Underutilized Business Classification

The Texas Coalition of Veterans Organizations lists as one of their priorities the re-introduction of legislation to recognize veteran-owned businesses and service disabled veteran owned-businesses as a category of historically-underutilized businesses. Currently, historically underutilized businesses (HUB) are defined as those businesses owned by economically disadvantaged persons.²⁵ The HUB program was created during the 74th Regular Legislature in order to encourage government entities to contract with businesses owned by certain classifications of minority individuals. While the program is meant to improve state relations with those businesses owned by persons who have suffered the effects of discriminatory practices or other similar circumstances over which the person has no control, the state currently has no authority to show contractual preference to a business owned by a disabled veteran. If the state were to consider businesses owned by a disabled veteran as eligible for HUB classification, service-disabled veterans who own businesses would be able to receive all of the services and benefits of the state HUB program.

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The 82nd Legislature should consider expanding the definition of "small business" to include non-profit veteran service organizations committed to the hiring of veterans in their workforce.
- The 82nd Legislature should consider legislation that would enhance coordination between agencies and organizations in order to best implement a veteran-specific employment database. Current efforts to assist veterans find work, as well as to assist employers find veterans to hire, are splintered.
- The 82nd Legislature should consider creating a "Leadership Texas" program exclusively for military veterans that provides an orientation to state government, and encourages the development of a peer network of state employees with military experience.

²⁴ Dwain James, Executive Director, Texas Employer Support of the Guard and Reserve Committee, "TX ESGR Committee Information Paper on Employment of Service Members & Veterans."

²⁵ Texas Government Code, ch. 2161, §.001

INTERIM CHARGE 2

Examine the potential risk factors for returning service members, which may contribute to an increase in domestic violence and child abuse cases. Additionally, determine best practices, including funding options, to ensure that specific counseling related to these risk factors is available to and provided for returning service members and their family members during the initial reunion phase.

Background

Since 2002, nearly 1.8 million service members have returned home from active military duty nationwide.²⁶ In 2006, 1.3 million men and women were serving in the active duty military, and 1.1 million were serving in the National Guard or Reserves. Injuries acquired while serving in OEF and OIF include: amputations, traumatic brain injuries, blindness, burns, and organ damage. 85% of service people with injuries have survived, a record number.²⁷ Integrating back into society and family life is often complex, can be very taxing on a veteran. In a post-deployment survey of 894 Army soldiers who'd been deployed as part of Operation Iraqi Freedom, it was found that:

- 95 percent observed dead bodies or human remains;
- 93 percent were shot at or received small-arms fire;
- 89 percent were attacked or ambushed;
- 65 percent observed injured or dead Americans;
- 48 percent were responsible for the death of an enemy combatant;
- 30-40 percent of Iraq and Afghanistan veterans will face depression, anxiety, or PTSD;
- multiple tours and prolonged deployment increase combat stress by 50 percent;
- traumatic brain injury affects more soldiers than in any previous conflict; and
- public health issues include high rates of divorce, substance abuse, family violence, suicide, incarceration, and homelessness.²⁸

During the post-deployment transitioning period, veterans are faced with certain expectations, such as searching for employment, adjusting to new conditions, and maintaining intimate family relationships. These expectations are complicated undertakings, especially when prevailing emotional challenges such as stress, anger, and isolation are present. Generally, responses to the challenges presented during a post-deployment re-adjustment period are directed towards individuals closest to the veteran, potentially creating an environment of tension and hostility.

- Two thirds of married or cohabitating veterans report family adjustment issues.²⁹

²⁶ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Max Burke, Altarum Institute).

²⁷ "An Analysis of the Survey of Texas Veterans with Disabilities." The Texas Governor's Committee on People with Disabilities. Nov. 2010.

²⁸ Hoge, Charles W. M.D. "Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care." *The New England Journal of Medicine*. July 2004.

²⁹ Kotrla, Kathryn J., M.D. Community Response for Returning Veterans and their Families. Texas A&M Health Science Center. Round Rock, TX. 2010. Lecture.

- In the last six years, the number of veterans who have committed spouse abuse and child abuse or neglect has increased by 177 percent.³⁰
- According to the Department of the Army Headquarters (HQDA) statistics for 2009, 2,106 service members were the subjects of spouse abuse cases and were referred for treatment.³¹

Risk Factors

In the last nine years, 62,000 service members were diagnosed with Post Traumatic Stress Disorder (PTSD), while 50,000 service members were diagnosed with major depression.³² Individuals who have mental health conditions typically struggle with restraining negative emotions, especially anger and aggression. The difficulty of expressing positive or negative emotions can impair relationships, disrupt marriages, aggravate the difficulties of parenting, and cause problems for children. Although PTSD can affect any individual, veterans with PTSD experience higher levels of anger than nonveterans with PTSD.³³ Thus, service members who suffer from mental health issues, such as PTSD or Traumatic Brain Injury (TBI), or have had amputations are more likely to engage in violence towards a family member.³⁴ According to testimony provided by the Texas Veterans Commission (TVC), the amount of service members who commit family violence also increases with multiple deployments, as multiple deployments impact job stability and family unity.³⁵ In Texas, 34 percent of veterans have been deployed multiple times.³⁶

It has become increasingly apparent that veterans who require help are not likely to access assistance on their own.³⁷ A survey conducted by the RAND Center for Military Health Policy Research and the Forces and Resources Policy Center of the National Security Research Division (NSRD) identified many barriers that inhibit veterans from seeking treatment for mental health problems. Some barriers included the concern that treatment would not be kept confidential, thus constraining future job assignments and military-career advancement.³⁸ About 45 percent of survey respondents were concerned that drug therapies for mental health problems may have

³⁰ Army, *Health Promotion, Risk Reduction, Suicide Prevention*, Annual Report, 2010.

http://usarmy.vo.llnwd.net/e1/HPRRSP/HP-RR-SPReport2010_v00.pdf

³¹ *Id.*

³² Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Victor Luebker, San Antonio Coalition for Veterans).

³³ Chemtob, C. M., R. S. Hamada, H. L. Roitblat, and M. Y. Muraoka. Anger, impulsivity, and anger control in combat-related posttraumatic stress disorder. *Journal of Consulting and Clinical Psychology*, Vol. 62, No. 4, 1994, pp. 827–832.

³⁴ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Victor Luebker, San Antonio Coalition for Veterans).

³⁵ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of James Richman, Texas Veterans Commission).

³⁶ Army, *Health Promotion, Risk Reduction, Suicide Prevention*, Annual Report, 2010.

http://usarmy.vo.llnwd.net/e1/HPRRSP/HP-RR-SPReport2010_v00.pdf

³⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Max Burke, Altarum Institute).

³⁸ Tanielian, Terri , and Lisa H. Jaycox, ed. RAND Center for Military Health Policy Research. *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*. Santa Monica: RAND Corporation, 2008. Web. 1 Nov 2010. <http://www.rand.org/pubs/monographs/MG720/>.

unpleasant side effects, and about 15 percent assumed that mental health care was simply not effective.³⁹ Although there is a broad array of services that are easily accessible and available, there is a disconnect with the availability and use of services. These barriers suggest the importance of access to confidential, evidence-based services that increase willingness and execution of treatment among returning service members and veterans.

Discussion

Veteran-focused organizations have recognized the necessity of improving community re-integration by increasing the mental stability and over-all wellness of service members. In Texas, there are various organizations that provide services to assist veterans with successfully integrating back into their community and family life. Such services include employment assistance, peer-to-peer guidance, educational training, increased access to health care and community resources, and counseling.

Peer-to-Peer Services

Peer-to-Peer services utilize veterans who have been trained to identify, intervene, and initiate care for service members and families in crisis. Service members seeking guidance or resources prefer to speak with a veteran who have had similar experiences and can provide advice based on the outcome of previous concerns. The camaraderie between former and current service members allows for open communication and trust, which increases the probability that a veteran will seek services when in need.

Operation Resilient Families (ORF) is a program dedicated to empowering veterans and their families to address post-deployment challenges with strength, intention, and shared community.⁴⁰ The program is an eight-week course that consists of discussions and exercises where participants learn to identify their own family's strengths, resources, and challenging situations. The sessions are led by two trained peer facilitators, one veteran and one family member, who have firsthand experience of deployment readjustment. ORF helps to reduce the stigma attached to mental health labels by providing a confidential community that encourages peer support and mutual learning. ORF courses are available throughout Texas and are at no cost to the veteran or family. To date, 53 veterans and their families have been trained through the ORF sessions and are knowledgeable on how to positively deal with multiple deployments.⁴¹

Veterans of Foreign Wars (VFW) is a national non-profit organization dedicated to the well-being of veterans that provides family assistance, communication services, financial assistance, welcoming celebrations, and guidance on available veteran benefits. VFW has recognized the increased number of homeless veterans is a result of inadequate housing assistance. In response, VFW created an initiative to locate homeless veterans and register them with the Texas Veterans Commission (TVC) so they can obtain housing and employment assistance, which may

³⁹ *Id.*

⁴⁰ <http://www.namitexas.org/programs/orf.shtml>

⁴¹ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Sam Shore, Texas Department of State Health Services).

encourage family reunion.⁴² There are over 250 VFW posts in Texas that have trained veterans, who are well versed with the United States Department of Veteran Affairs system, readily available to provide support and resources.

The Texas Military Forces (TXMF) and its Joint Family Support Services Center offers a Resiliency Program which provides resiliency training, peer-to-peer training, and intervention meetings for veterans and their families. This program utilizes community resources and acts as a liaison with community partners, including Local Mental Health Agencies (LMHA).

Educational Seminars

In addition to the Resiliency Program, the TXMF Joint Family Support Services is host to other programs including:

- The Yellow Ribbon Program - This is a congressionally mandated program which focuses on preparing, sustaining, and reintegrating service members and their families before and after deployment. During deployment sessions, family members receive resources focused on stress management, healthy communication skills, reintegration, and the needs of children. Once a service member has returned home, training is focused on identifying warning signs for PTSD, depression, substance abuse, and other deployment related stressors; and
- The Strong Bonds Program - This Chaplain lead program offers weekend retreats for veterans and their spouses, entire families, and solely for veterans. The retreats provide learning tools and educational seminars that enhance family and marital relationships; and
- The Youth Summer Program - This summer program is available for young children of a deployed parent(s) to assist children with understanding the stresses of their parents' deployment.

According to the testimony provided by Texas Adjutant General Jose S. Mayorga, the National Guard Bureau recently recognized the TXMF Joint Family Support Services as one of the Top 15 services in the country for community partnerships and family support.⁴³

Access to Community Resources

The Military 2-1-1 network is a call center that provides information on available services to veterans and their families. Military 2-1-1 is a free, confidential service that is available 24 hours a day, 7 days a week. The call center is comprised of trained veterans who provide assistance, referrals, or guidance. According to testimony provided by United Way of San Antonio and Bexar County, 177 phone calls have been made to Military 2-1-1 in 2010 by a self-identified service member, veteran, or family member who was seeking information on

⁴² Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of James Towers, Veterans of Foreign Wars).

⁴³ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Jose Mayorga, Texas Adjutant General, State of Texas).

counseling, drug screening and treatment, education, or violence.⁴⁴ The request for counseling services consisted of 66 percent of phone calls.⁴⁵ Phone calls to Military 2-1-1 have increased 8.1 percent since 2009.¹⁹

The Veterans Community Action Team (VCAT), created by The Altarum Institute (Altarum), collaborated with community partners to build an integrated model of local providers that are able to meet the complex needs of veterans and their families. The availability of shared information from various providers, including government, public, private, and non-profit organizations, allows for clarity and effective connections for veterans and their families. Often referred to as the "No Wrong Door" policy, the strong network of communication between providers improves quality of care by preventing incorrect or misguided information from being shared with the veteran, eliminating unnecessary stress. The VCAT model was based on best practices that were identified from previous Altarum research. The model is currently being tested in San Antonio with funding provided by Altarum and TVC.⁴⁶

TexVet: Partners Across Texas

The TexVet Initiative is a web-based referral and information network that emphasizes multi-agency and community coordination among federal, state, and local resources. It is linked to the 2-1-1 System in Texas. The TexVet Task Force was initially formed in September, 2005, and included the Department of Defense, the U.S. Department of Veterans Affairs, and the Health and Human Services Commission. The Texas Veterans Commission, Texas Military Forces, and Department of State Health Services are now part of the coalition as well.

Texvet emphasizes a conceptual construct of collaboration, rather than ownership. It seeks to establish parallel processes from the Executive to the community level in an effort to more effectively leverage available federal, state, and local resources. Operating within the framework established by S.B. 1058 (80R) and the Partners Across Texas Memorandum of Understanding signed in 2007, TexVet partners utilize VA Center of Excellence funds, Texas Resource for Iraq and Afghanistan Deployed funds, and other sources to address the post-combat challenges that returning veterans and their families face.

Counseling

The U.S. Department of Veterans Affairs (VA) offers comprehensive health care coverage for veterans including mental health and substance abuse diagnosis and treatment. VA has trained over 2,900 VA clinicians in the use of Cognitive Processing Therapy (CPT) or Prolonged Exposure Therapy (PE).⁴⁷ CPT and PE are evidence based therapies that are recognized by the Institute of Medicine Committee on Treatment of PTSD as effective means for PTSD

⁴⁴ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Toni-Marie Van Buren, United Way of San Antonio and Bexar County).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Max Burke, Altarum Institute).

treatment.⁴⁸ VA Vet Centers offer an array of complimentary counseling, outreach, and reintegration services. There are 15 VA Vet Centers in Texas.⁴⁹

Funding

During the 81st Legislative Session, the Senate passed SB 1655 by Leticia Van de Putte, which implemented a re-structuring of the proceeds from a \$2 Texas lottery ticket. As enacted, at the beginning of FY 2010, all \$2 Veteran Cash lottery ticket proceeds benefit the Texas Fund for Veterans Assistance (FVA). The primary source of FVA funding now comes from the \$2 Veteran Cash scratch-off lottery ticket proceeds, which produced \$7,393,532 in one year.⁵⁰

TVC provides grants to mental health entities through the FVA to help communities encourage veterans to pursue services that address their concerns. TVC has awarded \$6,553,600 of FVA funds to organizations that support veterans.⁵¹ In addition, TVC has awarded \$2,924,380 in separate grants to organizations that specifically provide mental health assistance.⁵² The FVA also supplies \$340,000 in renewable grants to United Way of San Antonio and Bexar County in order to support the Military 2-1-1 network.⁵³

In response to the Fort Hood tragedy in 2009, Governor Perry secured \$5 million for mental health treatment for veterans and their families. Under direction of DSHS, the funding is used to enhance access to community-based behavioral health services. Utilizing funding provided from the Governor's \$5 million initiative project, the Center for Health Care Services (CHCS) has served over 100 veterans in Bexar County through peer-to-peer services.⁵⁴ Several Local Mental Health Authorities were awarded funds to fulfill projects that address veterans' mental health needs (see *Interim Charge 9*).

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- Increasingly, the impact of trauma on Texas military forces is seen as a public health issue that has long-term impacts that are best addressed through statewide analysis and strategic initiatives. Texas service members who defend our country need and deserve our support. The Legislature should consider creating a Veterans' Council composed of

⁴⁸ HBO Documentary. Wartorn: 1861-2010: Exploring Combat and Post-Traumatic Stress [Television series episode]. Nov. 11, 2010.

⁴⁹ *Id.*

⁵⁰ Texas Department of State Health Services, Behavioral Health Services for Returning Veterans and Their Families: Services, Gaps and Recommendations, 2008. www.mhtransformation.org

⁵¹ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of James Richman, Texas Veterans Commission).

⁵² *Id.*

⁵³ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Toni-Marie Van Buren, United Way of San Antonio and Bexar County).

⁵⁴ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Mark Carmona, San Antonio Center for Health Care Services).

representatives of federal, state, and local agencies that serve veterans with the mission of guiding the policies of state government as they relate to the well-being of veterans and their families. The Council is envisioned as sustaining and formalizing the collaborative relationships already in place through the TexVet: Partners Across Texas Initiative. The Veterans' Council would be responsible for developing a multi-agency, comprehensive long-term strategy in Texas to address the mental health needs of current and returning veterans.

- The 82nd Legislature should consider researching available models that address the stigma associated with a mental health diagnosis.
- The 82nd Legislature should consider improving peer-to-peer services by developing the state's capacity to train volunteers and consultants using available curriculum based training courses that teach veterans how to effectively identify warning signs and mentor other veterans and their families, with an emphasis on trauma related illnesses. Increasing the capacity to train will increase availability of services.
- The 82nd Legislature should consider enhancing research efforts that identify behaviors of veterans that are at risk of a mental illness. Research should expand to determine evidence-based treatment models for at-risk veterans.

INTERIM CHARGE 3

Examine the use of the new GI Bill by veterans and their families in conjunction with the changes made to the Hazlewood Act during the 81st Legislature, Regular Session, as the number of service members returning from Iraq and Afghanistan continues to rise. Include an assessment and recommendations on how the programs can be maximized to better serve veterans and their families.

Background

The Post-9/11 GI Bill is an educational benefit of unparalleled breadth. The Post-9/11 GI Bill provides the following for an eligible veteran (served a minimum of 90 days of active duty military service on or after September 11, 2001, and received an honorable discharge):

- Payment of tuition and fees for 36 months of enrollment at an institution of higher learning. In Texas, the United States Department of Veterans Affairs (VA) will pay up to \$1,471 per credit hour, the highest in the nation. The payment of tuition and fees goes directly to the school.
- Students also receive a monthly housing allowance equal to the Basic Allowance for Housing received by an E-5 with dependents. This amount is determined by the zip code of the school the veteran or service member is enrolled in. For the 2010 calendar year, this monthly figure is \$1,236 for Fort Worth, \$1,425 for Dallas, \$1,275 for San Antonio, \$1,257 for Austin, \$1,080 for Wichita Falls, \$972 for El Paso, and \$1,557 for Houston.
- Students receive a yearly books and supplies stipend of \$1,000 per year, paid at the beginning of each term. It is paid proportionately based on the number of credit hours taken by each student at \$41 per credit hour.
- An additional feature of the Post-9/11 GI Bill is transferability. In exchange for re-enlistment, an eligible veteran may transfer all or a portion of his or her earned educational benefits to a spouse or dependent child.⁵⁵

The Texas Veterans Commission has been unable to obtain official figures from the Veterans Administration regarding Montgomery GI Bill (the educational benefit reserved for those not meeting Post-9/11 GI Bill eligibility requirements) and Post-9/11 GI Bill usage by Texas veterans. The updated numbers are expected to be compiled in the very near future.

In contrast to the Post-9/11 benefits, the Montgomery GI Bill provides a monthly maximum of \$1,360 to defray all educational and living expenses.

Post-9/11 GI Bill

⁵⁵ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Connie Jacksits, Director of Veterans Education, Texas Veterans Commission)

In July of 2008 the Post-9/11 GI Bill was signed into law, creating a new robust education benefits program rivaling the WWII Era GI Bill of Rights. The new Post-9/11 GI Bill, which went into effect on August 1, 2009, provides education benefits for service members who have served on active duty for 90 or more days since Sept. 10, 2001. These benefits are tiered based on the number of days served on active duty, creating a benefit package that gives current and previously activated National Guard and Reserve members the same benefits as active duty service members.

	Montgomery GI Bill (MGIB) Chapter 30	Post 9/11 GI Bill Chapter 33
Payment Rate for Full-Time Student	Annually set - nationwide - monthly payment rate. The current payment rate is \$1,368 .	A tuition payment equal to the in-state undergraduate tuition rate for the most expensive public college or university in the state of enrollment. Paid per term directly to the school.
Additional expense payments	No additional stipend payments for expenses.	Living Expenses - Stipend based on local BAH for E-5 with dependents - paid monthly. Books and Supplies - Up to a \$1,000 a year for books and supplies. Paid to the student proportionately for each term.
Eligibility Requirements	Entered military after June 30, 1985 and paid the \$1,200 enrollment fee.	Active-duty service for more than 90 days since Sept. 11, 2001.
VEAP-era Eligibility	No - Except those who elected to convert in the past.	Yes - those who meet the Post-9/11 active-duty service criteria.
Benefit Expiration	10 Years after last separation or discharge.	15 Years your last period of active duty of at least 90 consecutive days.
Transfer benefits to families	Limited - Currently Limited to Army reenlistees for critical MOS only.	Yes - open to servicemembers with six years service who agree to reenlist. However, the eligibility details are still being worked out by the DoD.
Enrollment fee	Yes - \$1,200	None.
Programs Covered	The Montgomery GI Bill can be used to pay for many different programs including the following: College, Business Technical or Vocational Courses Distance Learning including Online and Correspondence Courses Certification Tests Apprenticeship/Job Training (Veterans and Reserve Only) Flight Training These programs can be completed at any education or training institution.	Under the Post 9/11 GI Bill you may receive educational and training assistance for the following programs only if offered by an accredited college or university: College, Business Technical or Vocational Courses Distance Learning including Online and Correspondence Courses Certification Tests Flight Training Those who were previously eligible for the MGIB, MGIB-SR (1606), or REAP (1607) may receive educational assistance for MGIB approved programs not offered by colleges and universities (i.e. flight, correspondence, APP/OJT, preparatory courses, and national tests). Note: This seemingly minor detail can have a huge impact on your education and training options in the future. Especially for those servicemembers who choose to decline the MGIB.

Hazlewood Exemption

The purpose of the Hazlewood Exemption (Hazlewood Act) is to provide an education benefit to honorably discharged or separated Texas veterans, as well as to eligible children and spouses of Texas veterans. The exemption of tuition and mandatory fees can be used for up to 150 credit hours. The exemption is available at public institutions, but does not apply to courses for which the institution does not receive formula funding unless the college or university chooses to do so.

During FY 2009, 9,526 veterans and 21 dependents received a Hazlewood exemption totaling over \$24.2 million.⁵⁶

Changes to the Hazlewood Act, 81st Legislature

Senate Bill 93

S.B. 93 eliminated any ambiguity in the Education Code regarding eligibility for tuition and fee exemptions for Texas veterans. The Hazlewood Act has been state law since 1923, and entitles certain Texas veterans, as well as the children of Texas service members who die either during or as a result of their military service, to free tuition and reduced fees. Prior to the passage of SB 93, Texas statute previously limited eligibility to those veterans who entered the military in the state of Texas, were citizens of the state of Texas at the time they entered, and had resided in Texas for at least 12 months before the date of enlistment. After SB 93 became law, those who entered the service in the state of Texas, declared Texas as their home of record in the manner provided by the applicable military branch, or are determined to be a resident for the purposes of tuition rates at the time they entered are eligible for the Hazlewood exemption. Essentially, SB 93 aligned the Hazlewood exemption with the federal government's GI Bill, which does not make distinctions between citizens and legal residents for purposes of educational benefits for veterans.⁵⁷

Eligibility for the Hazlewood exemption is also expanded to include the following as a result of provisions contained within SB 93:

- The **spouse** of a member of the armed forces of the United States who:
 1. was killed in action;
 2. died while in service;
 3. is missing in action;
 4. died as a direct result of illness or injury connected with service in the armed forces of the United States; or
 5. became totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or
 6. was a member of the Texas National Guard or the Texas Air National Guard who:
 - a. was killed since January 1, 1946, while on active duty either in the service of this state or the United States; or

⁵⁶ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Connie Cooper, Assistant Director for Grants and Special Programs, Texas Higher Education Coordinating Board)

⁵⁷ *Id.*

- b. is totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the member is eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.⁵⁸

It is the intent of the provisions contained within SB 93 to allow any spouse to use the Hazlewood exemption. If the spouse is married to the veteran at the time the veteran was killed, became totally disabled for employability purposes as a result of a service-connected injury, or became classified as missing in action, he or she is eligible for the Hazlewood exemption. In the appropriate instances, this would apply to the widow as well. In addition, if the spouse was not married to a disabled veteran at the time the veteran became totally disabled for employability purposes, but later married the disabled veteran and is the spouse at the time time he or she wishes to use the Hazlewood exemption, he or she is likewise eligible.

- The children of members of the armed forces of the United States who:
 1. are or were killed in action;
 2. die or died while in service;
 3. are missing in action;
 4. died directly from illness or injury connected with service in the armed forces of the United States; or
 5. became totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; and
 6. the children of members of the Texas National Guard and the Texas National Guard who:
 - a. were killed since January 1, 1946, while on active duty either in the service of their state or the United States; or
 - b. are totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.⁵⁹

To qualify for the Hazlewood exemption, the spouse must be classified as a resident in the state of Texas at the time of registration in an eligible institution of higher education. An eligible child must have resided in the state for at least 12 months immediately preceding his or her education.⁶⁰

⁵⁸ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Connie Cooper, Assistant Director for Grants and Special Programs, Texas Higher Education Coordinating Board)

⁵⁹ Texas Education Code, ch. 54, subchapter D, §203.

⁶⁰ *Id.*

Hazlewood Legacy Act

SB 93 established the "Legacy Act," which permits eligible veterans to assign their unused hours to their child. Eligible veterans are those veterans who meet the requirements under Section 2(a) of Education Code, Section 54.203; in other words, those who would be eligible for the Hazlewood exemption, but would not be eligible to assign the exemption to the spouse. A veteran can assign his or her unused hours to a child if the child:

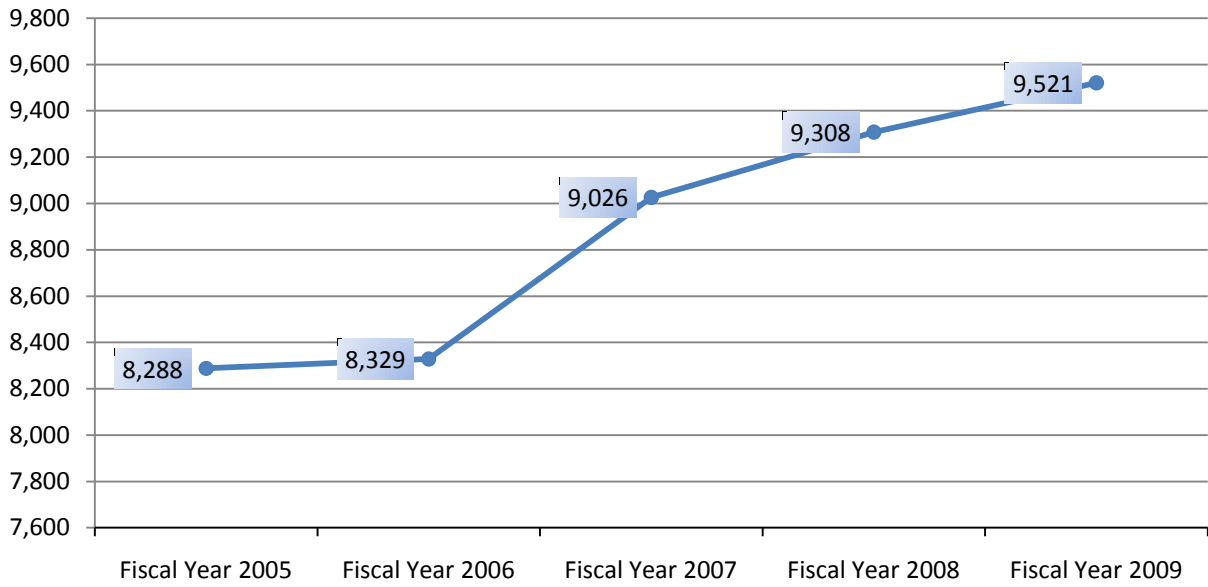
- is the veteran's stepchild, biological child, adopted child, or claimed as a dependent (previous or current year);
- is 25 years of age or younger on the first day of the semester for which the exemption is claimed;
- meets satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the policy of the institution's financial aid department.

Federal Benefits and the Hazlewood Act

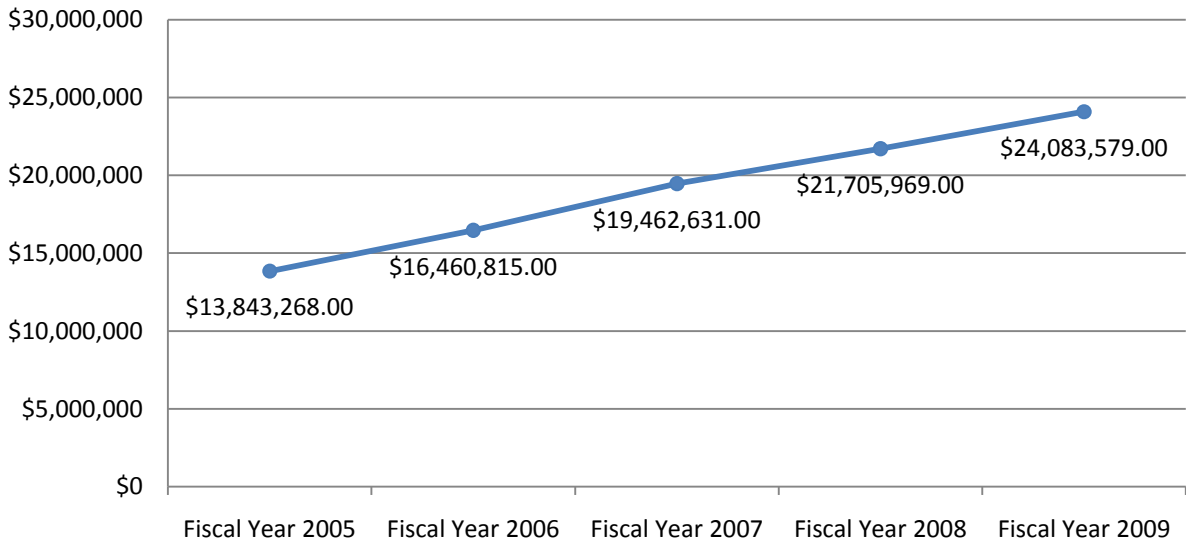
SB 93 clarified how the Hazlewood Act may be used in combination with federal benefits. Federal benefits may now be used in conjunction with the Hazlewood exemption only if the federal benefits used to pay for the tuition and fees do not exceed the value of the Hazlewood exemption. This provision allows federal benefits issued under CH33 and CH31 to be "stacked" with the Hazlewood exemption. In addition, the combination of federal benefits for tuition and fees and the Hazlewood exemption may not exceed tuition and fee charges for the term.⁶¹

⁶¹ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Connie Cooper, Assistant Director for Grants and Special Programs, Texas Higher Education Coordinating Board)

Number of Hazlewood Act Exemption Recipients at Texas Public Higher Education Institutions, Fiscal Years 2005 through 2009



Total Dollar Value of Hazlewood Act Exemptions, Fiscal Years 2005 through 2009



*unaudited data from the Texas Higher Education Coordinating Board

Hazlewood Act Trends

Program	Hazlewood Vets (Credit Hours)	Hazlewood Vets (Non-Credit Hours)	Hazlewood Dependents (Credit Hours)	Hazlewood Dependents (Non- Credit Hours)
Statute	54.203(a)	54.203(a)	54.203(b)	54.203(b)
Fiscal Year	Recipients/Total \$	Recipients/Total \$	Recipients/Total \$	Recipients/Total \$
2002-3	8,556/\$10,570,118	0/0	31/\$45,709	0/0
2003-4	8,858/\$12,974,952	0/0	8/\$24,098	0/0
2004-5	8,885/\$14,379,025	0/0	9/\$4,928	0/0
2005-6	8,810/\$16,852,836	0/0	20/\$28,836	0/0
2006-7	9,096/\$19,633,735	0/0	17/\$18,226	0/0
2007-8	9,306/\$21,814,203	288/\$313,062	35/\$54,509	3/\$1,670
2008-9	9,526/\$24,194,977	335/\$416,129	21/\$45,672	0/0
% change	11.34%/128.90%	16.32%/32.92%	-32.26%/-0.08%	-100%/-100%
# change since first record	970/\$13,624,859	47/\$103,067	-10/-37	-3/-1.670

*THECB Hazlewood Data FY 2010 not yet available

In-State Tuition for Veterans and Their Families

SB 297 passed both chambers of the Texas Legislature unanimously during the 81st Regular Session. It requires the governing board of an institution of higher education to exempt a person from paying resident tuition and fees without regard to the length of time the person has resided in Texas if the person:

- is eligible for benefits under the Post-9/11 Veterans Education Assistance Act of 2008 or any other federal law authorizing education benefits for veterans;
- is the veteran's spouse or child, including a stepchild, who is 25 years of age or younger on the first day of the academic term;
- will file a letter of intent to establish residency in Texas;
- resides in Texas while enrolled in the institution.

In addition, this bill contains a provision that creates a "Combat Tuition Exemption." The governing board of an institution of higher education must exempt the dependent children, including stepchildren, of a member of the Armed Forces of the United States who is deployed on active duty for the purpose of engaging in a combative military operation outside of the United States. To be eligible, the child must be a resident of Texas or entitled to pay the resident tuition rate, which makes the exemption an option for the children of out-of-state military personnel currently stationed in Texas. Fees are not exempted.⁶²

The Texas Higher Education Coordinating operates a Web site that contains a very helpful section for 'Military and Their Families.' It is an excellent resource for veteran constituents to

⁶² Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Connie Cooper, Assistant Director for Grants and Special Programs, Texas Higher Education Coordinating Board)

use as a primer for understanding the benefits they have available to them. The web address is: <http://www.collegefortexans.com/index.cfm?objectid=6D14A588-F337-DE9F-C34472E57102FA06>

State Auditor's Office Report: Veterans' Services at Selected Institutions of Higher Education and Survey Results Related to Veterans' Services at All Texas Public Higher Education Institutions

The State Auditor's Office conducted an audit report on seven institutions of higher education, in addition to reviewing the Web sites of 20 Texas public institutions. The State Auditor's recommendations are as follows:

- Improve the timeliness of and access to information on the resources and services available to student veterans.
- Use student enrollment data to send targeted communications to student veterans during the application process.
- Provide a central location or a single point of contact for student veterans to obtain information related to state and federal education benefits.
- Enhance the content and improve the accessibility of veteran-specific information on institution Web sites. These improvements should include:
 - a separate veteran services page that serves as a portal for information on federal and state benefits and services available to student veterans;
 - a link on the institution's home page to the veteran services page;
 - clear descriptions of state benefits, including the Hazlewood Act exemption;
 - clear information on and links to both institutional and local support services;
 - copies of or links to applications and other forms needed to apply for benefits;
 - information about veteran benefits contact(s) on campus.
- Consider the implementation of additional veteran-friendly best practices. This could include, but is not limited to:
 - offering early registration to student veterans to help those students be able to register for a full course load in their degree plan;
 - implementing orientations designed specifically for student veterans;
 - offering sensitivity training related to the issues faced by student veterans for all faculty and staff members.
- Establish veteran advisory committees to track and monitor student veterans issues and initiatives. The committee should include representation from all relevant stakeholders, including representatives from admissions/registration, support services, and veterans services offices, as well as a student veteran and faculty representative.

Overall, auditors concluded that all seven institutions complied fully or partially with the statutory requirements related to students who are veterans, are current military service members, or are dependents of active duty military service members.⁶³

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The 82nd Legislature should consider legislation that requires the Texas Veterans Commission to establish Veterans Resource Centers in certain regions throughout the state. The centers should provide a centralized place for veterans to find assistance and information while enrolled at the institution; deliver innovative, cost-effective programs to attract veterans and family members; enable institutions to create veteran-friendly environments; encourage veterans to take advantage of government educational programs; and assist veterans in applying to institutions of higher education.
- The 82nd Legislature should consider legislation that would maximize the amount of college credit that returning veterans can obtain for their military training, experience, and knowledge.
- The 82nd Legislature should consider legislation that would amend the statute relating to the Hazlewood Legacy Act (Texas Education Code §54.203) to allow a veteran's surviving spouse or, if the spouse is not available, a designated trustee to assign unused exemption hours to a veteran's child. This would enable a transfer of Legacy Act hours if the veteran passes away.
- The 82nd Legislature should consider legislation that would accomplish the following: address Texas residency requirements for the Hazlewood Act Exemption; clean-up the deployment exemption language; and amend the Legacy Act statute to include an age limit for children to receive Hazlewood benefits in a manner that makes the limit consistent throughout the Hazlewood statute.

⁶³ An Audit Report on Veterans' Services at Selected Institutions of Higher Education and Survey Results Related to Veterans' Services at All Texas Public Higher Education Institutions, State Auditor's Office, John Keel, CPA, Sept. 2010. <http://www.sao.state.tx.us/Reports/report.cfm/report/11-004/src/list>

INTERIM CHARGE 4

Study the specific needs of female veterans and service members and whether they are met. Make recommendations for improving services.

Background

Women play an important role in the United States military. Over the years, women have assumed many of the positions that were originally viewed as male tasks.⁶⁴ Women are deployed to war zones and experience the horrors of war. When they return home, women often struggle with the demands placed upon them by their families and jobs.

Currently, women make up 14.3% of our armed forces.⁶⁵ The federal government provides numerous programs and services specifically for women veterans. Some of these programs include the Veterans Health Care Act,⁶⁶ the Veterans Health Programs Extension Act of 1994⁶⁷, the Veterans' Health Care Eligibility Reform Act of 1996⁶⁸ and the Veterans Millennium Health Care and Benefits Act⁶⁹. These acts ensure that the Department of Veterans Affairs (VA) is able to provide primary health care and gender-specific services. Primary health care for women veterans include: pelvic examinations; breast examinations; and pap smears.⁷⁰ Gender-specific care include: gynecology; maternity (not newborn care); infertility; mental health; osteoporosis; endocrinology; oncology; and counseling and treatment for victims of sexual assault.⁷¹

Discussion

The committee was informed that women veterans in Texas underutilize these federal programs. Currently, Texas ranks second in the nation for the number of women veterans living in a state.⁷² Over 51% of these women are married to service members and nearly 40% are mothers.⁷³ Out of the 152,571 women veterans that live across the state, only 67,572 received treatment at VA facilities in Texas.⁷⁴

⁶⁴ Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of Stephanie Moles, Grace After Fire).

⁶⁵ *Id.*

⁶⁶ Veterans Health Care Act of 1992, Pub. L. No. 102-585, Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

⁶⁷ Veterans Health Programs Extension Act of 1994, Pub. L. No. 103-452, Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

⁶⁸ Veterans' Health Care Eligibility Reform Act of 1996, Pub. L. No. 104-262, Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

⁶⁹ Veterans Millennium Health Care and Benefits Act, Pub. L. No. 106-117, Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

⁷⁰ Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

⁷¹ *Id.*

⁷² Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of Stephanie Moles, Grace After Fire).

⁷³ *Id.*

⁷⁴ Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

Service in the military can often lead women to experience post traumatic stress disorder, hypertension, and depression. In fact, female veterans are two times more likely than their male counterparts to experience a major depressive episode.⁷⁵ Women in the military are also, unfortunately, treated for military sexual trauma (MST).⁷⁶ In 2007, 22% of the women who visited the VA screened positive for MST. In 2009, 220 women veterans received treatment for sexual trauma at a VA facility in Texas.⁷⁷ Estimates show that 80% of sexual assaults in the military are not reported because the victim fear retribution.⁷⁸

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The Texas Legislature should establish a Texas Women Veterans Program at the Texas Veterans Commission (TVC). This program will ensure that Texas women veterans have access to federal and state veterans' services and benefits. The executive director of TVC will have the responsibility of hiring a Women Veterans Coordinator who will administer the Texas Women Veterans Program. The Women Veterans Coordinator will provide outreach to women veterans to improve their awareness of state and federal programs. The Women Veterans Coordinator will also be charged with reviewing programs and performing research with regards to progressing the quality of life for women veterans. All recommendations and findings should be reported to TVC's executive director regarding the advancement of services to women veterans. These findings then should be disseminated throughout a network of entities with which the Texas Women Veterans Programs will collaborate.

The Women Veterans Coordinator, or a designee, should attend conferences, seminars, and training workshops that will enrich him/her with knowledge that can then be passed onto to women veterans who need help obtaining grants, benefits, or services. The Women Veterans Coordinator should be well versed in the benefits and services surrounding health care, higher education, public education, tax, and the workforce.

The Women Veterans Coordinator should act as an advocate for all women of the military, whether active or retired. This position is tasked with honoring and recognizing the achievements of women in the military throughout Texas' communities. The Women Veterans Coordinator is also responsible for recommending local, state, and national legislative initiatives that benefit our active women members and veterans of the military.

⁷⁵ Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of Stephanie Moles, Grace After Fire).

⁷⁶ *Id.*

⁷⁷ Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of General Karen Rankin, Texas Veterans Commission).

⁷⁸ Senate Committee on Veteran Affairs & Military Installations, May 12, 2010 (testimony of Stephanie Moles, Grace After Fire).

INTERIM CHARGE 5

Study the value of enhancing training requirements for Veterans County Service Officers (VCSO) to improve veterans service at the local level, especially in rural areas. Make recommendations on how to best use technology for training purposes and expanding accreditation of VCSO.

Background

Veterans County Service Officers (VCSO) and assistants are appointed by the county commissioner's court of his or her respective county. In counties with populations of 200,000 or more, the commissioner's court is required to maintain a county veteran service office.⁷⁹ VCSOs comprise one of the largest groups of individuals that serves veterans in the state of Texas, and they are supported by both state and local dollars. Texas Veterans Commission (TVC) is responsible for the training of VCSOs. TVC hosts two semi-annual, statewide training conferences in the spring and fall of each calendar year. Newly appointed VCSOs are encouraged to complete an initial training class, while more experienced VCSOs participate in refresher courses, both instructed by TVC Claims Counselors.⁸⁰

In FY 1996, TVC undertook a program of advanced certification of VCSOs and assistants. The advanced certification, which is voluntary, is called "accreditation" and is a process approved by the U.S. Department of Veterans Affairs (VA). The TVC program includes mentoring, one-on-one instruction by senior counselors, classroom training, training at TVC regional and field offices, and testing. Currently, there are 46 VCSOs that have completed the advanced training and certification. All of these certified VCSOs have the title of "Accredited Representative of the Texas Veterans Commission." This allows the VCSO the opportunity to represent veterans at VA hearings, and also gives them full access to the VA files of veterans who have named TVC as their representative in a claim.⁸¹

Although training requirements have been mandated, the current requirement of 12 hours per year is not adequate for the sufficient maintenance of professional standards. Of the 250 VCSOs and assistants who require training, 229 participated in training during the last calendar year.⁸²

At present, two things are unclear regarding the VCSO program: one, its ability to assist veterans in dealing with the health care needs of veterans; and two, its level of technological competency, particularly in rural areas where Internet connections are a serious concern. Of the 250 VCSOs in Texas, only 175 have access to the Internet at work.⁸³ Because the VCSOs represent a significant investment of local government resources, and are located in communities across the state, the effectiveness of VCSOs in meeting all of the needs of OIF/OEF veterans is critical to the full reintegration of veterans as they return to our communities.

⁷⁹ Texas Government Code, ch. 434, §032.

⁸⁰ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of James Richman, Texas Veterans Commission).

⁸¹ *Id.*

⁸² Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of former Executive Director Jim Nier).

⁸³ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of James Richman, Texas Veterans Commission).

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The Legislature should ensure that VCSOs are effectively prepared and capable of meeting the needs of OIF/OEF veterans, particularly National Guard and Reserve veterans. In order to better understand the activities of VCSOs, the Legislature should request that the State Auditor's Office conduct a performance audit of the VCSO program at the Texas Veterans Commission. The audit should assess the manpower, training, and overall performance of the VCSO program, particularly as regards the program's ability to maintain training requirements while dealing with a lack of Internet access in rural areas.
- The Legislature should require that the State Auditor gather information that describes the current performance of VCSOs, and develop recommendations that strengthen the training requirements of VCSOs. A system of VCSO accountability containing performance measures of the overall program, as well as a means of comparing and assessing the performance of individual VCSOs, is critical to the state's effective support of the re-entry of veterans to our communities. The Committee requires a comprehensive assessment of the VCSO program in order to make recommendations on how to best use technology and expand accreditation.

INTERIM CHARGE 6

Study the advantages of centralizing call center activities for referral to benefits providers (e.g., TVC, TVLB, VA, DSHS, Suicide Prevention Call Centers, etc.), including the costs associated with maintaining multiple call centers, the potential savings of consolidating reporting systems, and any options for obtaining federal funds. Make suggestions to streamline the process for veterans to obtain resources and benefits.

Background

The Committee received testimony from several sources during the interim who provide call center services for veterans for referral to benefits providers. The following discussion will serve to provide an overview of the call center capabilities and responsibilities of the Texas Veterans Commission (TVC), the Texas Veterans Land Board (TVLB), the Texas Department of State Health Services (DSHS), the Texas Health and Human Services Commission (HHSC), and the Texas Workforce Commission (TWC).

Texas Veterans Commission

The Texas Veterans Commission provides services to Texas veterans in four program areas: Claims Representation and Counseling, Education, Fund for Veterans Assistance, and Employment Services. TVC is able to obtain federal funding that it otherwise would not be qualified for because of the broad range of services they offer.⁸⁴ Currently, there are two referral services through which the TVC receives calls from veterans and their families: the TVLB, and the HHSC's 2-1-1 Texas Information and Referral Texas Network. An initiative is underway within the Texas Veterans Commission to integrate the four program areas which includes leveraging technology to develop an automatic referral system between the four programs. The goal is the seamless delineation between the program areas, aided by a heightened outreach and marketing effort.⁸⁵

TVC receives calls directly from veterans and their families, as well as from the two referral services mentioned above that are external to agency operations. In the 80th Legislature, S.B. 1058 required the HHSC's 2-1-1 System to develop a coordinated referral system for reintegration services to service members and their families. Given the broad scope of the TVC's four program areas, this referral system relies heavily on the TVC as a referral. The TVC strongly believes that complying with S.B. 1058 (80R)⁸⁶ will result in the agency's services being fully integrated into the 2-1-1 referral system.

TVC expressed that configuring and integrating resources to the best advantage of Texas' veterans needs significant work, but that by capitalizing on the opportunities that exist in their

⁸⁴ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of former Executive Director Jim Nier).

⁸⁵ *Id.*

⁸⁶ Texas Government Code, ch. 431, subchapter B, §.0291.

relationship with referral services, more Texas veterans and their families can access the services that the TVC offers.⁸⁷

Texas is nationally recognized for having one agency administer all three veterans' program areas. The delivery of services to Texas' veterans is enhanced because of the synergy created by the Texas Veterans Commission's ability to provide Claims Representation and Counseling, Veterans Employment Services, Veterans Education, and Fund for Veterans Assistance services.⁸⁸

Veterans Claim Representation and Counseling Services

The Texas Veterans Commission serves veterans, their dependents and survivors, in all matters pertaining to veterans' disability benefits and rights. It is the designated agency of the State of Texas to represent the State and its veterans before the U.S. Department of Veterans Affairs (VA). The agency represents veterans in filing VA disability claims and during VA appeals processes, and assists dependents with survivor benefits.

This assistance is directed toward ensuring that all Texas veterans receive every benefit to which they are entitled; and, as a corollary benefit, increase the federal payments to Texas veterans and their survivors, which ultimately benefits Texas' economy.⁸⁹

TVC is nationally recognized for its expertise in helping veterans get the most benefits they are entitled to. The agency has more than 75 claims counselors accredited by the VA to represent veterans with disability claims and appeals. Counselors are trained to help veterans and their families with questions regarding benefits, survivor and dependent needs, filling out VA paperwork, and medical issues.

Due to the expertise of TVC's counselors, the agency participated in a first-of-its-kind pilot project in 2008 to help the VA speed up the claims development process. TVC claims and benefits counselors worked in the Waco Regional Office Veterans Service Center on a full-time basis to assist the VA in processing claims that were in the developmental stage. During this time, it took the VA 132 days to develop a claim or gather information to prepare a claim for the rating process. TVC counselors were able to accomplish this in a fraction of the time. In those cases where TVC counselors were able to make contact and get participation from the veteran, the claims development process was reduced to less than 11 days, allowing it to move immediately to the VA's rating process (see appendix items 4 and 5 for detailed information about the project).

The State of Texas leads all other large states in monetary recovery of veterans' compensation and pension benefits. More than \$1.5 billion in compensation and pension is distributed each year to Texas veterans and eligible surviving family members represented by the Texas Veterans Commission.

⁸⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of former Executive Director Jim Nier).

⁸⁸ *Id.*

⁸⁹ <http://www.tvc.state.tx.us/about/claims-representation-and-counseling>

Counseling is conducted in field offices throughout the State, and are manned by trained veterans' assistance counselors. TVC counselors assist veterans and their dependents through every phase of the claims process. This includes educating veterans about the benefits for which they qualify, the initial filing of a claim, compiling additional evidence or documentation that the VA requires, appealing a VA decision, and, if necessary, providing representation at a hearing.⁹⁰

The Veterans' Assistance Game and the Fund for Veterans' Assistance

The Fund for Veterans' Assistance is a special fund in the state treasury outside the general revenue fund. It was created in the 79th Legislature, and amended Chapter 434, Veterans' Assistance Agencies, of the Government Code. The fund—prior to the passage of Senate Bill 1655 in the 81st Legislature—was composed of money transferred to the fund at the direction of legislature, gifts and grants contributed to the fund, and the earnings of the fund. The Texas Veterans Commission adopts the rules governing the awarding of grants from the Fund for Veterans' Assistance.⁹¹

During the 81st Legislature, Senate Bill 1655 established the Veterans' Assistance Game. This allowed for money to be transferred to the Fund from proceeds of the Veterans' Assistance game. The Texas Lottery Commission operates an instant-ticket lottery game to benefit the Fund for Veterans' Assistance, and is required to market and advertise the lottery game in a manner intended to inform the public that the game tickets are available for purchase, and that the game proceeds are used to fund veterans' programs in the state of Texas. The Texas Veterans Commission may make recommendations to the Texas Lottery Commission relating to the marketing and advertising of the game.⁹²

The balance from the proceeds of the game, following the payment of prizes and the payment of costs incurred in the operation and administration of the lottery, is transferred on or before the 15th day of each month from the portion of the balance attributable to the lottery game operated under Texas Government Code §466.027 to the Fund for Veterans' Assistance.⁹³

The Texas Lottery Commission releases a TVC-FVA Weekly Sales Report. A summary of Texas Veterans Commission Fund for Veterans' Assistance Grants Awarded is on the succeeding pages.

Implementation

The Fund for Veteran's Assistance was first authorized to receive lottery revenues from the Veterans Assistance Game with the immediate effect of Senate Bill 1655 in June 2009. However, the Lottery Commission would first need to design, distribute and market a ticket; after which revenues would be raised and disbursed to the Fund.

⁹⁰ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of former Executive Director Jim Nier).

⁹¹ Texas Government Code, ch. 434, §434.017

⁹² Texas Government Code, ch. 466, §466.027

⁹³ Texas Government Code, ch. 466, §466.355

On a parallel track, the Texas Veterans Commission was charged with creating and establishing a grant application and approval process that would ensure accountability, effectiveness and fairness.

Under the process, grant applicants must comply with contracting and reporting requirements to protect the integrity of the fund and account for program dollars and usage.

Chronology

June 19, 2009..... SB 1655 signed by Governor and becomes effective
 June 2009..... The Fund for Veteran’s Assistance Advisory Committee begins work on the grant application process
 November 2009..... Texas Lottery Commission puts first *Veterans Cash* ticket on sale
 Dec ‘09 – Feb ‘10..... First lottery revenues begin to flow into Fund for Veteran’s Assistance (Texas Veterans Commission)
 January 2010..... First Grant Cycle application requests sent
 February 19, 2010..... First grant approved to the Texas Veterans of Foreign Wars for \$1 million
 March 2010..... First check, of \$200,000, sent to VFW (contract period begins)
 May 2010..... 15 additional grants awarded in Second Grant Cycle
 July 2010..... Second Grant Cycle contract period begins
 September 2010..... Eight additional grants awarded in Third Grant Cycle
 January 2011..... Fourth Grant Cycle begins

Grant Awards

The Fund for Veteran’s Assistance provides reimbursement grants which must be validated and processed by the Texas Veterans Commission before reimbursements may be made. Through September 2010, TVC encumbered a total of \$6.75 million for 29 grantees⁹⁴ to provide services to veterans and their families over contract periods of up to two years. Of the 29 grantees, 19 have completed their contract requirements and are eligible for funding:

Grant Name	Contract Period	Amount Encumbered
Department of Texas VFW (statewide emergency financial grants for the Military and Veterans Assistance Program)	03/01/2010-02/28/2011	\$ 1,000,000.00
Rains County Veterans Services of Dallas (transportation services to veterans, spouses, and dependents to VA medical appointments)	07/01/2010-06/30/2011	\$ 34,100.00
Homeless Veterans Services of Dallas (expansion of services for homeless and at-risk veterans)	07/01/2010-06/30/2011	\$ 159,165.00

⁹⁴ 30 were awarded, one award was later declined by the grantee.

Grant Name	Contract Period	Amount Encumbered
VetRides (the Burnet, Llano, and Lampasas County Veteran's Transportation Project will provide transportation for veterans to hospitals, pharmacies, and transportation organizations)	07/01/2010-06/30/2011	\$ 90,230.00
Texas National Guard (statewide grant for Operation Urgent Care, which will provide compensation for emergency health and dental insurance coverage to unemployed or underemployed Texas National Guardsmen)	07/01/2010-06/30/2011	\$ 160,000.00
Salvation Army - Port Arthur (housing assistance for homeless veterans)	07/01/2010-06/30/2011	\$ 93,590.00
Girlstart (Killeen and neighboring ISDs, weeklong STEM programs for 4th - 8th grade girls of active duty and veteran families)	07/01/2010-06/30/2011	\$ 120,000.00
Green Doors - Community Partnership for the Homeless (increase access to housing and supportive services to Travis County's most vulnerable veterans)	07/01/2010-06/30/2012	\$ 234,638.00
Vets4Vets (12 residential peer-to-peer weekend workshops to discuss hardships in a confidential setting; will be conducted in Hidalgo, Cameron, Willacy, Starr, Harris, Dallas, Tarrant, Wichita, Eastland counties)	07/01/2010-12/31/2011	\$ 160,550.00
Ride Center for Kids (R.O.C.K.) (part of the Horses for Heroes equine-assisted therapy program in Williamson, Travis, Bell, and Bastrop counties; participants have PTSD, physical disability, or TBI)	08/01/2010-07/30/2011	\$ 40,259.00
Family Service Association of San Antonio (counseling services strengthen the family unit and prepare veterans for successful reintegration with their families and communities)	08/01/2010-07/30/2011	\$ 300,000.00
Child Crisis Center of El Paso (family case management and emergency child shelter)	08/01/2010-07/31/2012	\$ 313,953.00
Kleberg County (transportation services for veterans and their spouses to medical treatment centers)	09/01/2009-02/28/2011	\$ 10,000.00
Bexar County Veterans Court	09/01/2010 – 08/31/2011	\$ 40,000.00
Dallas County Veterans Court	09/01/2010 – 08/31/2011	\$ 40,000.00
Harris County Veterans Court	09/01/2010 – 08/31/2011	\$ 40,000.00
Samaritan Center for Counseling and Pastoral Care (behavioral health support services for veterans in 20 central Texas counties)	09/01/2010-02/29/2012	\$ 336,568.00

Grant Name	Contract Period	Amount Encumbered
United Way of San Antonio and Bexar County (expansion of military call specialists program within Military 2-1-1 to all Texas veterans)	09/01/2010-08/31/2011	\$ 260,335.00
Department of Texas -VFW (training upgrade for VFW service officers to be conducted by Texas Veterans Commission)	09/01/2010-12/31/2010	\$ 40,092.00

Grant Services

Veterans are identified and referred to the appropriate organization so they may take advantage of their services. Grants are awarded to organizations that help the veterans who need assistance in the following areas:

- Limited emergency assistance for veterans and their families.
- Transportation services;
- Family and/or individual counseling for Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI);
- Employment, training, education, and job placement assistance;
- Housing assistance for homeless veterans;
- Family and child services;
- Legal services, excluding criminal defense;
- Development of professional services networks; and
- Enhancement or improvement of veterans’ assistance programs, including veterans’ representation and counseling.

Fund Success Story

FAMILY SERVICE ASSOCIATION OF SAN ANTONIO

John was medically discharged from the Army in 2006 because of wounds suffered in Iraq. After being discharged, he returned home to resume life with his wife and children. As the weeks passed, life became increasingly difficult for John. His marriage began to crumble, he was in trouble with the local authorities, and he seemed to try to solve every problem by resorting to violence. When his wife finally told him she was leaving him, John decided to return to San Antonio, re-enlist in the Army, and volunteer for Afghanistan.

While beginning this process, a friend asked if he would be willing to talk with someone about these life-altering decisions. John reluctantly agreed, and the Family Service chaplain made an appointment to visit with John. The first visit turned into several follow-up appointments which helped John realize that he was not making good decisions for himself and his family. He has subsequently decided not to re-enlist in the Army and has been hired by a reputable company with a very good salary. John has also joined a new and growing church and is becoming actively involved in the life of this spiritual community. He is now making concerted efforts to find reconciliation and healing with his wife and family. His sense of self has vastly improved, his need to turn to violence has been tempered, and he now faces life with both optimism and renewed hope. The Texas Veterans Commission grant to the Family Service Association has made a positive and perhaps life-saving impact on the life of this young Texas veteran.

Texas Veterans Land Board

Since 1983, the Texas Veterans Land Board has operated a toll-free call center to provide Texas veterans information on benefits offered by the TVLB. Over the years, the TVLB Call Center's role has expanded to also providing information on benefits provided by the federal government, state agencies, and veteran service providers. The VLB Call Center also maintains the VLB web site as an adjunct to call services.

In July of 2009, the Texas General Land Office and Veterans Land Board and the Texas Veterans Commission signed a Memorandum of Understanding (MOU) that signified cooperation in the funding and operation of a veterans call center. The ultimate goal of the MOU was to efficiently centralize call services to veterans. TVC provided the VLB with resource information pertaining to educational benefits for veterans, employment services for veterans, claims for pensions and disabilities, and emergency financial assistance.

In 2010, TVC requested the VLB begin providing monthly reports on ten categories of calls related to TVC resource information. VLB complied beginning in March 2010. In that first reporting month, VLB responded to 427 calls in those ten categories, representing approximately 7.5% of all calls received by the VLB Call Center in that month.⁹⁵

Department of State Health Services

While DSHS does not operate a call center, it attempts to steer veterans toward existing infrastructure and resources in order to facilitate post-deployment reintegration. DSHS operates a transformation working group that includes all health and human services agencies, as well as the Texas Workforce Commission and Texas Veterans Commission. DSHS has worked with other entities to train facilitators in peer-to-peer counseling and family-to-family counseling, and is an active member of the TexVet: Partners Across Texas Initiative.

DSHS is emphasizing advanced technologies that have the ability to load information that is inter-operable and sharable with other organizations, such as TexVet and 2-1-1.⁹⁶

Health and Human Services Commission

The Health and Human Services Commission (HHSC) operates 2-1-1 Texas, or Information and Referral Texas Network. 2-1-1 is a telephone dialing code assigned by the federal government for access to health and human services information and referral. 27 states provide 2-1-1 services for 100 percent of their populations, and since 2004, Texas has been one of those states. S.B. 1058 (80R) required 2-1-1 Texas to provide referrals for reintegration services to service members, veterans, and their families. 2-1-1 is working with the TexVet Coalition to include 150 support organizations that were not previously in the database. With 2-1-1 Texas, more than 243 organizations specifically target service members, veterans, and their families.

⁹⁵ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of Paul Moore, Executive Secretary, Texas Veterans Land Board).

⁹⁶ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of Sam Shore, Director of Mental Health Transformation and Behavioral Health Operations, Department of State Health Services).

The 2-1-1 Texas dialing code averages over 150,000 calls per month. Of the 25 service regions within HHSC's 2-1-1 Texas program, 6 of them require operators to ask the caller if they or their family are calling regarding a military service-related issue. These Area Information Centers (AIC) support a philosophy of local service delivery, and emphasize the leveraging of existing systems to serve the entire population within their respective regions.

The 2-1-1 AICs maintain a comprehensive regional database, provide multiple access points, and provide aggregate data to assist in state, regional, and local planning. The 2-1-1 Texas System is available 24 hours a day, 365 days per year. It utilizes nationally accredited agencies with a professionally certified staff.⁹⁷

As a result of the passage of S.B. 1058, 2-1-1 Texas now performs the following:

- identification of available resources to include in the regional database;
- training of AIC staff;
- dissemination of resource information;
- maintenance of relationships with local, state, and national private and governmental organizations that provide resources.

A recent change in 2-1-1 Texas is that there is now an automated phone menu recording for any caller in queue that features veterans' services.

The Texas Military Family Access Project, or Military 2-1-1 (TMFAP)

The TMFAP at United Way of San Antonio (UWSA) and Bexar County serves as a "gateway to care" through the 2-1-1 Texas call center. The Alamo Area Information Center at UWSA is part of the statewide network of 25 regional call centers, all interconnected by voice-over Internet protocol system. The network seamlessly provides the ability to transfer callers. The Military 2-1-1 model that has been developed at UWSA is comprised of several unique features:

- a peer-to-peer model, in which UWSA hires combat veterans and re-trains them as Certified Information and Referral Specialists;
- 100% client follow-up;
- intense outreach to military personnel and their families;
- an expanded database of services for military service members and their families.

Of the 25 Area Information Centers within the Texas Information and Referral Network, the Alamo AIC can claim to have pioneered the Military 2-1-1 model that has been so successful.⁹⁸

The Alamo AIC has trained other AICs across the state in implementing a Military 2-1-1 in their region. The Alamo AIC remains the subject matter expert, and is comprised of the highest number of OIF/OEF combat veterans. The Alamo AIC outcomes have documented over 6,100

⁹⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of Beth Wick, Program Manager, Health and Human Services Commission).

⁹⁸ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of Toni-Marie Van Buren, Senior Vice President of United Way of San Antonio and Bexar County).

OIF/OEF clients since the inception of the project in January 2008. This represents more positive outcomes than all centers across the state combined.

Over 1,250 clients have been supported by the Alamo AIC that were transferred from other statewide AICs because military callers were seeking support that the first AIC could not provide. Given the existing 2-1-1 network and relationships, specialized support to military members and their families is simplified through the transfer process.

The Alamo AIC has developed national relationships with non-profit organizations who are committed to supporting veterans. By leveraging private donor dollars and cultivating national resources that the Alamo AIC is regularly able to utilize for client assistance, the TMFAP has a tremendous model to build upon as Texas continues to confront the fact of men and women returning from the war on terror with a broad range of mental health, financial assistance, counseling, and legal service needs.⁹⁹

Texas Workforce Commission

The Texas Veterans Leadership Program (TVLP) is a Texas Workforce Commission (TWC) resource and referral network that serves to connect returning veterans of Iraq and Afghanistan with the resources and tools they need to lead productive lives and enjoy the full benefits of the society they have served. As part of the TVLP, Veterans Resource and Referral Specialists (VRRSs) work to find ancillary services in local communities, to include community service organizations, veterans service organizations, and faith-based programs. The VRRSs also link federal to local governmental agencies and programs, as well as community leaders and employers.¹⁰⁰

The TWC Program Director and the local Veterans Resource and Referral Specialists are all Veterans of Iraq and/or Afghanistan. The network of returning veterans plays an integral role in addressing the needs of other returning veterans, including referrals to address employment, training, medical, educational, and other needs of veterans. One VRRS is assigned to each of the 28 local workforce development areas. Located in a Texas Workforce Center, each local project director works closely with Texas workforce center staff and TVC staff who are co-located in Texas Workforce Centers.¹⁰¹

VRRSs will:

- Seek out veterans in need of services;
- Serve as resource and referral agents, directing returning veterans to resources tailored to their needs;
- Make referrals and coordinate with different programs ranging from employment and training to medical care, mental health and counseling, veterans benefits, and other programs to address the varying needs of veterans; and

⁹⁹ *Id.*

¹⁰⁰ Senate Committee on Veteran Affairs and Military Installations Hearing, May 12, 2010 (testimony of Reagan Miller, Deputy Director, Workforce Division, Texas Workforce Commission).

¹⁰¹ *Id.*

- Coordinate a chain of volunteer veterans familiar with the obstacles faced by returning veterans to assist in mentoring and serving returning Iraq/Afghanistan veterans.

The TVLP has entered into a memorandum of understanding with 2-1-1 Texas to promote cross-referrals of veterans to available services offered by other entities.

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The Committee should examine ways to centralize Military 2-1-1 with the Alamo Area Information Center and establish a sole source contract for the added role with additional state matching funds. The contract could be executed through the United Way of San Antonio's existing contract with the Texas Information and Referral Network.
- The Committee should examine methods that would allow the Health and Human Services Commission to establish a statewide policy that would transfer the caller to the Alamo AIC's Military 2-1-1 Network in those instances when a veteran is identified and local resources are insufficient to meet his or her needs.
- 2-1-1 Texas is increasingly being used by veterans and their families to access services in Texas. The Legislature should consider enhancing outreach to veterans across Texas consistent with the United Way of San Antonio's Alamo Area Information Center's template, which emphasizes the employment of call specialists with military experience, conducting outreach with local military leaders to encourage use of 2-1-1, and tracking to final resolution the issues of veterans who seek services through 2-1-1.
- The Committee received no compelling testimony that call center operations in their current functions at state agencies should be centralized, as the autonomous nature of each has led to a highly-specialized arrangement in which each serves an important niche role.
- The Legislature should examine possible methods of providing the Texas Information and Referral System with the means to collect data on an ongoing basis regarding the number of veterans and their family members who seek services through 2-1-1 Texas. Consequently, a thorough analysis of the data would allow for an in-depth understanding of the needs of veterans and their families.

INTERIM CHARGE 7

Inventory and assess veteran workforce programs offered by state agencies (i.e., TVC, TWC, TAG), and include the usefulness of creating a veteran-specific employment database, which would target job openings tailored to the skill set of Texas' returning veterans as well as job training for spouses. Make recommendations to allow agencies to work more effectively and for efficient implementation of a veteran employment database.

Background

Many employers are reluctant to hire veterans returning from combat theatres because of the possibility of PTSD. A well-implemented and uniform veteran employment database could assist in eliminating the misconceptions, as well as provide a potentially valuable service to veterans. According to post-deployment surveys conducted by the Texas Military Forces Joint Behavioral Health Team, the top issues facing service members and families are relationship problems, financial and career struggles, depression, post-traumatic stress disorder (PTSD), drug and alcohol abuse, and suicidal ideation.

Texas Military Forces

According to a study conducted by the National Alliance on Mental Illness and Mental Health, people who cannot find jobs are four times more likely to experience mental health problems than those gainfully employed.¹⁰² Given the challenging set of mental health difficulties that a veteran who has been deployed to a combat zone faces, the problem is compounded by employment difficulties. Lack of employment for a soldier, sailor, marine, or airman with PTSD greatly exacerbates his or her stress level.¹⁰³

Employment ranks number two on individual and familial issues reported by returning soldiers.¹⁰⁴ The Texas National Guard's 72nd Infantry Brigade Combat Team conducted a post-deployment survey of 2,500 soldiers, which was completed on May 18, 2010. 768 soldiers (31%) reported civilian employment issues, or requested assistance with finding work. 625 soldiers (25%) indicated problems returning to their former employer. 193 soldiers (8%) reported having problems upon returning to their former employer.¹⁰⁵

The Texas Military Forces (TMF) has a number of initiatives and partnerships to enhance employment opportunities for veterans seeking civilian employment, particularly through their partnership with the Employer Support of the Guard and Reserve,¹⁰⁶ a Department of Defense

¹⁰² "NAMI: The High Costs of Cutting Mental Health." January, 2010.

http://www.nami.org/Content/NavigationMenu/State_Advocacy/About_the_Issue/Unemployment.pdf

¹⁰³ Senate Committee on Veteran Affairs & Military Installations, June 17, 2010 (testimony of General Jose Mayorga, Texas Adjutant Generals Department).

¹⁰⁴ *Id.*

¹⁰⁵ Quick Facts from the 72IBCT AKO Soldier Survey, Texas Military Forces, E-mail from Mary Elen Williams, Legislative Liaison at Texas Military Forces, Department of the Adjutant General

¹⁰⁶ Senate Committee on Veteran Affairs & Military Installations, June 17, 2010 (testimony of General Jose Mayorga, Texas Adjutant Generals Department).

organization that provides special services to the members of the Guard and Reserve and their employers.

TMF's Job Connection Education Program (JCEP) aims to improve National Guard force stability by improving National Guard members' individual ability to seek, obtain, and retain civilian employment through education and job search skill training, job expositions, and job fairs. The JCEP also links employers who need well-trained workforce candidates for positions within their business.¹⁰⁷

TMF's Yellow Ribbon Post-Deployment (YRPD) Job Fairs conducts post-deployment events that bring in community agencies and organizations who are hiring in the regional area where the event is being held. These agencies and organization include the U.S. Department of Labor, the Texas Veterans Commission, the U.S. Department of Veterans Affairs, the Texas Workforce Commission, and state law enforcement agencies.¹⁰⁸ The YRPD job fairs offer a venue for employers to connect with returning veterans seeking employment by connecting returning veterans with the employer pool. Returning veterans are encouraged to attend all six YRPD events each year, and to bring family members with them.¹⁰⁹

TMF, as part of its commitment to transition assistance, maintains partnerships and Memorandums of Understanding with a number of agencies to help veterans find employment, education, and housing. These are the Department of Labor, Texas Veterans Commission, Texas Workforce Commission, and the U.S. Department of Veterans Affairs' Veterans Employment Coordination Services.¹¹⁰ Transition assistance includes the practice of conducting a post-deployment employment surveys, in which the needs of soldiers are identified prior to their return in order to prevent joblessness and homelessness. The surveys are thorough, with 91% of the 72nd IBCT being surveyed in the Iraq theater, and 100% of the 136th's Military Police Battalion surveyed in Afghanistan. TMF considers their use of transition assistance advisors critical in helping military personnel finding civilian jobs.¹¹¹

TMF would like to expand and improve database opportunities for veterans. Work is under way to bridge the gaps between existing databases, and connect those databases to the Texas Military Forces.¹¹²

¹⁰⁷ Senate Committee on Veteran Affairs & Military Installations, June 17, 2010 (testimony of General Jose Mayorga, Texas Adjutant Generals Department).

¹⁰⁸ *Id.*

¹⁰⁹ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Colonel Orlando Salinas, Texas Adjutant Generals Department).

¹¹⁰ Senate Committee on Veteran Affairs & Military Installations, June 17, 2010 (testimony of General Jose Mayorga, Texas Adjutant Generals Department).

¹¹¹ *Id.*

¹¹² Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Colonel Orlando Salinas, Texas Adjutant Generals Department).

Texas Workforce Commission

As part of the U.S. Department of Labor's basic labor exchange services, TWC operates a labor exchange/job matching system called WorkInTexas.com. The Jobs for Veterans Act of 2002¹¹³ established a federal priority for veterans in the receipt of any services funded, in whole or in part, by the U.S. Department of Labor. In addition, state law establishes priority of service for veterans for any services funded in whole or in part by state funds.¹¹⁴ Based on these laws, veterans receive priority of service in the receipt of all workforce services. TWC's priority of service enhancements for veterans include a 2-day hold for the first two days that a job is posted on WorkInTexas.com, in which only veterans registered with WorkInTexas.com can see the job posting. Veterans are notified of their priority of service; in addition, employers posting jobs can designate that the job be available to veterans only.¹¹⁵ Priority of service definition and notification is provided to all veterans upon entry into the system, as well as at subsequent entry points.

WorkInTexas.com was implemented in June 2004. Prior to its inception, approximately 7% (29,000 of 411,000) of all Texas employers were engaged with the workforce system. Since its inception, approximately 54% (298,000 of 551,000) of all Texas employers are registered with the system, with about 25% of all Texas employers (139,000) actively receiving services. WorkInTexas.com has received:

- 1.35 million job postings, of which 11,000 were designated "Veteran Only"; and
- 2.75 million job openings, of which 20,000 were designated "Veteran Only."

To date, WorkInTexas.com has been directly responsible for:

- 1.58 million job seekers being hired from jobs listed on WorkInTexas.com, of which 103,000 were veterans.

From June 2009 through May 2010, the Texas Workforce System served 158,327 veterans and other eligible persons. Texas Veterans Commission provided services to 78,623 of them.¹¹⁶

TWC's Hard to Serve Veterans Initiative has dedicated \$1.4 million to provide outreach and assistance to hard-to-serve veterans in Texas. It targets the homeless, those with a history of substance abuse, ex-offenders, those suffering from post-traumatic stress disorder, and those recently discharged from the military. These services are intended to complement the employment services offered by the Texas Veterans Commission.¹¹⁷

¹¹³ Job for Veterans Act of 2002, Pub. L. No. 107-288, Senate Committee on Veteran Affairs and Military Installations, May 12, 2010 (testimony of Reagan Miller, Texas Workforce Commission).

¹¹⁴ Texas Labor Code § 302.152, added by Acts 2009, 81st Leg.

¹¹⁵ Senate Committee on Veteran Affairs and Military Installations, May 12, 2010 (testimony of Reagan Miller, Texas Workforce Commission).

¹¹⁶ *Id.*

¹¹⁷ *Id.*

WorkInTexas.com is linked to JobCentral National Labor Exchange, which is provided as a public service by Direct Employers Association—a consortium of Fortune 500 employers. Direct Employers Association, in partnership with the National Association of State Workforce Agencies, established a National Labor Exchange. This includes VetCentral, which serves as an additional tool to veterans and employers. Employers list their Federal Contractor Job Listings (FCJL) with VetCentral, which provides veterans with a consolidated listing of FCJL job openings and employers with the necessary FCJL compliance reports.¹¹⁸

The Military Warriors Support Foundation "CEOs 4 Heroes Job Placement Program" came about as the result of TWC Commissioners approving \$447,789 of Statewide Activity Funds to provide veterans with internships, mentoring, apprenticeships, and training opportunities within 12 partner companies that have direct involvement and support at the CEO level. This job placement program will provide best practice seminars for employers interested in hiring veterans with service-related disabilities.¹¹⁹

Along with TVC, TexVet, Texas Veterans Land Board, and the Health and Human Services Commission, TWC is working on a "Veterans Web Portal" that will serve as a front door for Texas' veterans in terms of their benefits, education, employment, and health. The "Veterans Portal will provide a "one-stop shop" for Texas' veterans, and accomplish the following for veterans looking for work:

- a translation of military experience into civilian occupations for jobs posted on WorkInTexas.com;
- a quick and easy way to find jobs posted by employers who are specifically looking for and/or are required to hire veterans;
- awareness to veterans of their priority of service entitlement;
- an additional opportunity to engage veterans;
- increased visibility for special features and services available to and for veterans; and
- educate veterans about veteran-specific services offered by the portal's participants.¹²⁰

TWC has some concerns regarding a new veteran-specific employment database. The first is that of functional duplication, in which TWC is concerned WorkInTexas.com's existing resources for veterans could be diverted to create something that already exists. TWC welcomes conversations with other entities as to how WorkInTexas.com could be improved to meet all needs and desires, especially given the fact that WorkInTexas.com is constantly being enhanced.

The second concern is user fragmentation, in which TWC feels that the potential exists for a user to have to pick one system over the other, only further muddying the waters.¹²¹

¹¹⁸ *Id.*

¹¹⁹ Senate Committee on Veteran Affairs and Military Installations, May 12, 2010 (testimony of Reagan Miller, Texas Workforce Commission).

¹²⁰ *Id.*

¹²¹ *Id.*

Texas Veterans Commission

The Texas Veterans Commission (TVC) offers employment services to Texas veterans, and helps employers find qualified veteran job applicants. Texas leads the nation in veterans' employment, with TVC employment representatives helping more than 47,500 veterans find employment in 2009. TVC staff has filed over 500 training slots at the prestigious National Veterans' Training Institute since 2006, and has won 12 national employment awards from both veteran and workforce organizations in 2008 and 2009.¹²²

Job Seekers

Over 90 TVC employment representatives, located in 75 cities throughout Texas and co-located with TWC's workforce centers, provide a full range of career services. The employment representatives offer one-on-one assistance to veterans with job applications, resume preparation, and job matching and searching. The TVC also provides intensive services to disabled veterans, economically or educationally-disadvantaged veterans, and homeless veterans.¹²³

Employers

In 2009 TVC launched an initiative to enhance and centralize services to employers by establishing a Business Outreach Coordinator position. This full-time employee works with employers in order to help them understand the value of hiring qualified veterans who possess the numerous unique abilities acquired as a result of their military service. TVC provides employers with qualified, pre-screened veteran candidates for career opportunities at no cost to the employer.¹²⁴

Transition Assistance Program

Transition Assistance Program (TAP) briefings are provided to National Guard, Reserve, and regular military personnel who are preparing to leave military service. The TAP workshops, which last two to three days, provide information on VA benefits, job search techniques, interviewing skills, translation of military duties into civilian job skills, resume preparation, and labor market information. The TAP workshops are conducted an average of 17 times per month at 13 military installations statewide.

Vocational Rehabilitation and Employment (VR&E)

TVC assigns staff to designated VA facilities in order to assist disabled veterans with intensive employment and educational assistance. These counseling services are designed to help an individual choose a vocational direction, determine the course needed to achieve the chosen goal, and evaluate the career possibilities open to them.

¹²² Senate Committee on Veteran Affairs and Military Installations, May 12, 2010 (testimony of Jim Nier, former Executive Director of the Texas Veterans Commission).

¹²³ *Id.*

¹²⁴ *Id.*

Services that may be provided include comprehensive rehabilitation evaluation to determine abilities, skills, and interests for employment, vocational counseling and rehabilitation planning for employment services. Other employment services include:

- Job-training, job-seeking skills, resume development, and other work readiness assistance;
- Assistance finding and keeping a job, including the use of special employer incentives and job accommodations, On the Job Training (OJT), apprenticeships, and non-paid work experiences, post-secondary training at a college, vocational, technical or business school;
- Supportive rehabilitation services including case management, counseling, and medical referrals, and independent living services for Veterans unable to work due to the severity of their disabilities.¹²⁵

TVC supports the continued use of the WorkInTexas.com system, and emphasizes that any new veterans database would need to continue the critical functions of the WorkInTexas system. As the state's electronic labor exchange system, WorkInTexas is known to both job seekers and employers, and allows for full integration in the workforce system. WorkInTexas supports TVC's unique system of Veterans Employment located within the agency. TVC is not only able to perform day-to-day matching services, but WorkInTexas allows TVC staff to record services and coordinate with the Texas Workforce Commission in order to report the performance measures required by the U.S. Department of Labor.¹²⁶

Existing Links to State Entities Providing Veteran Employment Services

Texas Veterans Commission: <http://texas-veterans.com/employment/overview>

TexVet: Partners Across Texas: <http://www.texvet.com/>

Texas Veterans Leadership Program: <http://www.twc.state.tx.us/tvlp/tvlp.html>

Texas Veterans Portal: <http://www.texas.gov/en/veterans/Pages/employment.aspx#job>

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The biggest challenge in the veteran employment system today is the lack of quality employers interested in hiring veterans. The Committee should investigate methods of attracting employers to those highly-qualified veterans who are searching for a job. Employers should be educated in how to identify veterans in their own applicant screening process.

¹²⁵ <http://texas-veterans.com/claims/vocational-rehabilitation>

¹²⁶ Senate Committee on Veteran Affairs and Military Installations, June 17, 2010 (testimony of Bill Wilson, Director of Veterans Employment Services, Texas Veterans Commission).

- The Committee recommends that state agencies continue working together to fit the employment services they offer together in order to offer veterans a continuous, easily-navigable employment database.
- The Legislature should consider creating a "Leadership Texas" program exclusively for accomplished military veterans that provides an orientation to state government, and encourages the development of a peer network of state employees with military experience. The "Leadership Texas" program should have an objective of recruiting talented, accomplished veterans for responsible positions in state government

INTERIM CHARGE 8

Consider the mission of the State Guard and the numbers of volunteers within the State Guard. Make recommendations to incentivize recruitment and retention of volunteers to the State Guard.

Background

The Texas State Guard (TXSG) is a rapidly deployable, highly mobile emergency action force, capable of a wide range of augmentation missions in Defense Support to Civilian Authority (DSCA).¹²⁷ The organization is a dedicated resource to the State of Texas that does not deploy overseas but may support other U.S. Jurisdictions at the direction of the Governor in times of National Emergency, such as Hurricane Katrina. The TXSG reports to the Adjutant General as the third branch of State Military Forces and possesses unique experience providing DSCA during recent hurricanes and other natural disasters.

The members of the Texas State Guard serve in an unpaid capacity, unless called to State Active Duty. When deployed the TXSG interacts with local leadership, staffs local shelters, provides fill-in capability for shortfalls in the local emergency management structure, and runs local points of distribution. TXSG also provides communication support to supplement the National Guard communications, damage assessments training, and supplements local authorities. When dire circumstances require it, the governor possesses the power to authorize the TXSG to directly police, as it did to quell a race riot in Beaumont, Texas during World War II. The TXSG's current mission parameters, in providing reactive and competent DSCA, usually do not require such authority.

The Texas State Guard maintains emergency management expertise through the Military Emergency Management Designator and has multiple expert and senior level soldier members. Due to its training, volunteer status, and low unit turnover the organization maintains a large part of the experience and knowledge base for disaster management for the State of Texas. The organization also provides annual humanitarian services in the Rio Grande Valley, a medically under-served area of Texas.

Discussion

The mission of the Texas State Guard has evolved significantly since its initial mobilization during World War II. Originally crafted so that civilian volunteers could complete the duties and missions of the National Guard during the war, today the TXSG augments the service provided by the National Guard by providing civilian expertise and specialization. Increased efforts in membership retention and recruitment, coupled with just compensation for long term operations would only increase the cost-effectiveness and capability of this vital support organization.

¹²⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, April 3, 2010 (testimony of Major General José S. Mayorga Adjutant General).

Cost-Effectiveness and Capability

The volunteer nature of the Texas State Guard makes it a highly cost-effective and efficient unit.¹²⁸ Using civilian-acquired skills not readily available to the National Guard or other State Assets, TXSG focuses on supporting Defense Support to Civilian Authority Missions. The tasks they undertake require application of military skills in environments unfamiliar to traditional military personnel. The TXSG contains members who are locally based throughout the State of Texas and can respond to emergencies, within two hours of notification, anywhere in the State. Consequently, TXSG advises that command headquarters are located in larger cities for operation, while smaller hubs are located in surrounding areas.

Additionally, the Texas State Guard has flexibly undertaken multiple special missions as needed by local government. Recently, the TXSG activated the Special Needs Evacuation Tracking System (SNETS) missions to track special needs evacuees. Operation LoneStar, implemented annually since 2004, brings medically trained personnel to the Rio Grande Valley for humanitarian services. In response to Hurricanes Katrina and Rita over 1,100 Texas State Guard volunteers assisted in providing medical care, shelter management, mass feedings, transportation of displaced persons, shelter control, operations and logistics support, and communications, throughout the State of Texas.¹²⁹

Recruitment and Retention

The mission attracts many potential volunteers who have a strong desire to serve Texas. However, the lack of resources for training, recruitment, and lack of benefits for long term retention make recruitment difficult at best.¹³⁰ Traditionally their budget has not kept up with the demands of emergency management support in Texas and with little or no incentives or budget, retention and recruitment issues rely solely upon the goodwill and desire of its members to serve. Unlike the National Guard, all uniform and equipment expense is the responsibility of the soldier in the TXSG, exacerbating this problem. This has severely hampered efforts to recruit and retain members from minority or low income areas. As a result the organization is not in the best or even an adequate position to best serve the needs of the State of Texas.

The Texas State Guard has numerous challenges that should be addressed in terms of recruiting and retention in order for the organization to be in the best position to serve the needs of the State of Texas. Mitigating uniform and equipment expenses, as well as providing defined benefits for retention will greatly supplement recruitment efforts.

¹²⁸ Senate Committee on Veteran Affairs and Military Installations Hearing, June 17, 2010 (testimony of General Ray Peters, commander TXSG).

¹²⁹ Senate Committee on Veteran Affairs and Military Installations Hearing, June 17, 2010 (testimony of General Ray Peters, commander TXSG).

¹³⁰ Senate Committee on Veteran Affairs and Military Installations Hearing, April 3, 2010 (testimony of Major General José S. Mayorga, Texas Adjutant General).

Long Term Operations

The Texas State Guard is a vital component of the State's Disaster Management Plan and the primary repository to the military emergency management skill set which proves vital in Direct Support of Civilian Authority. With some deployments scheduled to last as long as two years, issues of liability, pay, healthcare, training and recruiting will need to be addressed. During the 81st Legislature, Senate Bill 1408 Passed the Senate, but not the House. The Bill would have amended Section 431.082, Government Code by adding subsection D as follows:

(d) A member of the Texas State Guard called to state active duty is a temporary employee of the state while on state active duty. The adjutant general shall pay members of the Texas State Guard called to state active duty according to the General Appropriations Act. If the length of state active duty exceeds 45 consecutive days, the adjutant general may pay the members of the Texas State Guard called to state active duty up to 140 percent of the amount authorized in the General Appropriations Act.

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The 82nd Legislature should address the lack of recruiting measures, especially in economically disadvantaged and minority communities, by offering open and unencumbered tuition assistance or a similar program that would waive tuition at public universities in return for a dedicated service period.
- The 82nd Legislature address with the Adjutant General the need to provide funding for uniforms and equipment for current and new members.
- The 82nd Legislature should address the status, pay and allowances of Texas State Guard members when called to State Active Duty. Provide defined status as temporary employees for longer tours of duty as is standard for all other state employees.
- The 82nd Legislature should ensure that adequate space is provided to ensure that the Texas State Guard can maintain a presence in local communities as a priority when State owned armories become available or are scheduled for surplus.

INTERIM CHARGE 9(B)

Monitor the implementation of legislation addressed by the Senate Committee on Veteran Affairs & Military Installations, 81st Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, review the following:

b. Monitor the implementation of \$5 million for mental health services programs for veterans, the military and their dependents, following the Ft. Hood tragedy;

Background

In 2008, the Texas Department of State Health Services (DSHS) participated in a workgroup that studied mental health issues that affect returning veterans and their families. The workgroup consisted of members from the Governor's Office, the Mental Health Transformation Working Group (TWG), Texas Military Forces, Texas Veterans Commission, Texas Workforce Commission, Texas Council of Community MHMR Centers, and the Texas Association of Community Health Centers. The workgroup was expected to identify the behavioral health needs of Operation Enduring Freedom - Afghanistan (OEF) and Operation Iraqi Freedom (OIF) veterans and their families, map out existing resources to meet those needs, and develop recommendations to address any gaps identified in their analysis.¹³¹

The workgroup submitted a report of their results titled *Behavioral Health Services for Returning Veterans and their Families: Services, Gaps and Recommendations*. The report revealed that veterans returning from OEF/OIF are experiencing high survival rates from serious injuries, multiple deployments, and an active awareness of behavioral health effects.¹³² Based on the identified needs of veterans and their families and the services currently available to meet those needs, the workgroup assessed recommendations to fill the gaps of the services available.

In 2009, a year after DSHS released the report, a U.S. Army Major serving as a psychiatrist shot 45 people at Fort Hood, Texas. In response to the Fort Hood tragedy, Governor Rick Perry secured \$5 million for mental health treatment for veterans and their families.

Discussion

The \$5 million initiative project secured by the Governor was partitioned into different projects administered by DSHS. To date, at least 3,700 veterans have been served through the outlined incentive and competitive projects.¹³³

Incentive Project

¹³¹ Texas Department of State Health Services, *Behavioral Health Services for Returning Veterans and Their Families: Services, Gaps and Recommendations*, 2008. www.mhtransformation.org

¹³² *Id.*

¹³³ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Sam Shore, Texas Department of State Health Services).

Local Mental Health Authorities (LMHAs) were awarded \$70,000 each for incentive projects. An incentive project is required to enhance access to community-based behavioral health services that are specifically available to veterans and are related to peer-to-peer support groups or resources for basic needs. The funding has been used to train 140 veteran leaders in 22 of the 38 awarded LMHA service areas.¹³⁴

In a joint effort, DSHS and Texas Military Forces (TXMF) are funding several special projects in the Lower Rio Grande Valley using \$200,000 of the \$5 million initiative project.¹³⁵ The two LMHAs in the Rio Grande region used these funds to enhance their incentive grants to implement the Operation Resilient Families initiative (ORF). The National Association of Mental Illness (NAMI) describes ORF as a program of experiential learning that seeks to empower veterans and their families to address post-deployment challenges with strength, intention, and shared community.¹³⁶ The program consists of eight weekly sessions focused on discussions and exercises where participants learn to identify their own family's strengths, resources, and challenging situations. To date, 53 veterans and their families have been trained through the ORF sessions and are knowledgeable on how to positively deal with multiple deployments.¹³⁷ ORF is also being implemented in the ten complete project service areas.

Competitive Project

Ten LMHAs were each awarded \$175,000 to execute their competitive projects.¹³⁸ A competitive project is required to enhance access to community-based behavioral health services that are specifically available to veterans and their families and may be related to trauma therapy, family-to-family education groups, or advisory groups.

The Center for Health Care Services (CHCS) in Bexar County is one of the ten LMHAs that received funding. The funding provided CHCS with the resources to serve an increased amount of veterans, including veterans from past deployments. Out of the 30,000 patients at CHCS, seven to ten percent are veterans.¹³⁹ CHCS serves children of service members by offering the Texas Youth Suicide Prevention program which screens military dependants for depression and suicide. The peer-to-peer service Operation Reunion uses volunteer veterans who have previously overcome mental health issues to help returning veterans successfully integrate back into the community and identify stressors.

¹³⁴ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Sam Shore, Texas Department of State Health Services).

¹³⁵ *Id.*

¹³⁶ <http://www.namitexas.org/programs/orf.shtml>

¹³⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Sam Shore, Texas Department of State Health Services).

¹³⁸ *Id.*

¹³⁹ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Mark Carmona, San Antonio Center for Health Care Services).

Support

TXMF received \$150,000 to hire two military advocate liaisons.¹⁴⁰ These positions are required to provide technical support and enhancement of community partnerships. The liaisons will work to assemble community-based resources for veterans and their families.¹⁴¹

DSHS received \$277,000 to assist in the contract management and coordination of incentive and competitive veterans' projects. To date, DSHS has hired a Veteran's Resources Coordinator, completed site visits to Rio Grande Valley, developed a newsletter, and began creating a working relationship with awarded LMHAs.¹⁴²

Recommendations

After reviewing the testimony received, the Committee makes the following recommendations:

- The 82nd Legislature should consider continuing allocating funds to the LMHAs in order to sustain current efforts in the community that serve the mental health needs of veterans and their families.
- The 82nd Legislature should consider developing behavioral health outreach strategies utilizing state and local organizations.
- The 82nd Legislature should consider developing a model for improved coordination of services among multiple local, state, and federal entities.

¹⁴⁰ Senate Committee on Veteran Affairs and Military Installations Hearing, September 30, 2010 (testimony of Sam Shore, Texas Department of State Health Services).

¹⁴¹ *Id.*

¹⁴² *Id.*

INTERIM CHARGE 9(C) AND (D)

(c) Monitor and analyze the closure process for the following installations and communicate with district Senators and communities: Naval Station Ingleside; Brooks City-Base, San Antonio; and Lone Star Army Ammunition Plant.

(d) Monitor and analyze the realignment of the various installations across the state, including but not limited to, Fort Sam Houston in San Antonio, Fort Bliss in El Paso, and Red River Army Depot in Texarkana.

Background

The Department of Defense's Base Realignment and Closure (BRAC) process is a congressionally authorized system for reorganizing base structure. BRAC is an important process that makes military support more efficient, increases operational readiness, and facilitates the implementation of new business practices. The steps of the BRAC process include a threat assessment, a force structure plan and basing requirements in the context of meeting threats, and the application of legally mandated selection criteria to determine which bases to realign and close. BRAC keeps the installations of the U.S. defense establishment up-to-date, efficient, and ready to respond to the constantly changing global environment.¹⁴³

Naval Station Ingleside

Since BRAC 2005, the Navy has been gradually closing this base. All ships were moved to new duty stations by the end of 2009. When the Navy vacated this 500 acre facility in April 2010, more than 4,000 jobs were lost. The property reverted back to the port of Corpus Christi in May 2010.¹⁴⁴ The port has been actively redeveloping the site focusing on the growth of a ship repair and service facility and a research and development facility (with the assistance of Texas A&M University).¹⁴⁵ Corpus Christi Development has projected 600 new jobs within the first year and 1,000 new jobs associated with the proposed development over the subsequent 3 years.¹⁴⁶

Brooks City-Base, San Antonio

The last military personnel are to leave by September 2011. The current focus is on a business development plan that will create a world-class technology and research facility at the site.¹⁴⁷

Efforts are being made to develop long-term, financially stable infrastructure for air force personnel who are preparing for departure.¹⁴⁸

¹⁴³ Defense Base Closure and Realignment Commission. <http://www.brac.gov/>

¹⁴⁴ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Thomas Moore, Project Manager, Port of Corpus Christi Naval Station Ingleside).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Donald Jakeway, President and CEO of Brooks City-Base Development Authority).

¹⁴⁸ *Id.*

As of now, \$20 million has been invested in infrastructure improvements and the Brooks Development Authority expects to invest an additional \$62.21 million to support future development. Infrastructure enhancements include roadway extensions and developments around the site.¹⁴⁹

Lone Star Army Ammunition Plant

Closure of this installation has been a significant loss for the community, which has depended on the facility for jobs since 1941. Closure of this site created 15,600 acres of real estate. Environmental clean-up is expected to exceed \$150 million.¹⁵⁰ The Red River Redevelopment Authority plans to repurpose the plant for commercial production to lessen the negative impact of the plant's closure on the local community. 5,400 acres are currently being used and privatized jobs relating to government and foreign munitions contracts have been retained. At least \$13 million has been spent on the ongoing process of demobilizing the facilities and converting them for civilian use.¹⁵¹

Fort Sam Houston in San Antonio

BRAC at Fort Sam Houston is part of a larger military construction program. The program consists of more than 10 million square feet of space and over \$3.38 billion in contracts awarded between 2006-2013. The construction process is currently in its turnover and occupancy phase and large numbers of personnel will be moving into as many as 20 new facilities this year. The most significant new buildings are components of the Medical Education and Training Campus and expansion of the Brooke Army Medical Center. The Military Transformation Task Force which works with the military on BRAC-related construction estimates that by the time construction is complete, Fort Sam Houston will have accounted for :

- \$6.7 billion in economic impact on San Antonio area
- Over \$10 million in sales tax revenues¹⁵²

A key component of BRAC at Fort Sam Houston is mission expansion. One way this is accomplished is making Camp Bullis a training site not only for medical field training but a wide range of other training activities as well. A new \$40 million consolidated training center was constructed to support regional Army Reserve Component training.

BRAC 2005 decided that Fort Sam Houston will become the home of all Defense Department enlisted medical training. This will result in personnel gains of:

- Increase of daily student population from 4,500 to 9,000

¹⁴⁹ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Donald Jakeway, President and CEO of Brooks City-Base Development Authority).

¹⁵⁰ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of William Cork, Executive Director, Red River Redevelopment Authority).

¹⁵¹ *Id.*

¹⁵² Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of James Henderson, Deputy Director, City of San Antonio Office of Military Affairs).

- Total increase of 12, 000 personnel¹⁵³

The authority that the Legislature granted communities regarding night lighting at military bases¹⁵⁴ like Camp Bullis is a good example of successfully dealing with a military installation's compatibility with the surrounding community. Legislation may need to be considered in two other areas:

- Allowing cities to have limited zoning authority to regulate sound attenuation construction standards and require that certain technologies be used.
- Making real estate disclosure mandatory within joint land use study or equivalent noise study areas.¹⁵⁵

Fort Bliss in El Paso

BRAC 2005 included a decision to increase the size of Fort Bliss and the city of El Paso has benefited greatly from this growth.¹⁵⁶ The population of Fort Bliss will have tripled by 2012 at which point approximately one in eight people living in El Paso will have a direct relationship with Fort Bliss. BRAC-funded construction projects are currently underway at Fort Bliss, with a significant number of projects given to local businesses.

Because of BRAC and the \$4.6 billion the Department of Defense has invested in programmed construction, Fort Bliss has become a Forces Command mounted maneuver warfare installation. Once the population at Fort Bliss has reached its projected level in 2012, Fort Bliss will have an estimated annual local economic impact of \$3.9 billion.¹⁵⁷

To support the planned growth, Fort Bliss will implement an estimated \$4.9 billion in construction projects. Approximately \$3.2 billion has been obligated and \$2.5 billion worth of construction completed. FY 2010 construction programs total \$391 million and include the final steps of the projects that will complete BRAC-funded construction. As part of their ongoing operational noise program, Fort Bliss will continue to work with the city of El Paso to mitigate any noise and land use concerns.¹⁵⁸ Transportation concerns are being addressed by the El Paso MPO and its associated partners through the Comprehensive Mobility Plan.¹⁵⁹ Concerns about water shortages have been addressed through a partnership between El Paso Water Utility and

¹⁵³ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of James Henderson, Deputy Director, City of San Antonio Office of Military Affairs).

¹⁵⁴ House Bill 1852, 80th Regular Legislature. Texas Local Government Code, ch. 240, subchapter B, §.032.

¹⁵⁵ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of David Dahl, Mission Sustainment Officer, U.S. Navy Region Southeast).

¹⁵⁶ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Colonel Joseph Simonelli, Garrison Commander, Fort Bliss).

¹⁵⁷ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Lt. Col. Leonard Wells, Deputy Garrison Commander, Fort Bliss).

¹⁵⁸ *Id.*

¹⁵⁹ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Mathew McElroy, Deputy Director, City of El Paso).

Fort Bliss with the creation of a plant capable of generating up to 26.5 million gallons of potable water daily.¹⁶⁰

Ongoing challenges surrounding the growth at Fort Bliss:

- Potential shortages of affordable housing
- Quality education for the children of Fort Bliss personnel
- Supply of medical care providers, including mental health services¹⁶¹

Red River Army Depot in Texarkana

BRAC 1995 resulted in significant job loss at this location and more jobs were lost after the BRAC 2005 decisions. However, the Red River Army Depot (RRAD), in collaboration with the Red River Development Authority, has made a concerted effort to comply with the BRAC decisions while also retaining jobs and diversifying the local economy.¹⁶²

In FY09, the creation of over 10,000 pieces of life saving equipment coupled with the deployment of 100 civilian personnel to Southwest Asia resulted in a \$1 billion direct economic impact to the community. Only \$14 million total revenue over 10 years has been used to fund redevelopment and create 1000 jobs.¹⁶³

Only 140 acres (17.5%) of the original 800 acre-surplus of useable land from the 1995 realignment is still unused and 96% of the buildings are leased out. Wastewater and industrial wastewater plants were privatized in 2002, and RRAD is now the second-largest utility provider in the Texarkana region.¹⁶⁴

The biggest challenges of the reuse efforts are related to infrastructure. Funding needs include:

- \$13 million in capital investment in the first 6 years to cover road network, rail, buildings, and environmental resource management
- \$5 million over the next 2 years to get infrastructure transferred and up to code so jobs can be immediately retained
- Nominal state funding to retain jobs and facilitate redevelopment.¹⁶⁵

¹⁶⁰ *Id.*

¹⁶¹ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Richard Dayoub, President and CEO, Greater El Paso Chamber of Commerce).

¹⁶² Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of William Cork, Executive Director, Red River Redevelopment Authority).

¹⁶³ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of Dennis Lewis, Director of Business Management, Red River Army Depot).

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

RRAD must secure funding for the base so that it can realistically meet infrastructure needs. Transportation funding mechanisms and systems also need to be reformed so that RRAD can capitalize on its transportation assets.¹⁶⁶

¹⁶⁶ Senate Committee on Veteran Affairs and Military Installations Hearing, August 24, 2010 (testimony of William Cork, Executive Director, Red River Redevelopment Authority).

Additional Recommendations

100% DISABLED VETERANS AND THE 100% PROPERTY TAX EXEMPTION

The 81st Legislature passed a law as part of House Bill 3613 that allows veterans with a 100 percent service-connected disability rating or a rating of individual unemployability from the United States Department of Veterans Affairs to be allowed a 100 percent exemption on their homestead. The veteran must designate the home as a residential homestead, and also be a resident of the state in order to claim the exemption.

Specifically, the Texas Property Tax Code was amended to add Section 11.131, which reads: "a disabled veteran who receives from the United States Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead."¹⁶⁷

The total value of an applicable disabled veteran's residence homestead (principal residence) is exempt from any calculation of property taxation, regardless of the number of taxing units in which a veteran's homestead may be.

The disabled veteran must provide the appraisal district with a letter dated the same year the application is submitted from the U.S. Department of Veterans Affairs, its successor or the branch of the armed services in which the veteran served stating the percentage of service connected disability rating the veteran is receiving. With this information, the appraisal district can apply the appropriate exemption amount to the designated property.

In addition to the 100 percent property tax exemption available to 100 percent disabled veterans, veterans with the following service connected disability ratings are eligible for the following exemptions:

- 10%-29% receives a disabled veteran's exemption of \$5,000
- 30%-49% receives a disabled veteran's exemption of \$7,500
- 50%-69% receives a disabled veteran's exemption of \$10,000
- 70% and over receives a disabled veteran's exemption of \$12,000¹⁶⁸

The surviving spouse qualifies for the exemption under §11.22 to continue in the amount at the time of the veteran's death; in addition, if the spouse does not survive the veteran, each of the veteran's surviving children who is younger than 18 years of age and unmarried is entitled to an exemption from taxation of a portion of the assessed value of a property the child owns and designates.¹⁶⁹

¹⁶⁷ Texas Property Tax Code, Ch. 11 Taxable Property and Exemptions, §11.131

¹⁶⁸ Texas Property Tax Code, Ch. 11 Taxable Property and Exemptions, §11.22

¹⁶⁹ *Id.*

A veteran is entitled to the \$12,000 exemption with a service-connected disability rating of less than 70 percent if:

- the disabled veteran is 65 years of age or older and has a disability rating of at least 10%;
- is totally blind in one or both eyes; or
- has lost the use of one or more limbs

If an individual dies while on active duty as a member of the armed services of the United States:

- the individual's surviving spouse is entitled to an exemption from taxation of \$5,000 if the spouse owns and designates the property;
- each of the individual's surviving children who are younger than 18 years of age and unmarried is entitled to an exemption from taxation of a portion of the assessed value of a property the child owns and designates.¹⁷⁰

Recommendations

While the Committee heard no testimony on the property tax exemption for 100 percent disabled veterans, there has been consistent communication with both other legislative offices and constituents regarding measures the Legislature should consider. They are:

- Currently, Texas Property Tax Code does not transfer the 100 percent property tax exemption to the surviving spouse of the 100 percent disabled veteran; rather, the amount would revert to the \$12,000 maximum exemption. The Committee recommends that the Legislature pass the constitutional amendment and enabling legislation that will be necessary to transfer the 100 percent property tax exemption to the surviving, unmarried spouse.
- Under current law, the disabled veteran property tax exemption does not follow the disabled veteran when he or she sells the house; rather, the exemption stays on the previous home, and is not immediately transferable to the disabled veteran's newly-purchased home. The Legislature should consider legislation that would transfer the disabled veteran's property tax exemption within the current tax year so that he or she enjoys the uninterrupted benefit of the disabled veteran's property tax exemption.

¹⁷⁰ Texas Property Tax Code, Ch. 11 Taxable Property and Exemptions, §11.22

TEXAS STATE VETERANS HOMES

Following a series of media reports regarding allegations of abuse and neglect at Texas State Veterans Homes, the Texas Senate Committee on Veteran Affairs and Military Installations reviewed the management of nursing homes for Texas veterans on May 12th, 2010. The following witnesses were called up to provide testimony:

- Jerry Patterson, Texas Land Commissioner
- Paul Moore, Executive Secretary, Texas Veterans Land Board
- Chris Traylor, Commissioner, Department of Aging and Disability Services
- Veronda Durden, Assistant Commissioner, Regulatory Services Division, Department of Aging and Disability Services
- Don Henderson, Center for Policy and Innovation, Department of Aging and Disability Services
- Dr. Susan Johnson, Associate Commissioner, Health and Human Services Commission
- Steve Aragon, Chief Counsel, Health and Human Services Commission
- Eric Nichols, Deputy Attorney General for Criminal Justice, Office of the Attorney General

The Texas State Veterans Home System was created in 1997 by legislation authored by then-State Senator Jerry Patterson.¹⁷¹ There are seven veterans homes in Texas, all operated by private operators and inspected in the same manner as all other nursing homes in Texas by the Department of Aging and Disability Services.

The Veterans Land Board says that the price that Texas' veterans pay for these nursing facilities is cheaper than most privately-owned nursing homes because of the funding that comes from the Veterans Administration.¹⁷²

The Committee's recommendations following the hearing are contained within a letter written in response to Congressman Silvestre Reyes, 16th District, Texas. That letter—as well as the one received from Congressman Reyes—are items 15 and 16 in the appendix.

¹⁷¹ Senate Bill 1060. Texas Natural Resources Code, ch. 162, subchapter A, §164.002.

¹⁷² Senate Committee on Veteran Affairs and Military Installations, May 12, 2010 (testimony of Land Commissioner Jerry Patterson).

VETERANS' COURT

The 81st Legislature established a Veterans' Court Program when it passed Senate Bill 1940. A robust Fund for Veterans' Assistance has been critical in providing a funding mechanism for these courts. The notion of a Veterans' Court cannot claim Texas roots—the nation's first veterans' court was founded in 2008 in Buffalo, New York.¹⁷³ Veterans Courts are up and running in Tarrant, El Paso, and Harris counties. Fanning, Hidalgo, Denton, Orange, and Travis counties are in the planning stages.¹⁷⁴ Bexar county announced the establishment of a veterans court in September.¹⁷⁵

The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or offense, provided that the prosecution agrees to the defendant's participation. In order to be eligible for participation, a defendant must be a veteran or current member of the United States armed forces, and also suffer from a brain injury, mental illness, or mental disorder that resulted from the defendant's military service in a combat zone or other hazardous duty area, and also have materially affected the defendant's criminal conduct at issue in the case.¹⁷⁶

Veterans Court Program

The veterans court program has the following essential characteristics:

1. the integration of drug/alcohol treatment and mental health services
2. a non-adversarial approach involving prosecution and defense counsel that promotes public safety and protects the participant's due-process rights
3. eligible participants are identified early and voluntarily placed in the Veterans Court
4. access to a continuum of alcohol, drug, and mental health rehabilitation services
5. a coordinated strategy to govern program responses to participants' compliance
6. ongoing judicial interaction with each veteran
7. monitoring and evaluation of program goals and effectiveness
8. development of partnerships with public agencies and community organizations
9. if a defendant successfully completes this rigorous Veterans Court program, after notice to the attorney representing the state and a hearing in the veterans court at which that court determines that a dismissal is in the best interest of justice, *the court in which the criminal case is pending shall dismiss the criminal action against the defendant*

The statute clearly places the District Attorney in the position of "brakeman," in that they must concur with the admission of the person into the program. The judicial leadership plays a significant role in designating offenses available for admission, but in the end, the DA has final say.

¹⁷³ Mark A. Levin, Director, Center for Effective Justice, Texas Public Policy Foundation Policy Brief (Nov. 2009)

¹⁷⁴ Jon Council, "Even Heroes Make Mistakes," *Texas Veterans Commission Journal*, (Sept. Oct. 2010)

¹⁷⁵ Scott Huddleston, *Vets' Court to Offer a "Second Chance,"* San Antonio Express-News, Sept. 3, 2010

¹⁷⁶ Texas Health and Safety Code, ch. 617, §617.002

Since this is a diversion program, it is a special reward for offenders who have demonstrated they are worthy of a second chance. The selection process will eliminate the admission of offenders who likely pose a threat of serious violence in the future. Very serious offenses are simply not admitted to the program.

The research is overwhelming that, for low-level offenders, effective education, therapy, and treatment coupled with appropriate-level sanctions is more likely to reduce recidivism.

Offenders are not admissible to the program unless they were in a combat zone or hazardous duty assignment when they contracted the mental illness or traumatic brain injury. In addition, the mental impairment must have materially affected the criminal conduct in the offense. These limits alone insure that the veterans admissible to the program come from a limited pool. This is no way "throws the barn door open."

State Leaders Host Veterans Courts Forum

May 14, 2010

By Jeff Williford,

Texas Veterans Commission

Many of the state's most populous counties are wasting no time debating the merits of having veterans' court within their county.

As the number of counties seeking to establish a veterans' court within their jurisdiction grows, the need for an exchange of ideas regarding that prospect grows as well.

On March 30, 2010, officials from around the state gathered at the State Capitol Building in Austin to participate in a Veterans' Court Forum. The forum was hosted by State Senators Leticia Van de Putte and Rodney Ellis with State Representative Allen Vaught, and in partnership with the Texas Veterans Commission.

"It is our goal to inform county officials, legislators, and their staff on the needs of our veterans, the benefits of a veterans' court, and provide a forum to address how to implement a veterans court," Sen Van de Putte stated in the forum's invitation.

Among those who presented to the gathering were representatives from the Harris County Veterans' Court, the first in the state to hear a veterans docket on December 9, 2009. They shared some of the challenges the Harris County Court had to overcome during its first four months of operation. The most significant challenge was coordination with community partners

to include resources from the U.S. Department of Veteran Affairs (VA), County and State legal resources and community support. These lessons learned were key takeaways for those undertaking the same endeavor in counties like Bexar, Dallas, Tarrant, Travis and others.

The passage of Senate Bill 1940 during the 81st Legislative session authorized county commissioners to create specialized veterans' courts. The veterans' court concept provides an alternative to the normal criminal court system for veterans who are first time, non-violent offenders and whose offenses may be tied to a diagnosed service-connected condition such as Posttraumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI). The preferred tools of accountability in these cases are a strict schedule of court appearances and treatment appointments as opposed to jail time and a stained criminal record.

“It provides a mechanism where these individuals can get back on track, get the help they need and not be tagged with a conviction that puts them into a downward spiral,” state Rep. Allen Vaught, who is himself a combat veteran of the Iraq War and co-authored the Veterans' court enabling legislation, told the Dallas Morning News.

The coming months will see more courts throughout the state taking up veterans dockets.



TEXAS VETERANS COMMISSION

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JAMES O. RICHMAN
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Representation & Counseling

BILL WILSON
Director
Veterans Employment Services

CONSUELO M. JACKSITS
Director
Veterans Education

DAVID NOBLES
Director
Fund for Veterans' Assistance

October 22, 2010

The Honorable Leticia Van de Putte
Ext E1.704
P.O. Box 12068
Capitol Station
Austin, Texas 78711

Dear Chairwoman Leticia Van de Putte,

On September 30, 2010, Jim Richman, Director of Claims Representation and Counseling at the Texas Veterans Commission testified before the Senate Veteran Affairs & Military Installations Committee. During the hearing, members posed the following questions to be addressed by the Commission at a later date:

- 1. Senator Van de Putte asked the Texas Veterans Commission to provide to the Committee a synopsis of the Fund's expenditures. Also, she requested that TVC generate a letter to the appropriate legislators each time a grant is awarded in their district.***

Enclosed please find a spreadsheet delineating the individual grants from the Fund for Veterans' Assistance. A letter summarizing all grants so far will soon be distributed to the Legislature. Subsequent letters will be sent each time a grant is awarded.

- 2. Senator Wentworth asked for the TVC to provide a list of suggestions on how the VA healthcare system could work better:***

- All Medal of Honor recipients and Ex-POWs should be Category 1 status (highest priority category). Currently, Medal of Honor and Ex-POW veterans have a Category 3 status for priority in the VA system. There are only a few Medal of Honor and Ex-POW veterans that do not qualify for Category 1 based on having a service connected disability rating of 50% or more. However, even one Medal of Honor recipient or Ex-POW not in Category 1 status is one too many. Note, there are only 88 living Medal of Honor recipients and 14,000 Ex-POWs (approximately 1,000 of whom live in Texas).
- The VA should take an overall look at providing medical care to the most veterans possible rather than relying so heavily on the "priority" system.

- The VA medical staff should be required to support veterans in the claims process. Many VA doctors tell veterans that they are not allowed to give a medical opinion for the veteran to submit in support of their claim, which is not correct. VA doctors provide medical statements to be used for other reasons such as Workers Compensation claims, or Social Security benefits. Many times this results in the veteran giving up on pursuing his or her claim because veterans who do not have the resources to get an opinion from a private physician are at the mercy of the claims process where the burden of proof is largely placed on the veteran.
- The VA is in need of more doctors and accompanying nursing staff. Some appointments with specialty physicians such as cardio and orthopedics can take several months at best.
- Improvements in the Telecare phone system are needed. In many facilities the Telecare system line is frequently busy. This phone system provides a valuable service, and there should be an emphasis placed on making needed enhancements to this system to handle the volume of incoming calls. This would benefit the veterans by having a number of their issues handled over the phone, and therefore, it would also reduce the level of walk-in traffic at VA facilities.
- Encourage the VA to continue supporting the veterans courts in Texas with mental health and primary care as more and more counties create these special courts.
- Provide more and better healthcare services to the rural areas of Texas.
- Meet the healthcare expectations of veterans in the Rio Grande Valley, Mexico border area, and Coastal Bend Region of Texas.
- Improve the fee basis payment process to include private sector, non-VA healthcare providers in accordance with 38 USC 17.03, 17.25, and 17.28. This will address the concerns of the VA that routinely states it cannot hire enough doctors to meet the demand for services. In addition, when the VA does authorize fee basis payment, it only pays at 70% of what Social Security would pay. Create parity of payment between these two programs, and efforts should also be made to improve the timeliness of payment. Implementing these two suggestions could easily encourage more private doctors to participate in the fee basis program.
- Expand direct marketing efforts to encourage veterans to apply for benefits and services. There is a national pilot project being conducted in El Paso. The pilot project should be expanded to include all of Texas, especially in the rural areas.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,



THOMAS P. PALLADINO
Executive Director

cc: Senate Veteran Affairs & Military Installations Committee
Senate Committee on Veterans Health, Select

Enclosure

TPP:jor



TEXAS VETERANS COMMISSION

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October 26, 2010

The Honorable Leticia Van de Putte
Chair, Veteran Affairs & Military Installations Committee
P.O. Box 12068
Austin, TX 78711

Dear Chairwoman Van de Putte,

Since February 2010, the Texas Veterans Commission awarded over **\$6.7 million** in grants to 29 veterans' service organizations, charitable organizations, and local government agencies. These grants address a broad range of services designed to meet the needs of Texas veterans and their families.

We are pleased to announce that the Fund for Veterans' Assistance awarded the following grants in your area:

- \$260,335 to United Way of San Antonio & Bexar County to provide 24 hour, 7 day a week phone assistance to connect those in need with appropriate services;
- \$300,000 to the Family Service Association of San Antonio, Inc. to provide assistance for veterans and their families;
- \$40,000 to the Bexar County Veterans Court to assist certain veterans with obtaining community-based treatment;
- \$997,131 to Catholic Charities, Archdiocese of San Antonio, Inc. to provide veterans and their families with emergency assistance and social services.

In addition, TVC provided over \$1.2 million statewide to assist veterans and Texas National Guard members with emergency financial assistance, health and dental insurance and training for veterans' counselors.

The 80th Texas Legislature created the Fund for Veterans' Assistance (FVA) to provide grants to address the needs of both veterans and their families, as well as grants to veterans' assistance programs, including veterans' representation and counseling. The 81st Legislature provided a stable revenue stream for the FVA by creating the \$2 veterans scratch-off lottery game. Lottery ticket proceeds generate more than 90 percent of FVA funding.

Thank you for all that you do for our Texas Veterans. Together we can make a difference.

Sincerely,


THOMAS P. PALLADINO
Executive Director

Enclosure
TP: rs

SUMMARY OF TEXAS VETERANS COMMISSION FUND FOR VETERANS' ASSISTANCE GRANTS AWARDED			
Organization	Amount Awarded	Counties served	Description of Proposed Project
Kleberg County	\$10,000.00	Kleberg	Funds will be used to augment existing transportation services available for all veterans spouses and caregivers from home, county, or city to a medical facility for treatment.
Dept. of Texas, Veterans of Foreign Wars Foundation	\$1,000,000.00	Statewide	Texas VFW Foundation is seeking funding to further their Military & Veterans Assistance Program, which provides emergency financial assistance grants, up to \$2,500, to veterans and their families.
Rains County Veterans Services Transportation	\$34,100.00	Rains County to VA medical appointments	The grant will be utilized to fund the lease of a handicap capable vehicle and the cost to operate the transportation program until the continuing costs can be programmed into the 2011 budget. The project goal is to provide transportation for veterans/spouses/dependents and necessary non veteran escorts/attendants to VA medical appointments. As a small rural county (11,000 population, 1,200 veterans) we do not have a robust public transportation system.
Homeless Veterans Services of Dallas	\$159,165.00	Dallas and surrounding counties	The proposed project will increase efforts for homeless and at-risk veterans in the Dallas area. The organization proposes to expand services to include: <ul style="list-style-type: none"> • Assistance with obtaining identification cards and birth certificates; • Provide veterans who are moving into housing from the street or from a shelter with "move-in kits", and bus passes and other necessary materials to aid their search for work. Kits include towels, shower curtain, cooking utensils, flatware, can opener, toaster, and food storage containers.); and • Secure items to be given to veterans at the annual Stand Down event, including coats, cold weather gloves, toothbrushes/toothpaste, and personal hygiene kits.
VetRides	\$90,230.00	Burnet, Lampasas, Llano	The goal of the Burnet, Llano, and Lampasas Counties Veteran's Transportation Project (VETRIDES) is to provide no cost local and out of town transportation services to qualified veterans and their dependants in Burnet, Llano, and Lampasas Counties. The objective is to lease two accessible vans in order to provide safe, secure, and dependable transportation to qualified veterans and their dependants to hospitals, clinics, outreach services, pharmacies, grocery store, and social service organizations.
United Way of San Antonio and Bexar County	\$260,335.00	Bexar and surrounding 12 counties	Through the United Way of San Antonio and Bexar County, 24 hour, 7 day a week 211 Call Center. Often times the most difficult problem is being aware where to turn when help is needed. Texas Veterans need only dial the tollfree 211 line (within Texas) and ask to speak with a military call specialist. Access is also afforded through the "Live Chat" feature on the United Way of San Antonio web site listed above. Texas Veterans and their families will be able to talk with a military peer who will assess and direct their needs in a non-judgmental and confidential manner. These specialists will connect those in need with the appropriate services and will also advocate their needs as necessary. While currently available in the Alamo region of Texas (OIF/OEF veterans and their families), this project aims to expand the program to all Texas Veterans and their families regardless of their Overseas Contingency Operations experiences.
Texas National Guard	\$160,000.00	Statewide	Operation Urgent Care will provide funding for emergency or "gap" health and dental insurance coverage for unemployed or underemployed Texas National Guard service members, including emergency funding for routine and catastrophic co-pays. This project will provide temporary emergency assistance to soldiers for health insurance and related payments. Operation Urgent Care proposes to provide temporary, emergency funding to at least 50 members of the Texas National Guard for health insurance, dental insurance, or copay assistance through TRICARE for a period not to exceed one year.
Department of Texas - VFW	\$40,092.00	Statewide	The goal of this project is to train the trainers. Combined, the American Legion and the VFW have 48 districts throughout the state. Each district has an appointed service officer. Often, service officer positions are filled by members whose knowledge of veterans services is limited. The VFW proposes that TVC conducts training at a central location for the 48 district service officers for both organizations. The training program will be comprised of the existing three-day TVC training for County Service Officers. Once trained, these district service officers will be able to train the 800 individual Post service officers.
Salvation Army - Port Arthur	\$93,590.00	Jefferson	Housing Assistance for Homeless Veterans This assistance will provide the first month rental assistance to prevent or end homelessness and continue this assistance for a maximum of four months.
Ride on Center for Kids	\$40,259.00	Williamson, Travis, Bell, Bastrop	R.O.C.K. will provide individual counseling for PTSD and TBI as a part of Horses for Heroes, an ongoing equine assisted therapy program. Horses for Heroes is a nationally recognized, North American Riding for the Handicapped Association (NARHA)-endorsed program that R.O.C.K. helped to develop by providing staff and expertise during the pilot program for amputees at BAMC in the summer and fall of 2005. This program is now being endorsed by the Department of Veterans Affairs and NARHA (governing organization for therapeutic riding) for establishment as on-going nationwide program. Most participants have PTSD and a physical disability and those with Traumatic Brain Injury are the next highest occurring injury.
Vets 4 Vets	\$160,550.00	Hidalgo, Cameron, Willacy, Starr, Harris, Dallas, Tarrant, Wichita, Eastland	The grant program will provide 12 residential weekend workshops in which participants relive the camaraderie that was experienced during military service. At the same time, participants get to discuss experiences and potential hardships in a confidential setting with fellow service members who understand, and may have shared similar experiences. Participant's arrangements will be made by Vets4Vets and participants will be contacted with their food, lodging and flight information. Participants who drive to the workshop location will be reimbursed for mileage, and reimbursements will be provided for any costs associated with travel. The total cost per weekend workshop will not exceed \$6,000. All travel must follow State of Texas guidelines.
Family Service Association of San Antonio, Inc.	\$300,000.00	Bexar, Atascosa, Comal, Frio, Guadalupe, Kerr, Medina, Wilson	Program is designed to strengthen veteran families through counseling, parenting support, and child care fee assistance by providing home-based pastoral counseling, individual and family counseling services, parenting education and children's support to any veteran and family members. Counseling services strengthen the family unit and prepare veterans for successful reintegration with their families and into their communities. Child care fee assistance helps alleviate a portion of the financial stress and burden on these returning veteran families.
Child Crisis Center of El Paso	\$313,953.00	City of El Paso, El Paso County, Ft. Bliss and far West Texas	The Crisis Center of El Paso will provide family case management to a minimum of 65 veterans in the first 12 months and a minimum of 75 veterans in the following 12 months for a total of 140 veterans served. Case management services aim to provide a more stabilized life for veterans and their families, and is usually initiated with the placement of a child in our emergency shelter. The Child Crisis Center will provide 800 days of emergency shelter each year to children of veterans aged 0 through 13 years for a total of 1,600 days of shelter provided to the children of veterans whose families are in a state of emergency, crisis, or stressful situation.
Samaritan Center for Counseling and Pastoral Care	\$336,568.00	Williamson, Travis, Hays and surrounding counties	Program Goals: Improve access to mental health care for veterans and their family members. Improve the mental health and family functioning of veterans and their families. The HOPE for HEROES project will establish and lead a Veterans Behavioral Health Planning Partnership to provide coordination of a seamless process to engage veterans in behavioral health supports and services in 20 Central Texas counties. Focus across the region will be to strengthen and develop coordination among community stakeholders who are providers of behavioral health services and supports to Veterans and/or their families.

Organization	Amount Awarded	Counties served	Description of Proposed Project
Green Doors - Community Partnership for the Homeless	\$234,638.00	Travis	The project is designed to achieve the following goals/objectives: 1) Increase access to housing that meets the needs of Austin's most vulnerable veterans and their families and 2) Increase access to supportive services which provide veterans the tools that positively influence their housing stability which would provide 110 unduplicated veterans and their families with access to Green Doors food pantry; provide employment training, education, and job placement assistance that supplements existing funding/services; provide household set-ups and transportation assistance to veterans with limited or zero income.
Girlstart	\$120,000.00	Killeen and neighboring ISDs	Girlstart camps are week-long programs for 4th through 8th grade girls developed to increase interest in science, technology, engineering and math (STEM) subjects and careers. These camps will reach female children of active duty and veteran families. These summer camps achieve consistent positive outcomes by combining formal and informal education best practices with challenging STEM curriculum., including computer programming, medicine, website design, chemistry, engineering, etc. Requested funds will provide for 8 weekend mini-camps (25 girls each).
Bexar County Veterans Court	\$40,000.00	Bexar County, San Antonio Metropolitan area	The overall purpose of the Veterans Treatment Court is to divert veterans from jail and prison into community-based treatment.
Dallas County Veterans Court	\$40,000.00	Dallas County	The overall purpose of the Veterans Treatment Court is to divert veterans from jail and prison into community-based treatment.
Harris County Veterans Court	\$40,000.00	Harris County	The overall purpose of the Veterans Treatment Court is to divert veterans from jail and prison into community-based treatment.
Tarrant County Veterans Court	\$40,000.00	Tarrant County	The overall purpose of the Veterans Treatment Court is to divert veterans from jail and prison into community-based treatment.
Travis County Veterans Court	\$40,000.00	Travis	The overall purpose of the Veterans Treatment Court is to divert veterans from jail and prison into community-based treatment.
DAV - Taylor County Chapter #36	\$16,630.00	Taylor, Jones and surrounding counties (Abilene)	DAV Veteran Connect primary goal is to reach its disabled American veterans and veteran community by reaching those individuals having emergency needs associated with food, transportation, housing and veteran service assistance to provide free, professional assistance to veterans and their families in obtaining benefits and service earned.
America Supports You Texas	\$250,000.00	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler	ASY Texas will address the emergency financial needs of military personnel, active and reserve, veterans and their families. Special attention will be given to veterans, families of deployed military personnel and homeless veterans. The project will provide emergency financial support, family and child services, provide on-going assistance to homeless shelters that support homeless veterans, and support of Wounded Warriors who reside in the West Texas region.
U. S. Vets	\$120,000.00	Houston/Harris County area	Project name: Housing First for Homeless Veterans; will provide homeless and at-risk veterans and their families temporary emergency housing and rapid placement into permanent housing.
Mental Health America of Greater Dallas	\$149,250.00	Dallas, Denton, Collin, Rockwall, Kaufman, Hunt, Delta, Hopkins, Rains, Van Zandt, Ellis, Navarro	Grant would support Operation Healthy Reunions(OHR) which provides referral mental health services through family and individual counseling for PTSD and TBI. OHR provides case management and advocacy for the clients served. Goal is to improve the lives of OEF and OIF service personnel, veterans and their families. Mental health services via referral would be offered to 125 new clients through support of this grant. Clients come through direct contact with OHR or are referred by VA, the military chaplain, colleges/universities, other veteran-serving agencies or a physician. MHA Dallas verifies participant eligibility based on OEF/OIF deployment.
Catholic Charities, Archdiocese of San Antonio, Inc.	\$997,131.00	Atascosa, Bandera, Bee, Bexar, Blanco, Caldwell, Comal, Dewitt, Dimmit, Frio, Goliad, Gonzales, Guadalupe, Hays, Karnes, Kendall, Kerr, Kinney, La Salle, Live Oak, Maverick, McMullen, Real, Uvalde, and Zavala	Provides emergency assistance and counseling services to veterans and their families in need of social services. Will provide veterans and their families with emergency assistance, case management, counseling services, transportation assistance, and connection to wide range of social services in their communities, including employment and family and child services.
Sheltering Arms Senior Services	\$339,110.00	Harris County	Specialized home care program will address critical activities of daily living impairment for veterans, and provided a desperately needed break for their caregivers. Proposed project includes transportation and family and child services.
Goodwill - West Texas	\$481,200.00	Taylor, Jones, Shackelford, Callahan, Runnels, and Nolan	Purpose of proposed project will support employment training, education, and job placement assistance that supplements and does not supplant existing funding and services; enhancement or improvement of veteran's assistance programs, including veteran's representations and counseling; development of professional services networks; family and/or individual counseling for PTSD, TBI, parenting and marriage issues. Project goals are to identify and work with homeless veterans and their families or those in danger of becoming homeless if they do not obtain employment.
MHMR of Tarrant County	\$846,799.00	Tarrant County	Proposed project will expand access to needed services to veterans and their families, including hard to reach populations such as homeless and OEF/OIF veterans. Goal of proposed project is to promote and enhance quality of life for veterans and their families by filling in the gaps in their services through access to a seamless community resource coordination process. In achieving this goal, the proposed project will offer services including outreach, assessment, information and referral, case management, mental health treatment, and resource assistance and coordination with multiple entry points across the county for veterans and their families. Funding will support emergency financial needs, transportation services, family and/or individual counselin for PTSD and TBI; employment training, education and job placement assistance that supplements and does not supplant existing funding and services; housing assistance for homeless veterans; family and child services; and legal services, excluding criminal defense.
TOTAL AWARDED	\$6,753,600.00		



TEXAS VETERANS COMMISSION

More Benefits, Less Confusion

Texas Veterans Commission assists VA to reduce disability claims backlog

By John House
Texas Veterans Commission

“Your claim is pending.”

In 2006, more than 378,000 veterans would have heard this response if they asked about a disability claim filed with the Department of Veterans Affairs according to a U.S. Government Accountability Office (GAO) report. Of those claims, approximately 83,000 were pending for longer than 6 months.

The GAO found that “VA continues to face challenges in improving service delivery to veterans, specifically speeding up the process of adjudication and appeal, and reducing the existing backlog of claims.”

As the number of claims being filed increased through 2007 and 2008, VA began to look at alternative ways to improve the claims processing system, and their first look for assistance began with the Texas Veterans Commission.

Because of their highly effective working relationship, VA selected the Waco VA Regional Office and the TVC to participate in a first-of-its kind pilot project to speed up the claims development process.

The Development Assistance Pilot Project took place from June 9, 2008 through January 31, 2009. Four TVC veterans claims and benefits counselors were asked to work in the Waco Regional Office Veterans Service Center on a full-time basis to assist in processing claims in the development stage.

And according to Jim Richman, TVC Director of Claims Representation and Counseling, the outcome of this partnership proved to be tremendous.

“The pilot project was a successful experience that showed how we were able to team up with VA to assist more veterans and reduce the time they had to wait to receive certain benefits,” Richman said. “It also allowed us to make parts of the claims process more efficient and learn ways to work even closer together to proactively reach out to veterans.” We all learned from this experience because “even with as much as we know about the VA claims process, you still learn even more when you physically sit in their chair and actually do their job.”

One of the goals of DAPP was to reduce the time it took to process a claim. The VA in Waco found that it took an average of 184 days to complete the processing of a disability compensation claim. During this time, about 132 days were spent on developing the claim or gathering information to prepare the claim for the rating process. Project members understood that the biggest impact on reducing the claims process would take place by reducing the development time.

Therefore, the TVC team members focused on initiating contact with veterans who had filed a disability claim and requesting information that was needed to complete the development process. The additional information needed ranged from medical records and forms to identifying stressors related to post traumatic stress disorder.

In the cases where TVC counselors were able to make contact and get participation from the veteran, the claims development process was reduced to less than 11 days -- allowing it to move forward to the rating process. In 380 cases the information was received the same day it was requested, and in 486 cases the information was received within one week.

Trista Barnum, TVC counselor and DAPP participant, said that the success of speeding up the process was a direct result of “evidence-evidence-evidence.”

“Usually the biggest problem with a veteran’s claim is the lack of evidence,” she said. “The claims process goes smoother and faster if the evidence comes in with the claim. Also the quicker a veteran responds to a letter or request, the better. The claims process has less difficulty when these two tasks are met.”

She added that sometimes a claim is developed and rated based on exactly what the veteran wrote on the claim form – word for word. Therefore, it was important to communicate with her VA counterparts and translate what the veteran was actually experiencing with certain disabilities. This required follow-up, and obtaining additional information from some veterans, as part of developing the claim.

John Baker, another TVC counselor with the project, said that VA has a difficult time processing claims due to the sheer volume of work they are given to complete. By providing a better prepared product, veterans can help speed the process up too.

“Sometimes the claimant’s role can be just as important as VA’s role,” Baker said. “Processing time could be shortened considerably if veterans are able to provide all of the necessary information up front. However, they may not know exactly how to do it. All veterans should know that they don’t have to go into this process alone. The claims process can be overwhelming, but that’s where TVC counselors can help, because we know how the process works.”

After reviewing the outcome of the pilot project with TVC, VA realized just how much TVC counselors knew about how the claims development process works. Based on the success of DAPP and with input from the Waco Regional Office and TVC staff, VA has implemented their own Phone Development Unit in an effort to begin shortening the claims development time across the board.

They found that contact with veterans almost always moved their claims cases forward, and the veterans appreciated the fact that VA was initiating contact with them to provide assistance with a disability claim.

The department is now looking at ways to implement the lessons learned through the success of DAPP at other VA Regional Offices in the U.S. With the help of TVC and the Waco VA Regional Office, VA has discovered a new way to reduce the amount of time it takes to process a disability claim.

After wrapping up the project, TVC counselor Sandra Covin said she learned a valuable lesson by working inside VA. “The experience showed me first hand the process VA goes through in order to process a claim. It reinforced the fact that I can do more when assisting veterans by trying to make their claims as ready to rate as possible upon submission.”



TEXAS VETERANS COMMISSION

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Press Release

For Immediate Release: November 23, 2009

Release No. 20091123-01

Texas Veterans Commission assists VA to reduce disability claims backlog

AUSTIN – Gov. Rick Perry recently announced a new plan to help veterans in Texas expedite their benefits claims with the Department of Veterans Affairs.

The governor's office will be partnering with the Texas Veterans Commission to fund two new Claims Processing Assistance Teams in an effort to reduce the more than 39,000 veterans' claims pending at the VA regional offices in Waco and Houston.

Claims backlogs have delayed decisions on veterans' disability compensation and medical care, causing physical and economic hardship for veterans and their families. For every month these claims are pending, TVC estimates a delay of nearly \$37 million in payments to Texas veterans.

The CPAT initiative will draw upon TVC's expertise in helping veterans get more benefits with less confusion and their successful track record in working on special initiatives with the VA.

In 2008, TVC and the VA participated in a pilot project that significantly reduced delays in claims processing. While it took the VA around 132 days to develop a claim or gather information to prepare the claim for the rating process, TVC counselors were able to assist and reduce the development time to less than 11 days.

"The pilot project was a successful experience that showed how TVC was able to team up with VA to assist more veterans and reduce the time they had to wait to receive certain benefits," says Jim Richman, TVC Director of Claims Representation and Counseling. "At TVC, we routinely help veterans who have been waiting three, four and even five years to get benefits from the VA. This new funding means that Texas veterans will not have to wait that long to get what they need."

For more information about TVC, visit www.tvc.state.tx.us.

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*Veterans Courts
give those who
served in combat
a second chance*

Story by John Council, Texas Lawyer

When Eric returned from a 15-month tour of duty in Iraq in September 2009, the military veteran says at first he couldn't sleep. Then he noticed that being in large crowds made him uncomfortable. And his drinking turned from social into a four-night-a-week party.

While manning a machine gun atop an armored vehicle in Iraq, the U.S. National Guardsman experienced events that no one should. He says he survived a roadside bomb attack and watched Iraqis transport truckloads of dead bodies through the streets. War changed him.

"Life seems weirder now," says the fit, sunburned 22 year old who spoke to Texas Lawyer on the condition that his full name not be used. "It seems that it should be different for someone my age."

The alcohol he drinks at an increasing pace played a part in his arrest for theft three weeks ago. Police allegedly caught him behind the wheel of a stolen car. He admits he drinks too much and makes some bad choices as a result.

Eric's story is familiar to professionals who counsel and treat combat veterans. Traumatic events in a person's life can be a contributing factor in criminal behavior, three experts say. But Veterans Court programs taking root in four Texas counties offer assistance to defendants like Eric.

Dallas has the newest Veterans Court with seven participants so far. Veterans Courts also are up and running in Tarrant, Harris and El Paso counties, says Lisa Waddell, marketing manager for the Texas Veterans Commission. And Bexar, Fanning, Hidalgo, Denton, Orange and Travis counties are in the planning stages, she says.

On June 14, Criminal District Court No. 7 Judge Mike Snipes, who presides over Dallas' Veterans Court, was just getting acquainted with Eric and his problems. But Snipes, a retired U.S. Army colonel, says he has seen such behavior among veterans before — they numb pain from combat trauma with drugs and alcohol, which can lead to trouble.

"They self-medicate," Snipes says. "That's what all of this is."

Veterans Courts function like other diversion courts in the Dallas County criminal justice system, such as drug and mental illness courts. Typically the Dallas County District Attorney's Office agrees to dismiss a defendant's charge upon successful completion of the program.

Participants in diversion courts are required to get drug and alcohol counseling, pursue employment or education, and submit to regular drug tests. They also attend regular meetings at the court where they let the judge, prosecutor, defense attorney, probation officer and mentor know how they are progressing. In Veterans Court, defendants must also seek help for their combat-related trauma.

But Veterans Court is not easy to get into, Snipes says. To be admitted into the program, a veteran must have received an honorable discharge from the military; served

in combat or in hazardous duty; and suffer from Posttraumatic Stress Disorder (PTSD), brain trauma, or a mental disease or defect related to their service that contributed to the commission of their alleged offense, he says.

"This is not a malingeringer's court," Snipes says. "This is for American heroes who made a mistake."

No defendant is admitted into Veterans Court without the approval of the Dallas County District Attorney's Office, Snipes says.

Craig McNeil, a Dallas County assistant district attorney assigned to Veterans Court, says each day he receives a list of about five veterans booked into the Dallas County Jail, but few make it into the program, he says. McNeil says he makes sure the veterans are not only qualified to enter the program but also that the safety of the public is not jeopardized by letting them in.

"Every day I get a list of people that are honorably discharged veterans," McNeil says. "And they have a list of felonies. And I'm not going to put them in the program because it's already too late for them."

McNeil, a retired officer in the U.S. Army Reserves Judge Advocate General Corps who has served in Iraq, is familiar with what Eric has experienced — especially being uncomfortable in crowds. McNeil says once he had to leave a movie theater because it bothered him so much.

"When you are in Iraq, the horrible thing is it's a place where the enemy is not wearing a uniform," McNeil says. "You have to assume that everyone is the bad guy. It's stressful because you're looking at everyone and everything. . . ."

The court also works closely with the U.S. Department of Veterans Affairs (VA), which screens defendants before they are accepted into the program to make sure they are honorably discharged combat veterans. The VA also works with the court to help the veterans obtain drug and alcohol counseling, treatment for mental illnesses and housing if they need it, says Latisha Gatens, one of nine Veteran's Outreach Justice VA specialists in Texas who works with veterans courts.

"We don't have results so far. It's extremely new. But everybody is excited about it," Gatens says of the Veterans Courts. "We make sure they have access to treatment so this will be a success."

And access to the VA programs doesn't stop once the participants leave Veterans Court, Snipes says. They have access to VA services for the rest of their lives. "Once a veteran, always a veteran," he says.

But there are no breaks in Dallas' Veterans Court. Snipes reminds program participants what is expected of them during their early morning meeting. On June 14, Snipes said one defendant was "fixing to get his ass chewed because he's late." A veteran who doesn't do what the program requires may get kicked out by the judge and end up serving a jail sentence, Snipes says.

PTSD's Effects

Texas is home to 1.7 million military veterans — 200,000 of them have fought in Iraq or Afghanistan, according to the Texas Veterans Commission.

Waddell says about 20 percent of Iraq and Afghanistan veterans suffer from PTSD. That number increases to 30 percent for Vietnam veterans — 515,000 of whom live in Texas, she says. And PTSD "symptoms may not show up right away. They might show up 10 years later," Waddell says.

S.B. 1940, co-written last year by state Sen. Wendy Davis, D-Fort Worth, allows counties to set up Veterans Courts to treat veterans or current members of the U.S. Armed Forces who suffer from a "brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, that resulted from the defendant's military service in a combat zone or other similar hazardous duty."

Davis' idea for the legislation, which became law on Sept. 1, 2009, came from something she saw while serving as a 1993-1994 law clerk for then-U.S. District Judge Jerry Buchmeyer of Dallas: The judge kept in touch with Vietnam veteran he had sentenced years earlier and made sure he got treatment for PTSD — then a little-recognized condition.

Fort Worth solo Jim Lane, who represented the veteran, Steven Scott Nail, remembers the case well. In 1985, Buchmeyer sentenced Nail to 20 years in prison after he pleaded guilty to bank robbery, Lane says.

According to the 5th U.S. Circuit Court of Appeals opinion in *United States v. Moore* (1986), which involved Nail's coconspirators, Nail ordered a bank president to get \$48,000 in cash from the bank and drop it into a

trash can. Nail then crawled through an underground tunnel system to a manhole over which the trash can was placed. Nail retrieved the money from a false bottom in the trash can. The opinion also mentioned Nail's PTSD, recounting "bizarre personalities" such as killing crows while dressed in fatigues and making a statement to a doctor that "there are times that I just want to blow away someone with what is available or put my hands around someone's throat and snap it off."

Lane, who defended U.S. soldiers involved in the My Lai massacre during the Vietnam War, was familiar with PTSD.

He says he knew what Nail's job was in the war even before he met him, judging by what he'd read in the newspaper.

And he was right: Nail had served as a "tunnel rat," a hazardous job that required U.S. soldiers to climb into Viet Cong tunnels armed only with a handgun and a flashlight to clear out the enemy, Lane says.

Lane argued to Buchmeyer during Nail's 1985 sentencing hearing that Nail's conduct could be explained by his combat service. "I worked up a PTSD excuse — not a defense, but an explanation. And we found a place to put Steve in the penitentiary" where he could get treatment for his mental disorder, Lane says.

During the sentencing hearing, a psychologist explained PTSD to Buchmeyer, and how the disorder had affected Nail, Lane says. Buchmeyer took the testimony to heart.

"[Buchmeyer] said, 'I thought I knew about Vietnam but I didn't know a thing about Vietnam. And it seems to me that the government doesn't know how to deal with this. But I'll take responsibility for Steve Nail,'" Lane recalls.

The courtroom was packed with Vietnam

veterans that day, Lane says. "It was the first hope in a federal case where those guys saw that somebody understands. The veterans called him 'Daddy Buchmeyer.'"

Buchmeyer sent Nail to a federal penitentiary where he received treatment for PTSD and the

Davis says Nail attended Buchmeyer's wake last year. "He completely credits Judge Buchmeyer with turning his life around," she says.

Nail could not be located for comment. Dallas County Assistant DA McNeil thinks

Eric can put his alleged criminal behavior behind him, too.

"I'm hopeful for this kid," McNeil says. "I hope this is a complete aberration for him and he gets help and moves on with his life."

Eric says he will do what Snipes asks of him and complete the Veterans Court program. "I don't plan on making this a regular thing," Eric says. "So yeah. I can do it."

Eric says he was embarrassed when he landed in jail — other inmates had a hard time believing he is a serviceman.

"I'm in the military. We're supposed to be role models," he says.

It means something to Eric that Snipes also is a veteran — a retired colonel at that. Part of his Eric's duty in Iraq included

escorting generals, he says.

"I know his rank," Eric says of Snipes, adding, "Most generals care about their soldiers."

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"Every day I get a list of people that are honorably discharged veterans, and they have a list of felonies. And I'm not going to put them in the program because it's already too late for them"

Craig McNeil,

Dallas County assistant district attorney assigned to Veterans Court and a retired officer in the U.S. Army Reserves Judge Advocate General Corps

judge checked on Nail's progress, Lane says. Buchmeyer released Nail from prison after a year and Nail later helped other veterans suffering from PTSD, Lane says.

"Steve has become the poster child for that," Lane says.

"Judge Buchmeyer struck the right balance. He [Nail] had to be punished. . . . But at the same time if the bad act is motivated by post-traumatic stress disorder, that has to be treated simultaneously," says Davis, of counsel in the Fort Worth office of Cantey Hanger.

"Informally, Judge Buchmeyer created his own veteran's program for that particular individual. For me it's been particularly meaningful to put something like that into actual practice, into a real-world approach," Davis says.

Veterans' Courts

by Marc A. Levin, Esq.
Director, Center for
Effective Justice

- **Veterans Are Frequently Incarcerated.** The Bureau of Justice Statistics found in a 2000 survey—the most recent information available—that 12.5 percent of state prison inmates reported military service.¹ Similarly, 11.7 percent of county jail inmates reported military service. All told, more than 200,000 veterans are behind bars. Of veterans in state prisons, 30 percent were first-time offenders, compared to 23 percent of non-veterans. Veterans were more likely to have a history of alcohol dependence than non-veterans. Of veteran inmates, 30.6 percent reported alcohol dependence compared with 23.6 percent of non-veterans. Additionally, 70 percent of veterans in state prisons were employed prior to being arrested, compared with 54 percent of non-veterans. Veterans behind bars were more likely to be mentally ill, with 19.3 percent reporting mental illness compared with 15.8 percent of non-veterans. More than three-quarters of veterans behind bars were honorably discharged.
- **Veterans' Courts: The Latest Specialty Court.** Illinois, Nevada, and Texas are among the states that have recently enacted legislation authorizing the creation of veterans' courts. The Texas legislation enacted in 2009² may be particularly useful as a model for other states, because it authorizes counties to create such courts, provides guidelines that are flexible enough to allow for local innovation, and had no fiscal note. The nation's first veterans' court was founded in 2008 in Buffalo, New York and 10 communities across the nation have set up such courts. Such courts may be a temporary but needed solution as thousands of troops return from Afghanistan and Iraq.
- **What Are Veterans' Courts?** These courts are similar to drug and mental health courts. Not all veterans are, or should be, eligible and these courts don't let offenders off the hook simply because they are veterans. Rather, these courts hold them accountable through a strict schedule of court appearances and treatment appointments, and, if necessary, sanctions imposed by the judge that can include jail time. Some courts also utilize probation officers to ensure the offender is properly monitored.

Typically, only misdemeanants and, in some cases, non-violent felons are eligible for a veterans' court. The veterans' court in Orange County, California is limited to mentally ill offenders. In the veterans' court being created in El Paso, Texas (home to 20,000 soldiers), participants must have a service-related disability such as primary diagnosis of post-traumatic stress disorder (PTSD), traumatic brain injury, or severe depression.³ Eligible offenses will include marijuana possession and family altercations. The El Paso court will have the authority to require participants to attend rehabilitation, educational, vocational, medical, psychiatric, or substance-abuse programs. Like drug courts, rather than issue a sentence and move to the next case, a judge holds regular hearings to monitor the offender's progress through treatment and compliance with the terms of probation. The El Paso court is actually a docket of an existing court so there is not an expense associated with creating a new court, and the county expects to save money on jail costs.

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Just as with drug and mental health courts, successful completion of the court may result in a dismissal or reduction of the charges, a feature which helps participants obtain or retain employment. A Stateline.org article notes that in the Buffalo court, where none of the 100 participants have been re-arrested, offenders must complete “rigorous and individually tailored treatment programs.”⁴ The Buffalo judge, Robert Russell, points out that veteran’s courts are distinguished from other specialty courts in that they also include mentoring sessions with other veterans, which leverage the camaraderie that the military builds. Meetings with U.S. Department of Veterans Affairs employees may also be involved for a variety of reasons, including connecting homeless veterans with V.A. housing and transition to work programs.

- **The Role of the Victim.** It is vital that, in cases involving an individual victim, veterans’ courts ensure the victim obtains justice. The Council of State Governments Justice Center has issued *A Guide to the Role of Crime Victims in Mental Health Courts* that is equally applicable to veterans’ courts, explaining how such courts can effectuate the right to attend, the right to be heard, the right to be informed of proceedings, the right to reasonable protection, and the right to full and timely restitution.⁵ Successful completion of a specialty court program is typically dependent on all restitution having been fully paid.
- **Why Veterans’ Courts?** The rationale for veterans’ courts is based on the combat-related stress, financial instability, and other difficulties adjusting to life that confront many soldiers returning home from Iraq and Afghanistan. A 2008 RAND Corporation study found that about one-fifth of all Iraq and Afghanistan veterans—or about 300,000 of the more than 1.6 million U.S. troops in the two wars—reported symptoms of PTSD or major depression.⁶ While most of these veterans are law-abiding, these problems contribute to criminal behavior among a substantial number of veterans.
- **Support for Veterans’ Courts.** Like drug courts, veterans’ courts have won bipartisan support. Congressman Steve Buyer (R-Indiana) noted in speaking with Judge Russell at a hearing examining the success of the Buffalo court, “You win my ‘wow’ award.”⁷ In Illinois, State Rep. Michael Tryon, a Republican, was the co-sponsor of the enabling legislation and, in Nevada, Republican Governor James Gibbons signed the measure into law. Veterans’ courts are also backed by Senator John Kerry (D-Massachusetts).

¹ Christopher Mumola, “Veterans in Prison or Jail,” U.S. Department of Justice Bureau of Justice Statistics (Jan. 2000) <http://www.ojp.usdoj.gov/bjs/pub/pdf/vpj.pdf>.

² Text of Senate Bill 1940, 81st Legislative Session, effective June 2009, <http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01940F.htm>.

³ Chris Roberts, “Law keeps veterans with post-traumatic stress disorder out of jail,” *El Paso Times* (30 Aug. 2009) <http://www.allbusiness.com/government/government-bodies-offices-regional/12793391-1.html>.

⁴ John Gramlich, “New Courts Tailored to War Veterans,” Stateline.org (30 June 2009) <http://www.statebillnews.com/?p=550>.

⁵ Hope Glassberg and Elizabeth Dodd, *A Guide to the Role of Crime Victims in Mental Health Courts*, Council of State Governments (2008) <http://consensusproject.org/downloads/guidetocvnmhc.pdf>.

⁶ Terri Tanielian and Lisa H. Jaycox, “Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery,” RAND Corporation (17 Apr. 2008) <http://www.rand.org/pubs/monographs/MG720/>.

⁷ Jerry Zremski, “Buffalo’s ‘Veterans Court’ wins praise in Congress,” *The Buffalo News* (17 Sept. 2009) <http://www.buffalonews.com/cityregion/story/798194.html>.



Bexar County Veterans Treatment Court Criteria

I. ELIGIBILITY

- A. The defendant must meet the following requirements:
 - 1. Defendant must be a veteran, or in the reserves or National Guard; and
 - 2. Have a pending eligible misdemeanor offense; and
 - 3. Be a legal resident or citizen of the United States of America and be a resident of Bexar County, Texas or a contiguous county; and
 - 4. Have a mental illness or disorder, including post-traumatic stress disorder; traumatic brain injury; depressive, anxiety and psychotic disorders; and/or substance use disorder that is related to the criminal offense and
- B. The defendant must submit to a clinical evaluation to confirm the pending or underlying offense was a result of a mental illness or substance abuse.
- C. Probationers and probation violators may be accepted into Veterans Treatment Court.
- D. The judge, prosecutor, defense bar and Veterans Court staff may recommend defendants for inclusion in the program.
- E. The defendant must complete a pre-plea orientation and sign all required Veterans Treatment Court and Veterans Administration releases of information.
- F. The District Attorney has final approval for eligibility.

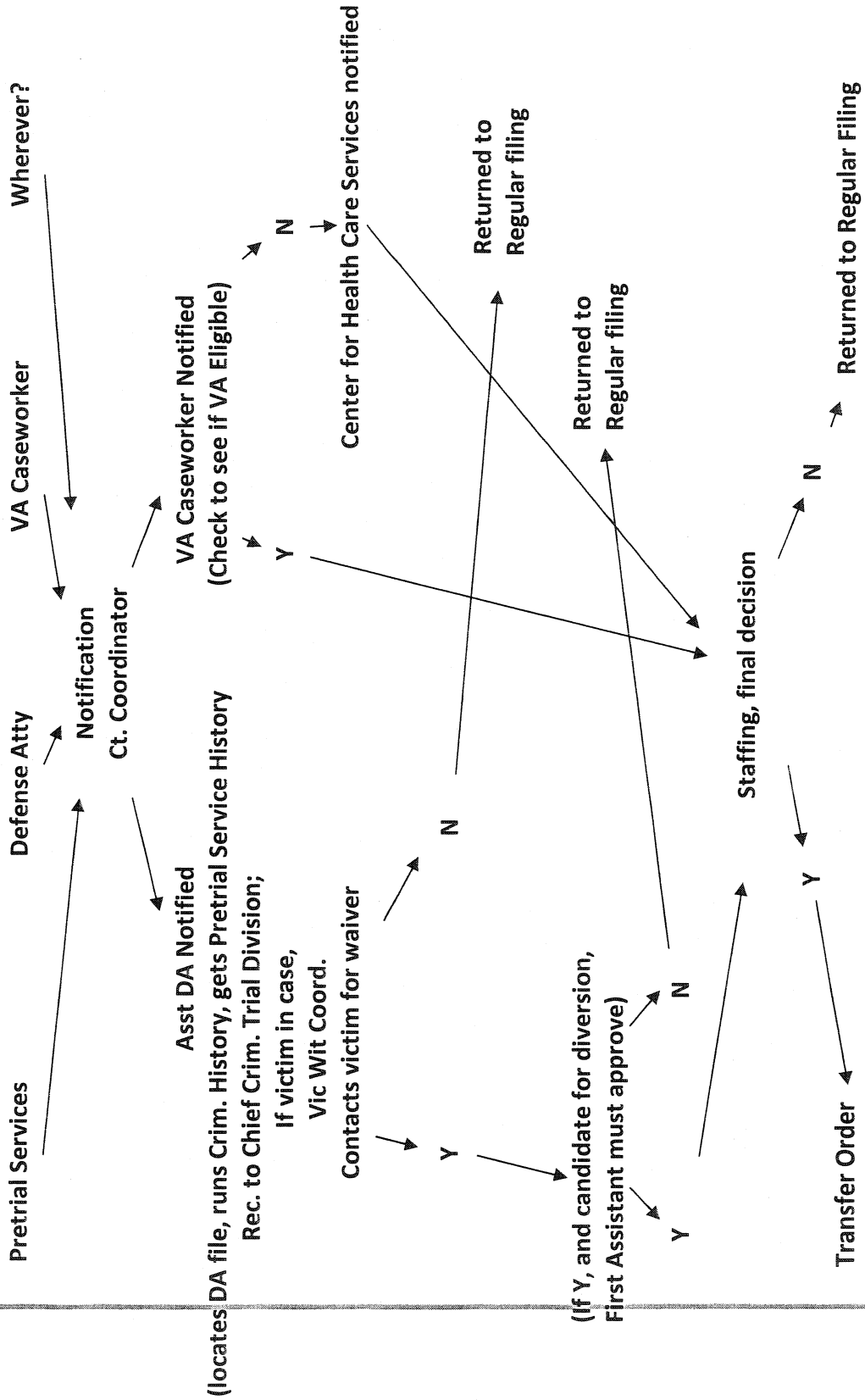
II. CASES ELIGIBLE

- A. All cases will be reviewed for acceptance on a case-by-case basis.
- B. All misdemeanor offenses are eligible for case review.
- C. Two case tracks are established: the first track is for Pre-trial Diversion cases; the second track is for Community Supervision or Deferred Adjudication Community Supervision cases.
- D. Lower level, non-violent misdemeanors are the focus of the Pre-trial Diversion track.
- E. In any case where there is a victim of the actions of the veteran, the consent of the victim is required to proceed, and restitution to the victim, if any, must be included in any individualized treatment plan or condition of community supervision or deferred adjudication community supervision.

III. EXCLUSIONS

- A defendant will be excluded from Veterans Court if he or she:
- A. Is seriously and persistently mentally ill and cannot participate in the structure of the Veterans Court; or
 - B. Has been previously unsuccessfully terminated from the Veterans Court Program or who has previously graduated, whether on community supervision or not, from Veterans Court and is arrested on a new eligible misdemeanor or felony charge.

Case Flow Bexar County Veterans Treatment Court







NEWS RELEASE



For release 10:00 a.m. (EST) Friday, March 12, 2010

USDL-10-0285

Technical information: (202) 691-6378 • cpsinfo@bls.gov • www.bls.gov/cps
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EMPLOYMENT SITUATION OF VETERANS — 2009

The **unemployment rate for veterans** who served in the military since September 2001—a group referred to as Gulf War-era II veterans—was 10.2 percent in 2009, the U.S. Bureau of Labor Statistics reported today. The jobless rate for veterans of all eras combined was 8.1 percent. About 21 percent of Gulf War-era II veterans reported having a **service-connected disability** in August 2009, compared with about 13 percent of all veterans.

This information was obtained from the Current Population Survey (CPS), a monthly sample survey of about 60,000 households that provides official statistics on employment and unemployment in the United States. Data about veterans are collected monthly in the CPS; those monthly data are the source of the 2009 annual averages presented in this release. In August 2009, a supplement to the CPS collected additional information about veterans on topics such as service-connected disability. Information from the supplement also is presented in this release. The supplement was co-sponsored by the U.S. Department of Veterans Affairs and by the U.S. Department of Labor's Veterans' Employment and Training Service. For more information, see the Technical Note, which provides definitions of terms used in this release.

Some highlights in this release are:

- Young male veterans (those ages 18 to 24) who served during Gulf War era II had an unemployment rate of 21.6 percent in 2009, not statistically different from the jobless rate of young male nonveterans (19.1 percent).
- Male veterans age 18 to 24 were more likely to participate in the labor force in 2009 than were their nonveteran counterparts—79.1 percent versus 69.1 percent.
- The unemployment rate for disabled veterans from all service periods was 8.2 percent in August 2009, essentially the same as the rate for nondisabled veterans (8.3 percent).
- Nearly 1 in 3 employed veterans with a service-connected disability worked in the public sector; 1 in 5 disabled veterans was employed by the federal government.
- Gulf War-era II veterans who were current or past members of the Reserve or National Guard had an unemployment rate of 10.6 percent, compared with a rate of 13.8 percent for those who had not been members.

The Veteran Population

In 2009, 22.2 million men and women in the civilian noninstitutional population ages 18 and over were veterans. (See table 1.) In the CPS, veterans are defined as men and women who have previously served on active duty in the U.S. Armed Forces and who were civilians at the time they were surveyed.

Veterans are more likely to be men and older than nonveterans. In part, this reflects the characteristics of veterans who served during World War II, the Korean War, and the Vietnam era. Veterans who served during these wartime periods account for about one-half (11.4 million) of the total veteran population. A total of 4.9 million veterans served during Gulf War era I (August 1990 to August 2001) or Gulf War era II (September 2001 forward). Another 5.9 million served outside the designated wartime periods. Because age and other demographic differences affect labor force status, the groups of veterans listed above are examined separately in the next sections.

Gulf War-era II Veterans

In 2009, about 1.9 million of the nation's veterans had served during Gulf War era II. About 18 percent of these veterans were women, compared with 3 percent of veterans from World War II, the Korean War, and the Vietnam era. Nearly two-thirds of all Gulf War-era II veterans were under the age of 35. (See tables 1 and 2.)

In 2009, a large majority (83.5 percent) of Gulf War-era II veterans participated in the labor force, and their unemployment rate was 10.2 percent. For those ages 18 to 24, the unemployment rate was 21.1 percent, twice that of Gulf War-era II veterans ages 25 to 34 (10.6 percent). In general, Gulf War-era II veterans had unemployment rates that were not statistically different from those of nonveterans of the same age group and gender.

Gulf War-era II veterans were much more likely to work in the public sector than were nonveterans—about 27 percent and 15 percent, respectively. Nearly 15 percent of employed veterans of the era worked for the federal government, compared with about 2 percent of nonveterans. (See table 4.)

Veterans of Gulf War era II and nonveterans had similar occupational profiles. About one-third of the men in both groups worked in management and professional occupations, a higher proportion than in any other major occupational group. Among women, 45 percent of Gulf War-era II veterans and 41 percent of nonveterans were employed in these occupations. (See table 3.)

Gulf War-era I Veterans

For the 2.9 million veterans who served during Gulf War era I (August 1990 to August 2001), the proportion that were men (85 percent in 2009) was similar to that of Gulf War-era II veterans. About 78 percent of the era's veterans were age 35 and over, compared with 35 percent of Gulf War-era II veterans. (See tables 1 and 2.)

The labor force participation rate of veterans from Gulf War era I was 87.7 percent in 2009, somewhat higher than the rate of Gulf War-era II veterans (83.5 percent). The unemployment rate for Gulf War-era I veterans (7.6 percent) was lower than the rate for Gulf War-era II veterans (10.2 percent). These differences in labor force participation and unemployment reflect, at least in part, the older age profile of veterans who served in Gulf War era I. In general, older workers tend to have higher participation rates and lower unemployment rates than younger workers. Unemployment rates of Gulf War-era I veterans

were similar to those of nonveterans of the same age group and gender; however, labor force participation rates were higher for female veterans than female nonveterans.

Veterans of World War II, the Korean War, and the Vietnam Era

In 2009, about 11.4 million veterans had served during World War II, the Korean War, or the Vietnam era. Nearly all of these veterans were at least 55 years old, and more than half were at least 65 years old. Virtually all (97 percent) of these veterans were men. In 2009, 38.4 percent of male veterans of these earlier wartime periods were in the labor force, and their unemployment rate was 7.6 percent. Male veterans of these wartime periods had lower labor force participation rates compared with male nonveterans in the same age categories. The unemployment rates of these veterans and nonveterans were similar, however. (See tables 1 and 2.)

Veterans of Other Service Periods

In 2009, nearly 6 million veterans had served on active duty during "other service periods," mainly between the Korean War and the Vietnam era, and between the Vietnam era and Gulf War era I. Because these veterans served between the major wartime periods, which span several decades, this group has a diverse age profile. About 40 percent of these veterans were 45 to 54 years old. Another 38 percent were 65 years and over, and 14 percent were 35 to 44 years old. (See tables 1 and 2.)

Nine in 10 veterans of other service periods were men. Among most age groups, male veterans of service periods between the designated wartime periods had labor force participation rates and unemployment rates that were similar to those of male nonveterans.

Veterans with a Service-connected Disability

In August 2009, about 2.8 million veterans, or 13 percent of the total, reported having a service-connected disability. (Some veterans did not report whether they had a service-connected disability.) Veterans with a service-connected disability are assigned a disability rating by the U.S. Department of Veterans Affairs. Ratings range from 0 to 100 percent, in increments of 10 percentage points, depending on the severity of the condition. About 4 in 10 disabled veterans reported a disability rating of less than 30 percent, while about 1 in 4 had a rating of 60 percent or higher. (See table 5.)

Among veterans who served in Gulf War era II, about 21 percent (413,000) reported having a service-connected disability. Of these, 80.5 percent were in the labor force, compared with 87.2 percent of nondisabled veterans from this period. The unemployment rate of disabled veterans from Gulf War era II was 11.8 percent, not statistically different from the rate for nondisabled veterans (12.7 percent).

About 18 percent (559,000) of veterans who served during Gulf War era I reported a service-connected disability. Their labor force participation rate (77.8 percent) was lower than the rate for veterans from the era who did not have a disability (92.8 percent). Unemployment rates for the disabled and nondisabled were not statistically different (9.3 and 8.1 percent, respectively).

Among the 1.4 million disabled veterans of World War II, the Korean War, and the Vietnam era, 28.8 percent were in the labor force in August 2009, compared with 37.0 percent of veterans from these periods who did not have a service-connected disability. The unemployment rate of disabled veterans from these wartime periods was 5.1 percent; for their nondisabled peers, it was 7.9 percent.

Disabled veterans from other service periods had a labor force participation rate of 51.3 percent, compared with 60.1 percent for nondisabled veterans from these periods. The unemployment rate of disabled veterans from other service periods was 6.2 percent, essentially the same as for the nondisabled—7.5 percent.

Many veterans with a service-connected disability worked in the public sector. In August 2009, 32 percent of employed disabled veterans worked in federal, state, or local government, compared with 21 percent of nondisabled veterans and 14 percent of nonveterans. About 20 percent of employed disabled veterans worked for the federal government, compared with about 8 percent of nondisabled veterans and 2 percent of nonveterans. (See table 6.)

Reserve and National Guard Membership

In both Gulf War era I and Gulf War era II, about one-third of veterans were reported to be current or past members of the Reserve or National Guard. One-half had never belonged to the Reserve or National Guard. Information on Reserve or National Guard status was not reported for the remainder. (See table 7.)

Among Gulf War-era II veterans, those who were current or past members of the Reserve or National Guard had an unemployment rate of 10.6 percent in August 2009, compared with 13.8 percent for those who had never been members. Labor force participation rates did not differ significantly by Reserve or National Guard membership for Gulf War-era II veterans. For veterans of Gulf War era I, labor force participation rates as well as unemployment rates were similar for Reserve or National Guard members and nonmembers.

Upcoming Change to the Veterans Supplement Schedule

In the previous news release on veterans (issued March 20, 2009), BLS announced that the annual releases would contain data from the veterans supplement in the even-numbered years, reflecting the biennial collection schedule for the supplement. Since that announcement, legislation was passed that mandates an annual veterans supplement. As a result, the future annual BLS news releases on veterans will feature both supplement and annual average data.

NONFINANCIAL AGREEMENT

Texas Workforce Commission
Texas Veterans Leadership Program
and
Texas Health and Human Services Commission
Texas Information and Referral Network/2-1-1 Texas

**STATEMENT OF WORK
PROJECT AGREEMENTS AND RESPONSIBILITIES**

This Nonfinancial Agreement (Agreement) is entered into between the Texas Workforce Commission (TWC), located at 101 E. 15th Street, Austin, Texas 78778, and the Texas Health and Human Services Commission (HHSC), located at 4900 North Lamar Boulevard, Austin, Texas 78751.

Background and Purpose

TWC, through the Texas Veterans Leadership Program (TVLP), employs veterans of Iraq and Afghanistan as Veterans Resource and Referral Specialists (VRRSs) to outreach their peers as they return from overseas. VRRSs refer veterans in need of assistance to local resources and support during their transition to civilian life.

HHSC, through the Texas Information and Referral Network/2-1-1 Texas (2-1-1 Texas), uses Texas Resources for Iraq-Afghanistan Deployment Funds to provide specialized and comprehensive information and referral services to active military personnel, veterans, and their families. Additionally, Senate Bill 1058 (80th Texas Legislature, Regular Session (2007)) directs HHSC to maintain a comprehensive database of military-related resources and services.

HHSC and TWC agree to collaborate to provide veterans, specifically veterans returning from Iraq and Afghanistan, with access to a variety of available military and community-based resources, services, and assistance.

This agreement is effective April 15, 2009, through August 31, 2011.

Terms of the Agreement

I. HHSC will be responsible for the following:

- A. HHSC agrees to develop and implement procedures that will require the 2-1-1 Texas Area Information Centers (AICs) to assess each call received to determine if the caller is an Iraq or Afghanistan veteran, the spouse of an Iraq or Afghanistan veteran, or other family member of an Iraq or Afghanistan veteran (veteran callers). The procedure to assess a veteran caller's military status will be developed no later than April 30, 2009 (see Attachment A).
- B. HHSC, through AICs, agrees to refer veteran callers to the appropriate VRRS. HHSC will require AICs to begin providing veteran callers with information about availability of VRRSs within AICs by June 15, 2009 (see Attachment A).
- C. HHSC, through the 2-1-1 Texas interactive voice recorder (IVR), will post a message that informs all callers, while on hold, about TVLP and the availability of VRRSs.
- D. HHSC will provide training to all AICs on the services available to Iraq and Afghanistan veterans, including the role of TVLP and VRRSs, by May 30, 2009.
- E. HHSC, through AICs, will provide the appropriate VRRS with contact information for local service providers and organizations that can assist Iraq and Afghanistan veterans.

II. TWC will be responsible for the following:

- A. TWC, through TVLP, will provide HHSC with contact information for local service providers and organizations that can assist Iraq and Afghanistan veterans.
- B. TWC agrees to accept referrals of veteran callers made by AICs to the appropriate VRRS.
- C. TWC, through TVLP, will ensure follow-up on veteran callers' requests is accomplished by VRRSs in a timely manner.
- D. TWC will provide HHSC with a recorded message (not to exceed one minute) for the 2-1-1 Texas IVR on the services available to Iraq and Afghanistan veterans through TVLP and VRRSs.
- E. TWC will develop training for HHSC regarding the services available to Iraq and Afghanistan veterans by TVLP and VRRSs on or before April 30, 2009.

- F. TWC, through VRRSs, agrees to increase the awareness of 2-1-1 Texas among the veteran population at all opportunities, such as when speaking to:
1. large groups of Iraq and Afghanistan veterans;
 2. Iraq and Afghanistan veterans in a peer-to-peer situation;
 3. spouses or family members of Iraq and Afghanistan veterans; and
 4. other veterans.

III. Both Parties agree to the following:

- A. TWC will notify each VRRS of the AIC to which the VRRS will be assigned. HHSC will inform each AIC of the assigned VRRS. Both VRRSs and AICs may have multiple assignments.
- B. TWC and HHSC agree to develop a system for VRRSs and AICs to exchange local veterans' resource information on a routine basis.
- C. TWC and HHSC agree to require their respective VRRSs and AICs to develop a system for exchanging veteran callers' contact information on a routine basis.

Reporting

HHSC agrees to provide TWC with the following call and referral data on a quarterly basis:

- A. Total number of callers identified as veteran callers.
- B. Total number of referrals made by each AIC to VRRSs.

TWC agrees to provide HHSC with the following data on a quarterly basis:

- A. Total number of veterans served by each VRRS as a result of an AIC referral.
- B. Total number and type of public awareness events (e.g., public presentation, direct mail campaign, public service announcement) that promoted 2-1-1 Texas.

Note: The reports are due on the 10th day of each month following the end of each calendar quarter.

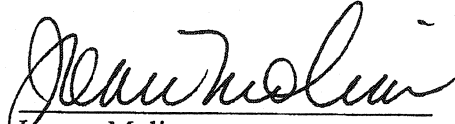
Termination

This agreement may be terminated by either party. The party desiring to terminate the Agreement must provide written notice to the other party of its intent to terminate the Agreement 60 days in advance of the termination date.

Texas Workforce Commission

Texas Health and Human Services Commission

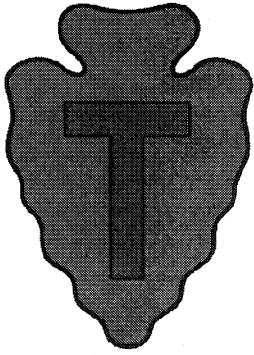

Larry E. Temple
Executive Director


Joanne Molina
Deputy Executive Director

Attachment A

2-1-1 Texas: Referral to VRRSs

1. Prior to ending a call, a 2-1-1 Texas call specialist will establish whether the caller is an Iraq or Afghanistan veteran or family member of an Iraq or Afghanistan veteran (veteran caller).
2. During the call, the 2-1-1 Texas call specialist will ask the veteran caller whether he or she would like to receive a follow-up phone call from a VRRS to determine the need for further assistance.
 - a. If the veteran caller answers yes, the 2-1-1 Texas call specialist provides the appropriate VRRS with the veteran caller's contact information.
 - b. If the veteran caller answers no, the 2-1-1 Texas call specialist provides the veteran caller with the appropriate VRRS's contact information.
 - c. If the veteran caller asks for assistance and the 2-1-1 Texas call specialist determines a follow-up call from a VRRS may endanger the veteran caller (e.g., in a family violence situation), the 2-1-1 Texas call specialist provides the veteran caller with the contact information for the appropriate VRRS.
 - d. If the veteran caller refuses to respond to the questions, the 2-1-1 Texas call specialist documents the refusal in the call notes and ends the call.
3. VRRSs will make contact within one week of receiving the veteran caller's contact information from 2-1-1 Texas.



Quick facts from the **72IBCT AKO Soldier Survey**

**85% of Deployed Soldiers (2,500)
completed survey as of 18 May 10*

Employment/ESGR Feedback

- 768 Soldiers (31%) have civilian employment issues or request assistance
- 625 Soldiers (25%) indicate problems finding civilian employment
- 193 Soldiers (8%) have problems returning to their former employer
- 451 (18%) would like to their employer to receive an ESGR certificate

Retention feedback

- 725 Soldiers (29%) plan to leave the TXARNG (ETS) when their current enlistment contract ends
- 840 Soldiers (34%) are undecided about extending
- 282 Soldiers (11%) plan to retire, 256 (10%) are undecided
 - *124 Soldiers (5%) of those surveyed plan to serve as Technicians Post-Mob*
 - *181 Soldiers (7%) of those surveyed plan to serve as AGRs Post-Mob*

Education Feedback

- 1302 (52%) request information and assistance with education benefits
- 1962 (79%) plan to attend college or take courses following deployment.
For the 1962 Soldiers planning academic studies:
 - *53% plan full-time studies, 47% part-time studies*
 - *72% plan traditional studies, 28% plan online studies*

POC: Maj August Murray, august.murray@us.army.mil
72IBCT Personnel and Human Resources Officer



June 16, 2010

TX ESGR Committee Information Paper on Employment of Service Members & Veterans

As an active member of Partners Across Texas (TexVet), the Texas ESGR Committee has also established a strategic alliance with the Texas Council Society of Human Resource Management (SHRM) and Texas Workforce Solutions to effect a more productive process of preparing military service members to enter the civilian and government workforce and educating employers on the attributes, experiences and skills possessed by service members that are compatible with industry's job requirements. A few initiatives implemented are:

- Assisting with the education of SHRM members on assessing and translating military skills, training and experiences into civilian job requirements and specifications
- Coordinating with SHRM chapters to conduct local area workshops to assist service members with preparation of resumes that reflect an individual's skills and capabilities for compatible jobs in industries of interest
- Promoting enhanced counseling of service members by government employment counselors to fully identify an individual's capabilities, aptitude and interests for assessment of compatibility with jobs in various industries
- Secured SHRM's cooperation in promoting the advantages of hiring service members and veterans through newsletter articles to SHRM members, presentations on hiring military personnel at SHRM conferences and chapter meetings, and working with allied private organizations to develop processes to better assist employers' Human Resource (HR) managers in understanding the civilian compatibility of military skills, training and experiences.
- Sharing database information obtained during pre-deployment processing on unemployed Texas ARNG personnel with the Job Connection Education Program (JCEP) and providing collective statistics for use by SHRM members and employment services
- Co-sponsoring a summit meeting with SHRM and Tex-Vets for senior state employment agency officials and a select number of private industry employers to strategize methods for a more effective process of preparing service members to compete for jobs and creating a receptive climate for service member applicants throughout industry
- Co-sponsoring a symposium with SHRM for HR professionals on the values of hiring service members and the programs and services available to assist HR staffs in translating military skills, training and experiences into civilian terminology and criteria

For more information, please contact Dwain James, Executive Director, Texas ESGR Committee 512-782-5829 or dwain.james@ng.army.mil



U.S. Department of Defense
Office of the Assistant Secretary of Defense (Public Affairs)

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IMMEDIATE RELEASE

No. 632-10
July 20, 2010

DOD to Resume Restructured Military Spouse Career Program

The Department of Defense announced today the resumption of a restructured military spouse career advancement account program - MyCAA, following a comprehensive review. The program will be available to spouses of service members in the paygrades of E1-E5, W1-W2 and O1-O2 beginning October 25 at 8 a.m. EDT.

"The changes announced today reflect a return to the original intent of the program which is to help military spouses, with the greatest need, successfully enter, navigate and advance in portable careers," said Clifford Stanley, undersecretary of defense for personnel and readiness. "We fully support the program and are committed to ensuring the program's sustainability. To that end, we are making several critical operational changes."

Amongst these changes, eligible spouses will receive a total of \$4,000 in DoD-funded financial aid, with an annual cap of \$2,000 per fiscal year; funding must be used within a three-year time period from the start date of the first class; and must be used to obtain an associates' degree, licensure or certification. A waiver may be granted when fees for licensure or certification require an up-front fee greater than \$2,000 and up to the total maximum assistance of \$4,000.

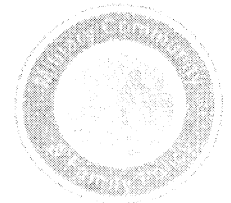
"The MyCAA program popularity grew beyond our expectations and became too expensive to continue. Therefore, we are returning to the original intent of the program in a way that is attainable and fiscally responsible for the Defense Department," said Stanley. "As we look to the future, we envision a program that is much broader than DoD's financial assistance component. Military spouses will be guided along a more holistic approach to career planning."

Under the long-term program guidelines, career counselors will continue to work with all military spouses to help develop career and education goals and plans, and assist them in identifying and accessing available federal education benefits toward these goals.

"Families play a crucial role in supporting our men and women on the battlefield. When service members are confident that their families at home have access to resources and support, they are better able to focus on their mission," said Stanley. "The Defense Department is committed to investing in military families. When we invest in the well-being of the family, we invest in the well-being of the force."

More information can be found on the MyCAA Web site:

<https://www.militaryonesource.com/MOS/FindInformation/Category/MilitarySpouseCareerAdvancementAccounts.aspx>



Key Quality of Life Issues Supporting Service Members and Families

1. Increase Key Support for Guard and Reserve Members and Their Families: The high deployment levels of the Guard and Reserve necessitate a reciprocal level of support for the needs of our service members and their families. The desired outcome is that states provide important benefits perceived as 'best practices' by Service members which should be common throughout the states.
2. Ensure Deployment Separation Does Not Determine Child Custody Decisions: Extended separations due to military service necessarily alter short-term custody/visitation arrangements and can have long-term consequences. The desired outcome is for states to appropriately balance the interests of service members who are absent due to military service while preserving the best interests of the child; address delegation of visitation rights; and consider expedited court dockets and the use of electronic communications systems to appropriately accommodate military demands.
3. Increase Access to Quality, Affordable Childcare for Military Families: Demand for child care continues to out-pace capacity. The desired outcome is that states will integrate DoD effectiveness standards into their Quality Rating and Improvement Systems (QRIS) for childcare programs. Through statewide QRISs, DoD can identify providers eligible for 'approved' status (subsidized care) and partner with other providers to help them reach that status.
4. Minimize School Disruption for Military Children During Transition and Deployment: The mobile military lifestyle creates challenges for children who attend ~8 schools in 12 years plus endure the anxiety of parental separation during deployments. The desired outcome is that states participate in an interstate compact which provides a vehicle for establishing common guidelines for handling issues (class placement, records transfer, immunization requirements, course placement, graduation requirements, and extra curricular opportunities) that impact military children as they transition between schools.
5. Enhance Opportunities for Portable Careers for Military Spouses: Frequent moves and cumbersome licensing and certification requirements limit career options for military spouses. The desired outcome is that states provide alternative certifications, expedite licensing procedures to support portable careers, and employ other considerations for the unique needs of working military spouses.
6. Provide Unemployment Compensation Eligibility for Military Spouses: Frequent moves substantially impact the income of our Service families. The desired outcome is that states recognize that, unlike the private sector, a move mandated by military orders is not 'voluntary' and therefore, the trailing spouse should qualify for unemployment compensation if otherwise eligible.
7. Promote Enforcement of the Predatory Lending Regulation: Some lending practices create a cycle of debt for service members and their families, thus impacting quality of life and military preparedness. The desired outcome is for states to fully enforce DoD Regulation (32 CFR Part 232) which places 36% APR limit on payday, vehicle title, and refund anticipation loans.
8. Improve Absentee Voting for Military Members and Their Families: Citizens need assurance their vote will be counted. The desired outcome is that states authorize flexible processes for absentee voters in the areas recommended by the Federal Voting Assistance Program (FVAP) Office.
9. Comport State Laws with DoD Rules on Disposition: Many states require disposition of remains be determined through state-specific documentation or by a priority sequence of next of kin. The desired outcome is for states to recognize the person authorized to direct disposition (PADD) selected by the service member on DD Form 93 (Record of Emergency Data), in accordance with Federal law.
10. Satisfy Foreign Language Requirements: Foreign language proficiency is critical to the United States' ability to meet its security and economic objectives. The desired outcome is for states to work with their business and education sectors to develop centers of influence to enhance language and culture education which meet their requirements and assist with meeting national objectives.

Staff point of contact: Ed Kringer, 703-602-4949 x114, ed.kringer@osd.mil
www.USA4MilitaryFamilies.org

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SILVESTRE REYES
16TH DISTRICT, TEXAS

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
CHAIRMAN

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON AIR AND LAND FORCES
SUBCOMMITTEE ON READINESS



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<http://www.house.gov/reyes/>

Congress of the United States
House of Representatives
Washington, DC 20515

April 16, 2010

The Honorable Rick Perry
Office of the Governor
P.O. Box 12428
Austin TX 78711-2428

Dear Governor Perry:

Greetings.

I am gratified that the Texas State Senate Committee on Veteran Affairs and Military Installations has scheduled a hearing on May 12, 2010, in order to receive testimony on the allegations of deplorable conditions and a succession of offenses, including some potentially criminal acts and malpractice, that have occurred at the Lamun-Lusk-Sanchez State Veterans Home in Big Spring.

The experience at Big Spring potentially clouds the public confidence in the operation of the other six State Veterans Nursing Homes in Texas, including the Ambrosio Guillen facility in El Paso.

State officials and agencies appear to have bungled a history of abuses and incidents since 2004.

The April 3, 2010, edition of *The Dallas Morning News* listed numerous irregularities and infractions, including:

- * An eye-witness to battery of a 97-year-old Alzheimer's sufferer resulting in subsequent hospitalization (according to a state inspection report).
- * A previous assault upon an 84-year-old resident at the nursing home.
- * Repeated citations of previous violations.
- * Felony charges against ex-employees.
- * Injuries/medical complications documented by the Department of Aging and Disability Services.
- * Personnel shortages and irregularities.
- * Improper diets.
- * Negligent monitoring of residents allowed to wander off-property.

- * Improper procedures associated with investigations into complaints and irregularities.
- * Physical abuse of residents.
- * Violations of state and federal regulations.
- * Cover-up of April 2009 investigation by the Texas Attorney General's Office.

The public responses by the State Veterans Land Board in the article underscore questions that obviously arise about the grievously negligent oversight demonstrated by implicated state agencies and commissions.

I would specifically recommend that you, the Lieutenant Governor and Senate Committee chair use every means, including oaths administered to hearing witnesses, in order to establish the facts behind this disgraceful misconduct inflicted upon our Veterans.

Sincerely,



Silvestre Reyes
Member of Congress

SR/pb

Cc:

Lt. Governor David Dewhurst
Capitol Station
P.O. Box 12068
Austin, Texas 78711

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Texas State Veteran Affairs and Military Installations Committee
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State Senator Eliot Shapleigh,
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The Senate Committee on Veteran Affairs & Military Installations

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Chair
Jeff Wentworth
Vice Chair

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Members:
Wendy Davis
Craig Estes
Brian Birdwell
Eliot Shapleigh

June 24, 2010

Congressman Silvestre Reyes
Member of Congress
2433 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Reyes:

The Texas Senate's Committee on Veteran Affairs and Military Installations (VAMI) heard testimony on May 12, 2010 from the General Land Office's Land Commissioner, the Department of Aging and Disability Services (DADS), and the Health and Human Services Commission (HHSC) regarding abuse allegations at the Big Spring and Amarillo veteran nursing homes. Given that the VAMI Committee reviews the operations of our veterans nursing homes every interim, the disturbing trend of questionable performance we've witnessed was certainly a matter of high importance to the Committee, as well as to Senator Kel Seliger, in whose district both of the controversial events occurred.

Where we have witnessed the succession of offenses—at Lamun-Lusk-Sanchez and Ussery Roan State Veterans Homes—is where we find low ratings from both DADS' Quality Reporting System and the federal Centers for Medicaid and Medicare Systems (CMS) Five-Star Quality Rating System. The Committee's overriding concern is that the incidents documented so disturbingly in *The Dallas Morning News* are indicative of a systemic problem. With that in mind, and with potential solutions that would ensure this never happens again being our primary goal, the Committee has come to the following conclusions:

- There needs to be a stronger partnership between the Department of Aging and Disability Service's inspection team and local law enforcement during abuse and neglect investigations. DADS is charged with regulating and investigating abuse and neglect in Texas nursing facilities, and must notify local law enforcement agencies in abuse and neglect investigations. In the two well-publicized incidents at Big Spring and Amarillo, DADS performed what is mandated of them within the required statutory timeframe. They have recently undertaken actions to remind nursing facilities of their obligation to report incidents directly to local law enforcement, as well as to DADS in a separate communication. Currently, law enforcement agencies exercise discretion in determining the extent of their involvement in the joint investigations. Senator Seliger and Chris

Traylor, Commissioner of DADS, both concurred in the need for a training program conducted by DADS for the benefit of local law enforcement. Above all, it is imperative that there be better cooperation and more reflexive communication between the investigating entities.

- DADS did find evidence of immediate jeopardy and substandard quality of care at the Lamun-Lusk facility. The facility's operator, Senior Dimensions, Inc. of Austin, TX, appealed the enforcement action. The case went through the Informal Dispute Resolution (IDR) process at HHSC, whereupon DADS' findings were found to be unsubstantiated owing to inadequate documentation. Ultimately, HHSC overturned the investigation. HHSC's IDR decisions are final; the only exception would be when the IDR decision is a violation of federal statute or regulation. In this instance, as in all instances of IDR decisions resulting in an overturning of DADS' findings, the deficiencies were deleted from record and all remedies rescinded.
- Better training needs to be conducted to ensure that more rigorous documentation occurs during DADS' investigation process. This would ensure that the IDR does not so easily result in the overturning of abuse instances. Senator Wendy Davis stated that there should be a form that requires all pertinent information to be filled out at the time of an incident, in order to avoid mistakes by undertrained staff members that could have a dubious effect on the final IDR judgement. Both HHSC and DADS have conducted training to improve documentation in case files. After this hearing, it is the Committee's stance that the victims are not receiving due process under the current IDR system. The nursing home operator's appeal has disproportionate power in the system as configured. The IDR process absolves the state too easily; for instance, as with this incident, there are indictments on nursing home employees, yet the state receives no charge.

If there is any population that deserves the highest possible quality of care in our state's nursing facilities, it is the veterans living in the homes overseen by the GLO's Veterans Land Board. I thank you for your concern regarding this most important matter. You have my assurance that my Committee will be closely monitoring this situation, and doing everything in its power to improve the quality of life at Texas' State Veterans Homes.

Sincerely,



Senator Leticia Van de Putte, R. Ph.

LVP/bwt

Cc:

Governor Rick Perry
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Commissioner Chris Traylor
Department of Aging and Disability Services
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MEMORANDUM

Department of Aging and Disability Services (DADS) Regulatory Services Policy * Internal Memorandum

TO: Regulatory Services
Regional Directors, Regional Program Managers, and State Office Managers

FROM: Veronda L. Durden
Assistant Commissioner
Regulatory Services

SUBJECT: **IM 05-08** – Joint Investigation of Nursing Home Abuse and Neglect Allegations

APPLIES TO: Licensed Nursing Facilities

DATE: March 22, 2005

Senate Bill 1074, 78th Texas Legislature, Regular Session, amended Health and Safety Code (HSC) Chapter 242 and the Code of Criminal Procedure to require the Department of Aging and Disability Services (DADS) and local law enforcement agencies to jointly investigate certain allegations of nursing facility abuse or neglect. This IM outlines the procedure to follow when an allegation involves a joint investigation.

DADS notifies local law enforcement agencies about all immediate (investigate within 24 hours) allegations of nursing home abuse and neglect described in HSC §242.126 (c)(1) to provide law enforcement the opportunity to join DADS employees in conducting investigations. HSC §242.135 requires law enforcement to acknowledge the report of abuse or neglect and begin a joint investigation within 24 hours of receipt of the report. HSC §242.126 and §242.135 do not require representatives of each agency to be physically present during all phases of an investigation; nor do they require that each agency participate equally in each activity conducted in the course of an investigation. In most instances, DADS will notify local agencies of the allegations either by phone or facsimile and will provide the name and phone number of a DADS employee who will be conducting an on-site investigation. Law enforcement agencies can exercise discretion in determining the extent of their involvement in the joint investigations.

Provider Responsibilities

See Provider Letter #05-13.

Regional Director Responsibilities

Each region must verify accuracy of their law enforcement agency list, contacts, and telephone and facsimile numbers. This list includes law enforcement in municipalities and sheriff departments for rural areas.

Although each law enforcement agency should have received prior notification through newsletters within their agency, the Regional Director or designee, or the Regulatory Services regional attorney must telephone each agency to clarify the role of the law enforcement agency.

Immediately after the surveyor's entrance to the facility to investigate an immediate (investigate within 24 hours) allegation of abuse or neglect, the regional office faxes the facsimile cover sheet (see attachment) and the immediate investigation notice to the appropriate law enforcement agency. No de-identification of the resident is required. The regional office will provide the name and phone number of the surveyor who will conduct the on-site investigation. The facsimile confirmation sheet is verification that notification was made within the required 24-hour time frame. When the surveyor entry happens outside of normal business hours and facsimile transmission is not possible, the surveyor notifies law enforcement by telephone.

If the law enforcement agency contact declines participation in the investigation process, the surveyor must document this information in his notes.

Procedure

1. Provider reports allegation/incident of abuse or neglect to Intake Coordinator. The Intake Coordinator determines if the allegation/incident of abuse or neglect requires immediate investigation.
2. Report is communicated to region.
3. Region assigns surveyor to investigate.
4. Surveyor enters facility within 24 hours of receipt of report.
5. Upon entrance at the facility during normal business hours (8:00 a.m. to 5:00 p.m.), the surveyor contacts the regional office to notify local law enforcement. The regional office faxes notification to the city police or other municipal law enforcement agency if the facility is located within a municipality. Otherwise, the regional office faxes notification to the sheriff's office of the county where the facility is located using the attached fax transmission cover sheet. The allegation report is also faxed to the law enforcement agency.
6. If the investigation is not initiated during normal business hours, the surveyor contacts local law enforcement via telephone upon arrival at the facility and informs the law enforcement representative that DADS will be investigating allegations of abuse or neglect requiring immediate response. This contact is documented in the surveyor notes. The attached fax transmission cover sheet and allegation report are sent the next business day.
7. Regional staff must document pre-investigation, local law enforcement notification in CARES. Select Compliance Review → Notification → Other → Select Chief of Police or Sheriff. In "reason," select pre- or post-investigation notification, document type (mail or facsimile) and date sent. Additional notes may be added in the clipboard section. (*Please note this post-investigation data will preempt the pre-investigation information previously data entered.*)
8. Local law enforcement contacts DADS and lets the region know whether it will conduct an on-site investigation. In any event, DADS' investigation should not be postponed and should proceed normally.

9. Surveyor completes investigation, and the region sends the report to local law enforcement as per existing procedures.
10. If local law enforcement decides to investigate, its report is given to DADS.

Contact Information

Please contact Charline Stowers or Kim Legendre at (512) 438-2011 if you would like additional information about DADS complaint procedures. Please contact Amy Castaneda at (512) 438-5207 or the Regulatory Services regional attorney regarding legal questions. Refer to <http://www.capitol.state.tx.us/statutes/hs.toc.htm> to view the referenced statutes.

If you have any further questions related to the process, please contact Cheryl Danielson, Program Specialist, Policy Development and Support, at (512) 438-3123.

Veronda L. Durden

VLD:ca:mdv:cd

Attachment: Fax transmission cover sheet.

c: Chris Adams, E-348
Carol Ahmed, E-342
Anthony Chapple, E-342
Regional Directors



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

THOMAS M. SUEHS
EXECUTIVE COMMISSIONER

MEMORANDUM

TO: The Honorable Leticia Van de Putte, Chair
Members of the Senate Committee on Veteran Affairs and Military Installations

FROM: Stephanie Muth, Associate Commissioner for Consumer and External Affairs

DATE: May 21, 2010

SUBJECT: Follow-up from Hearing on May 12, 2010

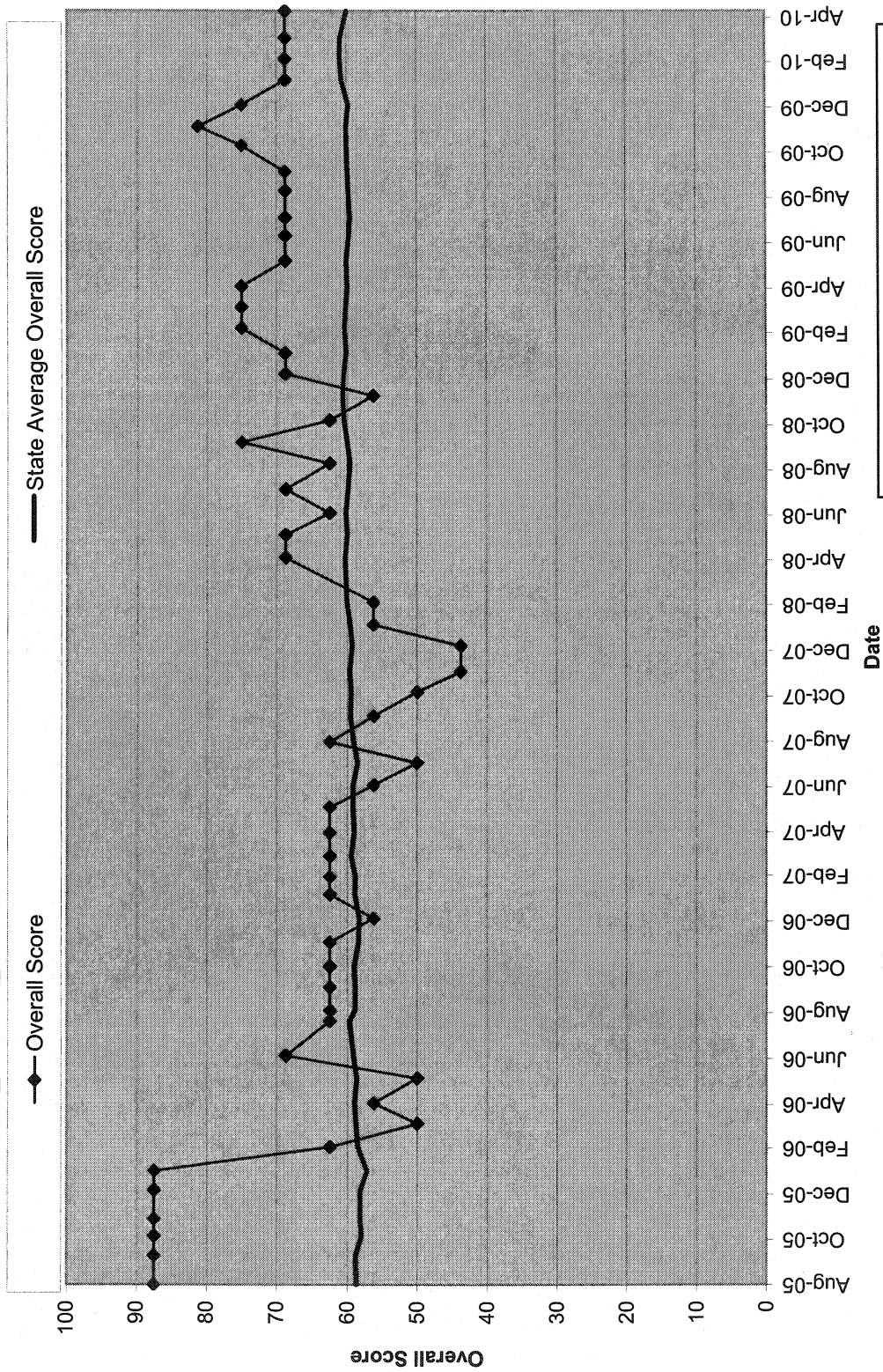
The purpose of this memorandum is to respond to an inquiry of the Senate Committee on Veteran Affairs and Military Installations regarding 2-1-1 Texas.

Is it possible to revise the 2-1-1 Texas protocols to ensure that every caller is asked whether they are a veteran or a family member of a veteran?

Yes, program instructions are being drafted now that will ensure this question is asked by all 25 of the area information centers that HHSC contracts with to provide information and referral services. This question will be used to ensure all appropriate resources are reviewed with each caller. We anticipate this policy will be in place by June 1, 2010.

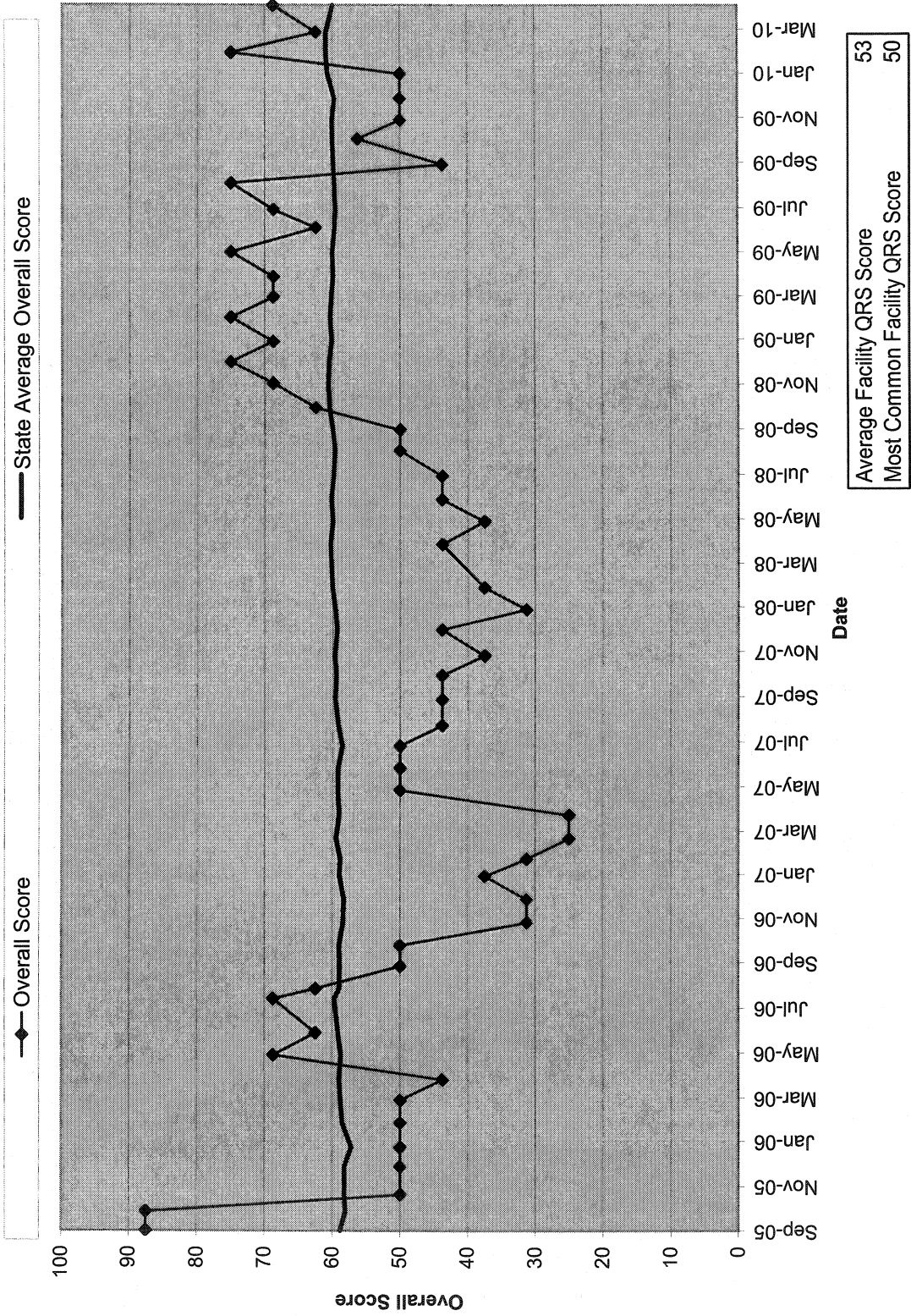
Please let me know if you have any questions or need additional information. I can be reached at 512-424-6514 or by e-mail at Stephanie.Muth@hhsc.state.tx.us.

QRS_Overall_Score for ALFREDO GONZALEZ TEXAS STATE VETERAN'S HOME



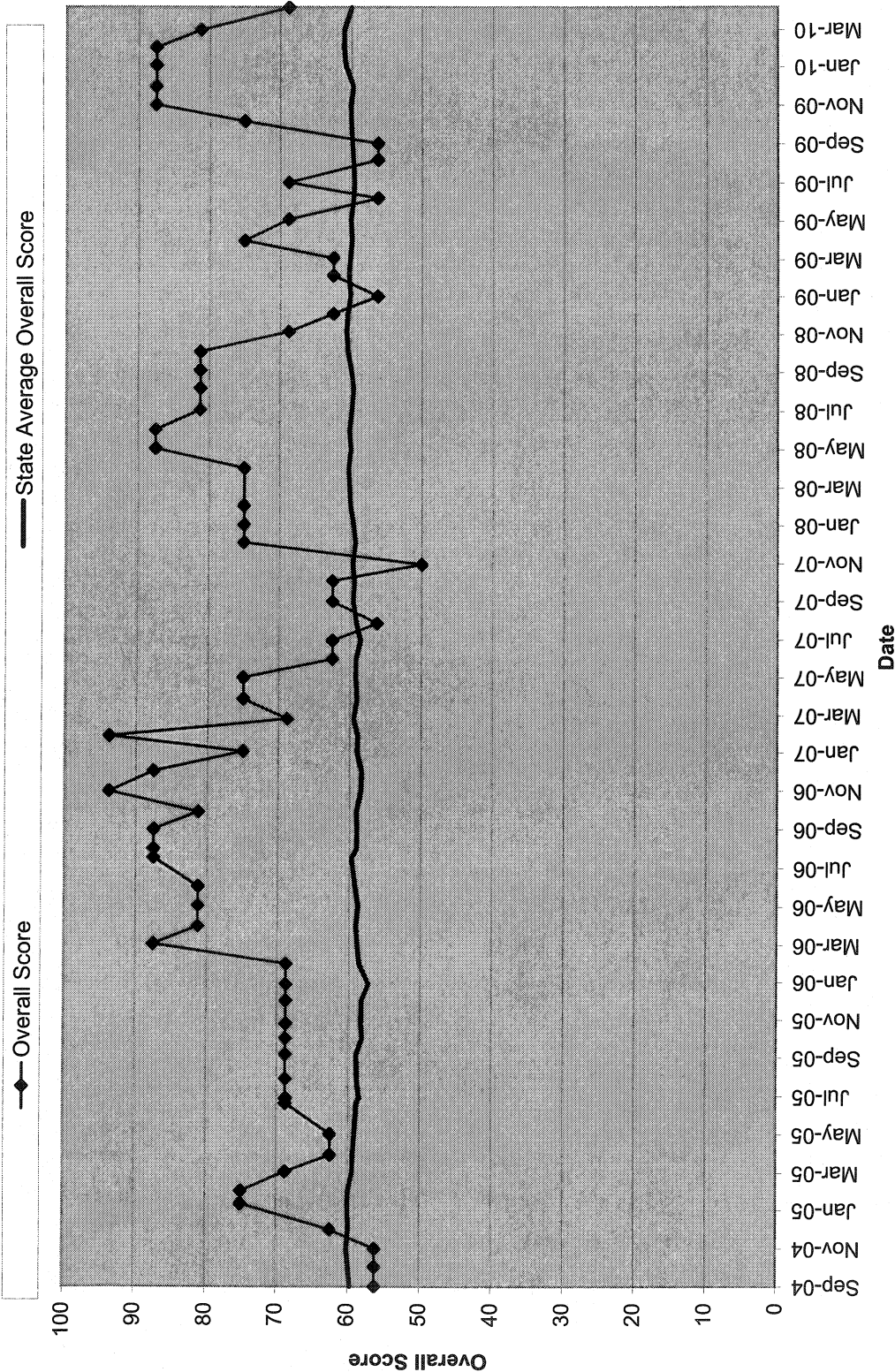
Average Facility QRS Score	66
Most Common Facility QRS Score	63

QRS_Overall_Score for AMBROSIO GUILLEN TEXAS STATE VETERAN'S HOME



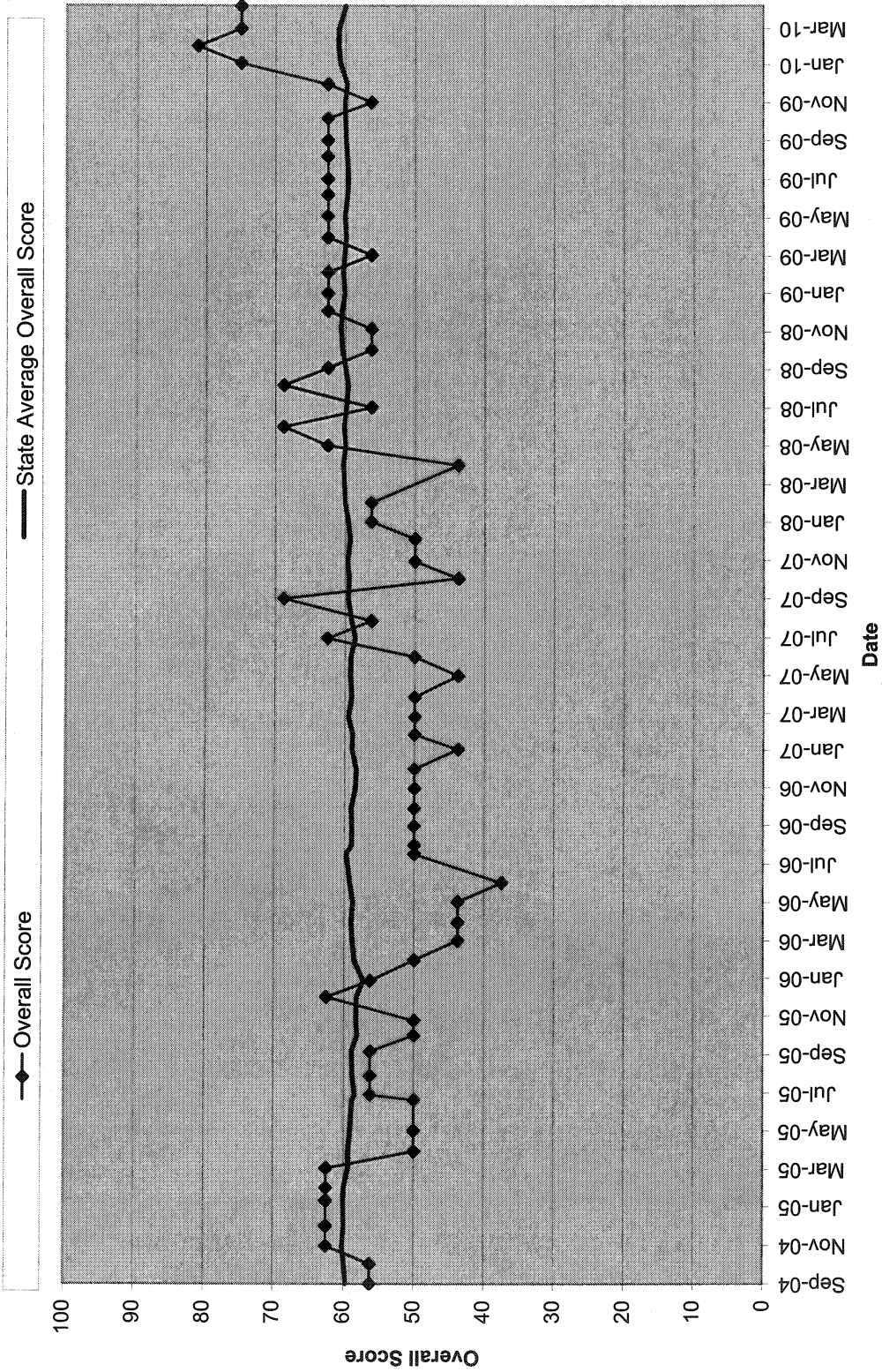
Average Facility QRS Score	53
Most Common Facility QRS Score	50

QRS_Overall_Score for CLYDE W COSPER TEXAS STATE VETERAN'S HOME



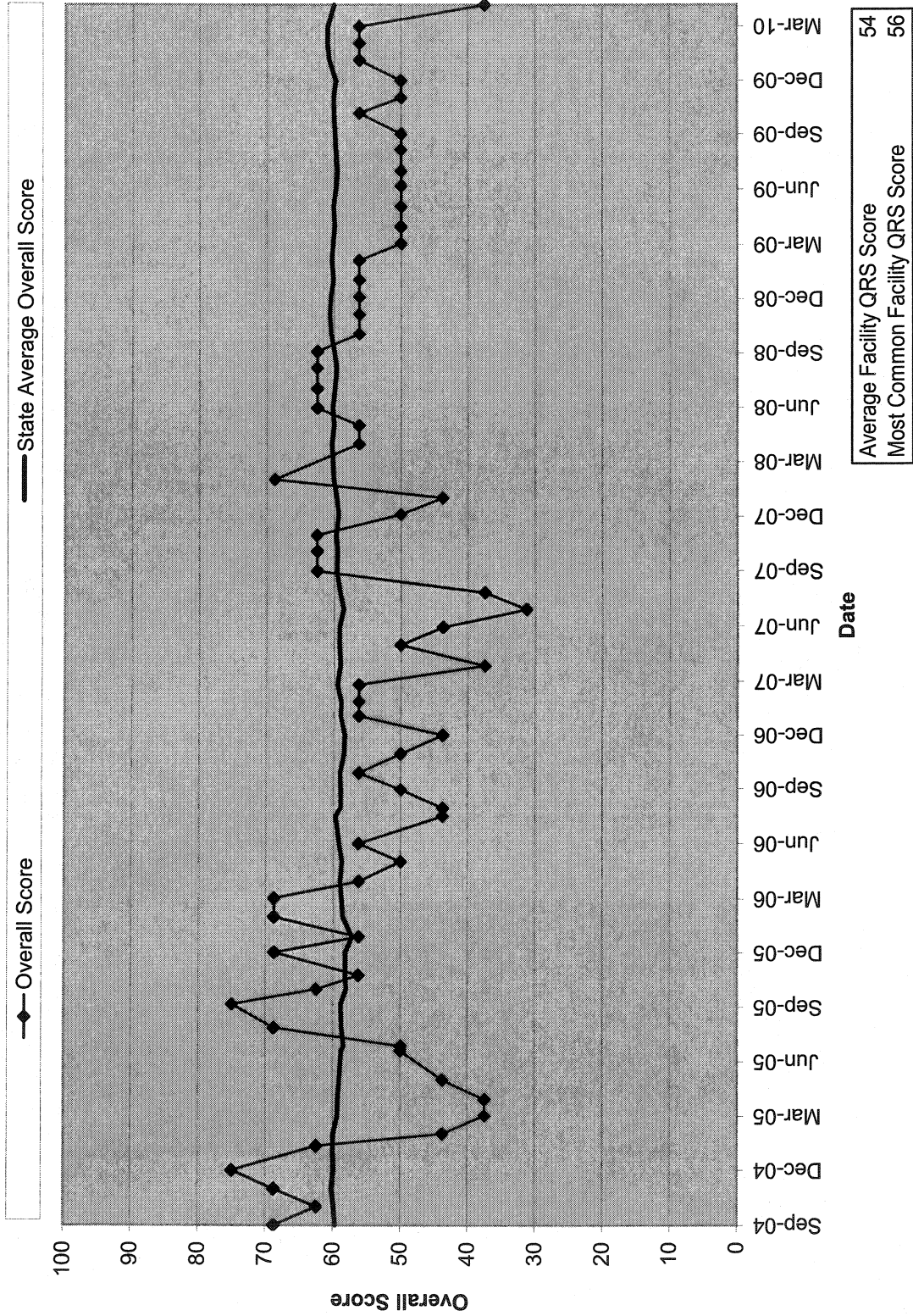
Average Facility QRS Score	73
Most Common Facility QRS Score	69

QRS_Overall_Score for FRANK M TEJEDA TEXAS STATE VETERAN'S HOME

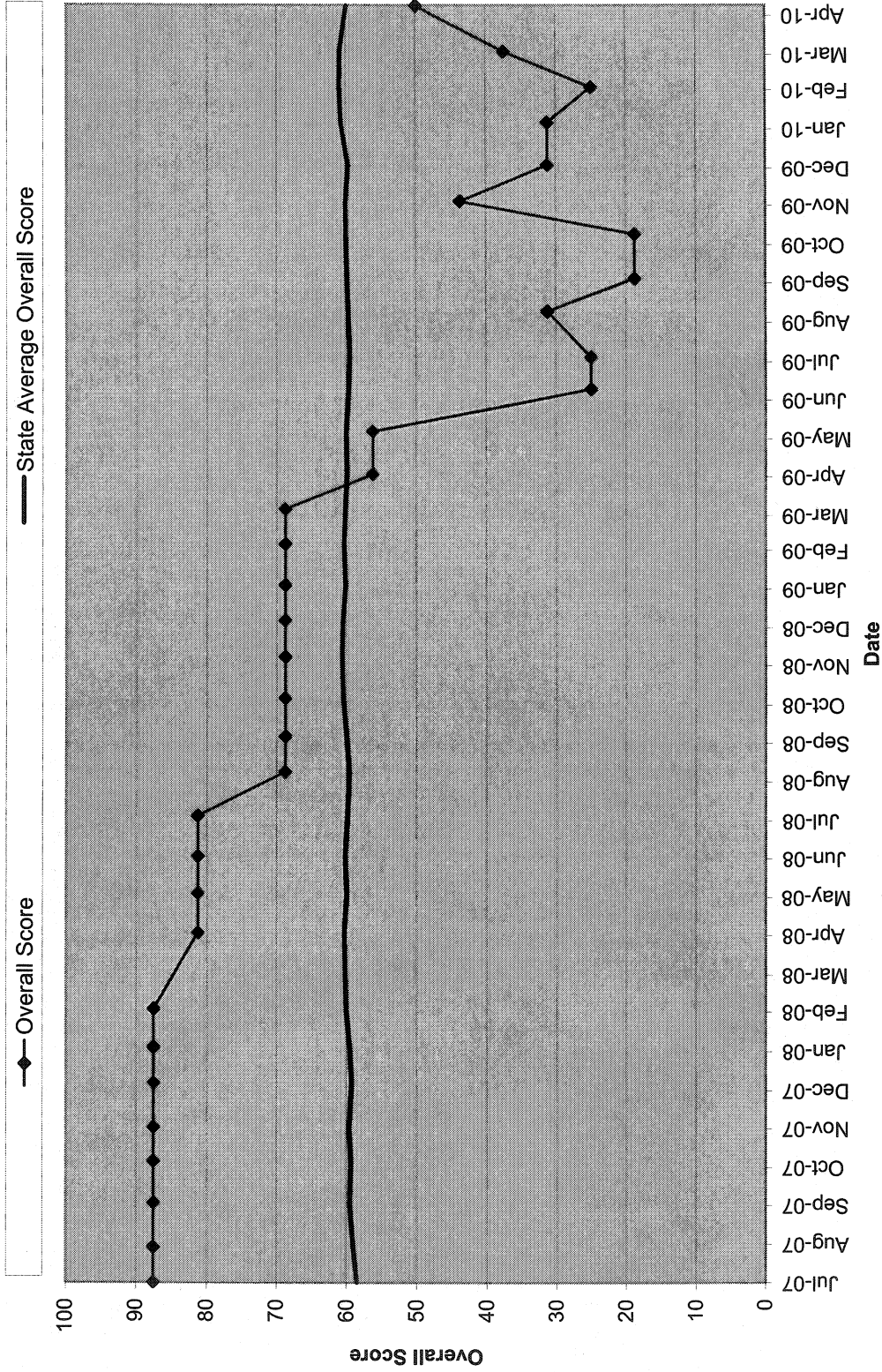


Average Facility QRS Score	57
Most Common Facility QRS Score	63

QRS_Overall_Score for LAMUN-LUSK-SANCHEZ TEXAS STATE VETERAN'S HOME

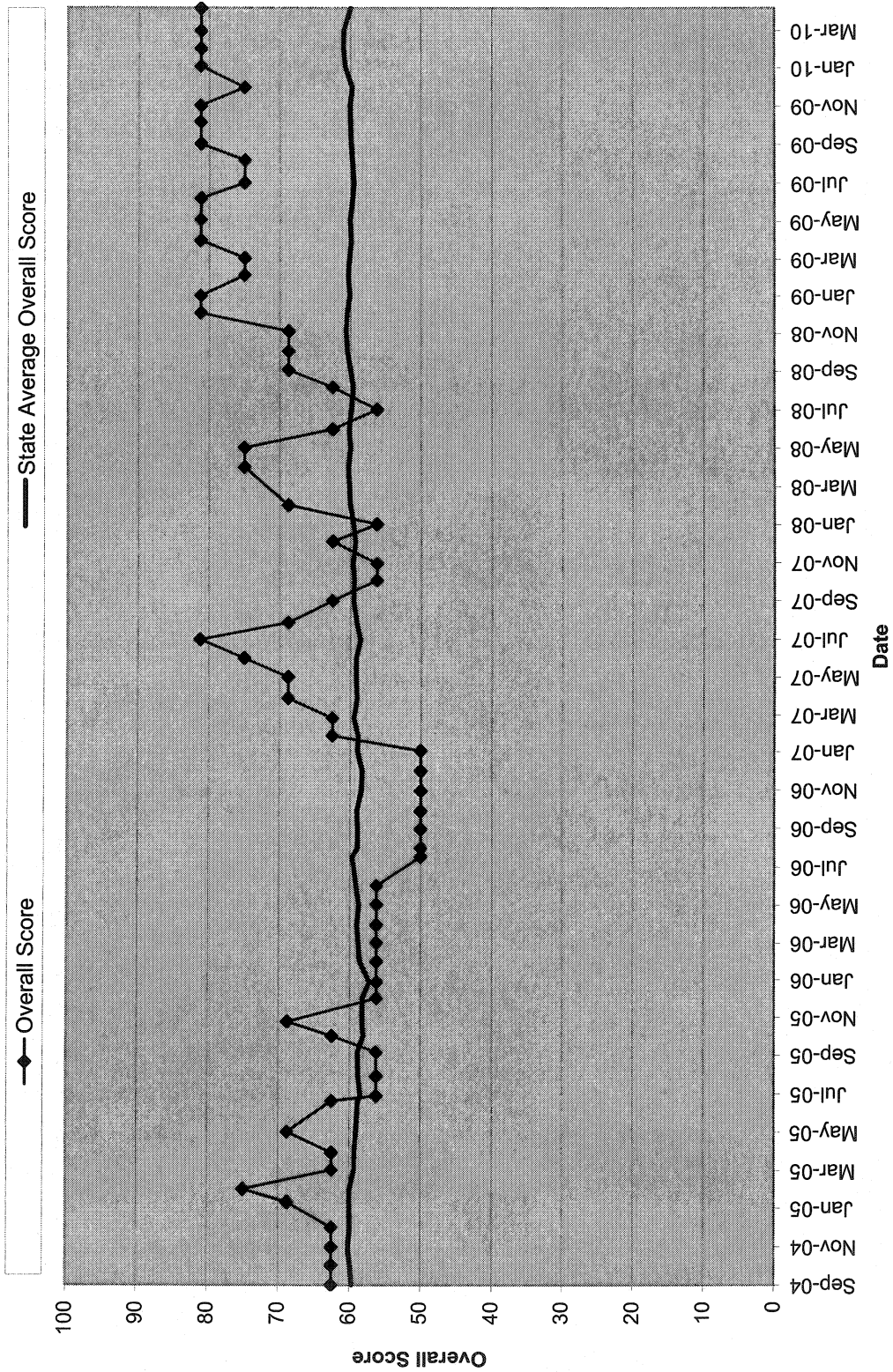


QRS_Overall_Score for USSERY ROAN TEXAS STATE VETERAN'S HOME



Average Facility QRS Score	61
Most Common Facility QRS Score	88

QRS_Overall_Score for WILLIAM R COURTNEY TEXAS STATE VETERAN'S HOME



Average Facility QRS Score	66
Most Common Facility QRS Score	63

EXHIBIT A

CMS 5 Star versus DADS QRS Comparison

The 5 Star program system uses a complex formula to derive the overall rating based on three primary data elements; Health Inspections, Staffing, and Quality Measures. While the overall rating is updated monthly it is affected most by their health inspection area, which covers a three-year period. This tends to adversely affect a facilities overall rating for up to three years from a single deficient survey visit.

An example of this adverse affect is in one of the homes, corrective action was needed to prevent the residents from spilling coffee while they were serving themselves. Even though corrective action was immediately implemented, the home's rating has been impacted for three years. It's important to keep in mind that a survey visit could include: annual surveys, complaint visits, and self reported incident investigations. Any adverse finding, even if it is corrected, or is later determined to be unfounded, can result in an adverse rating for three years from the date of the incident.

The Quality Reporting System (QRS) is updated once a month. The QRS score is based equally on four data categories; Annual Survey, last 6 months of investigations, facility advantages based on Quality Indicators, and facility disadvantages based on Quality Indicators. Each category represents approximately 25% of their overall score. This means a facility with a poor annual survey could still have an overall QRS score of 75 or higher. No survey finding will affect the QRS rating system more than one year.

EXHIBIT A

	CMS 5 Star	DADS QRS
Start	2008	1998
Data Sources	<p>Updated monthly.</p> <p>3 categories scored separately and combined to create overall Star rating:</p> <p>1) Health Inspections *</p> <p>2) Staffing report from survey.</p> <p>3) Quality Measures (<i>Quality Indicators</i>)</p> <p>* Inspection data displayed 1-2 months after posting on QRS.</p>	<p>Updated monthly.</p> <p>4 categories scored separately then added together to create overall score. Each worth 0-25 points. Two measure quality of care (QIs) and two measure compliance with state and federal regulation.</p> <p>1) Annual surveys*</p> <p>2) Investigations *</p> <p>3) Quality Indicator Advantages</p> <p>4) Quality Indicator Disadvantages</p> <p>*Data posting to QRS 6-8 weeks from exit of survey or investigation.</p> <p>Staffing is not a factor in the QRS.</p>
Health Inspections Duration on website	<p>Annual surveys – 3 years</p> <p>Investigations – 3 years</p>	<p>Annual surveys – 1 year</p> <p>Investigations - 6 months.</p> <p><i>Findings continue as, or revert to a score of "Total Compliance" if no investigations result in a deficiency citation 6 months from the last investigation.</i></p>
<p align="center">Inspections –scoring</p> <p>Scoring reflects the CMS developed scale for Scope and Severity of a deficiency based on the degree of harm from none to actual harm/immediate jeopardy. It includes a range for how many residents were effected from few, to a pattern, and widespread.</p>	<p>Annual Surveys</p> <p>Investigations 1-5 stars</p> <p>5 Stars – Total Compliance declining to 1 Star - SQC</p> <p>Total score assigns greater value to most recent survey and the least value to the oldest. Example: Survey</p>	<p>Annual surveys and Investigations (points) 25 points available for each.</p> <p>Annual Surveys and investigations are scored separately:</p> <p><u>Total Compliance</u> – No deficiencies cited (25)</p> <p><u>Substantial Compliance</u> – No cited deficiency had more than a potential for minimal harm. (18-19)</p> <p><u>Out of Compliance – No Harm-Cited deficiencies</u></p>

EXHIBIT A

	<p>2009 – 66% of score 2008 - 22% of score 2007 – 12% of score</p> <p>Based on this total score the Star number is assigned for each home in the <i>state</i> as follows:</p> <p><u>Top</u> 10% - 5 Stars <u>Bottom</u> 20% 1 Star <u>Middle</u> 70% 2, 3 or 4 Stars with an equal number of homes in each ranking based on score.</p> <p>21–43 = 2 Star 44- 67= 3 Star 67-90 = 4 Star</p> <p>Scores may improve/decline with each successive years survey.</p> <p>Example. Home had consecutive SQC surveys 2006 and 2007. 2008 Survey was an Out of Compliance outcome. Score 1 Star</p> <p>2009 Survey was Substantial Compliance. 2006 SQC survey is dropped from consideration. Score 3 Star</p>	<p>had a potential for more than minimal harm yet no actual harm occurred. (12)</p> <p><u>Not In Substantial Compliance</u> – A cited deficiency resulted in actual harm to a resident or immediate jeopardy to resident health and safety. (6-7)</p> <p><u>Substandard Quality of Care</u> (SQC) At least one cited deficiency from a standard governing Quality of Care, Quality of Life, or Resident Behavior and Facility Practices (Abuse and Neglect) with actual harm to a resident(s) or immediate jeopardy to resident health and safety. (0)</p> <p><u>Not Rated</u> – No rating available</p>
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EXHIBIT A

<p align="center">Staffing</p>	<p>Based on RN hours per resident day and total staffing hours as reported by the facility at the annual survey. <u>Score (Stars)</u> assigned based on where the Home ranks compared to: a) the adjusted staffing hours for all free-standing nursing homes (nationally) and, b) the optimal staffing levels identified in the 2001 CMS Staffing Study.</p>	<p>NO</p>
	<p align="center">CMS</p>	<p align="center">DADS</p>
<p align="center">Quality Measures Or Quality Indicators</p>	<p>Ratings are calculated using the three most recent quarters of MDS data submitted by a facility. 10 of 34 Quality Indicators, of which 7 are long stay QIs and 3 are short stay QIs.</p> <p><u>Declines</u> in Activities of Daily Living and Mobility are weighted more heavily than the remaining 8.</p> <p>1) A nursing home's performance in these two QI's are ranked against all others in the <i>state</i>.</p> <p>2) A nursing home's performance in the remaining 8 are ranked against all others in</p>	<p>QRS reports the quality of resident care using two ratings; these ratings serve as predictors of quality rather than as true measurements of quality. Both ratings are based on the Center for Health Systems Research and Analysis (CHSRA) ...<u>Quality Indicators</u>.</p> <p>Each resident is reassessed at least every 90 days. The quality indicator scores that QRS uses are based on assessments submitted during the first four months of the six month interval that precedes the date on which the QRS database is updated.</p> <p>The ratings are: Potential Advantages and Potential Disadvantages.</p> <p><u>Potential Advantages</u> (PAS)</p>

EXHIBIT A

	<p>the <i>nation</i>.</p> <p>3) Score thresholds for the two Decline QIs are adjusted monthly. The other 8 have 3 fixed thresholds. Points for each QI are added together for a total point score.</p> <p>4) Based on this total score the Star number is assigned for each home <i>nationwide</i> as follows:</p> <p><u>Top</u> 10% - 5 Stars <u>Bottom</u> 20% 1 Star <u>Middle</u> 70% 2, 3 or 4 Stars with an equal number of homes in each ranking based on scores.</p> <p>21-43 = 2 Star 44- 67= 3 Star 67-90 = 4 Star</p>	<p>Scoring reflects quality indicators for a home are less common for them than 90% of all other facilities. The highest score means that a facility has the most potential advantages. This facility is potentially capable of providing superior care. 0-25 points</p> <p><u>Potential Disadvantages</u> (PDS) Scoring reflects quality indicators for a home are more common for them than 90% of all other facilities. The highest score means that a facility has the fewest potential disadvantages. Low scoring facilities (more disadvantages) are likely to have potential performance problems. 0-25 points</p> <p><u>PAS</u> suggests potentially superior performance and is rated on a scale of: <u>Most</u> Advantages (highest score- 25 points) 5 or more positive QIs <u>More</u> – 3-4 positive QIs <u>Some</u> – 2 positive QIs <u>Fewer</u> - 1 positive QI <u>Fewest</u> Advantages (lowest score – 0 points <u>NR</u> – No rating available (lack of data submitted by facility)</p> <p><u>PDS</u> suggests potential performance problems and is rated on a scale of: <u>Fewest</u> Disadvantages – 1 or no potential performance problems. (25 points) <u>Few</u> – 2-3 QIs (18) <u>Some</u> – 4-5 QIs (12)</p>
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EXHIBIT A

		<p><u>More</u> – 6 or 7 QIs (6) <u>Most</u> – 8 or more QIs (0 points) <u>NR</u> – No Rating available (lack of data submitted by facility).</p> <p><u>Scoring</u> is reversed for these categories. The more Potential Advantages the higher the score. The more Potential Disadvantages the lower the score.</p>
<p>Scoring overall</p>	<p>5 Step System Ratings cannot go above 5 Stars or less than 1 Star. Start with Health Inspection Rating. <u>Add 1 Star</u> if the Staffing score is 4-5 Stars and greater than the Inspection rating. <u>Subtract 1 Star</u> if the Staffing rating is 1 Star. <u>Add 1 Star</u> if the Quality Measure (QM) score/rating is 5 Star. <u>Subtract 1 Star</u> if the QM rating is 1 Star.</p> <p><u>IF</u> the Health Inspection rating is 1 Star, the overall Quality Rating cannot be upgraded more than 1 Star based on QM and Staffing ratings.</p>	<p>The four areas are added together for a cumulative score. Ranges from 6 to a possible 100 points. Usual statewide average is 60.</p>

1. What are the criteria used in selecting the operators of the homes?

In choosing an operator, staff at the Texas Veterans Land Board (VLB) reviews all responses to the selection process to ensure that they are compliant with the VLB requirements. Potential operators must have a successful track record running a skilled nursing facility for more than five years. They must be in good standing with the Texas Department of Aging and Disability Services (DADS). And they must not have any facilities that have been placed under a trustee or a different management group or have had their license suspended.

If a potential operator passes this first step, staff at the VLB then examines the potential operator's competence in providing skilled nursing care. A potential operator must demonstrate they have experience and competence in managing the home and its finances as a business. As part of this review, staff also examines the potential operator's HUB plan.

Finally, top managers and key personnel must demonstrate their expertise in overseeing skilled nursing care and show a proposed startup plan for the home.

2. How are complaints monitored?

Each home has a complaint log in accordance with both state and federal nursing home regulations. Inspectors with both DADS as well and the Veterans U.S. Department of Veterans Affairs (VA) review these logs on their regular inspections. DADS also review these logs every time a surveyor visits a home to investigate complaints or reported incidents. The ombudsman for the VLB also reviews these logs on each of his quarterly visits to the home.

3. When an investigation is necessary, how do the entities work together (DADS, local law enforcement, VLB) to execute a successful investigation?

Both state and federal inspectors regulate Texas State Veterans Homes, which is twice the level of scrutiny that most nursing homes face. Once an allegation is made, the facility administrator, or designee, will notify appropriate agencies and persons and immediately conduct an internal

investigation into all allegations of abuse, neglect or mistreatment. When an allegation arises, following are notified:

- The local police department will be notified when and as required by DADS guidelines for incident reporting.
- The resident's primary physician.
- The resident's responsible party/primary family member.
- The home's medical director if he/she is the primary physician for the resident.
- The Texas Department of Aging and Disability Services within 24 hours of the incident.
- The VA Medical Center of Jurisdiction is notified if and as required by the State Veterans Homes Patient Safety Improvement Handbook.
- The On-Site Representative for the Texas State Veterans Homes (TSVH) Program is informed and in turn advises TSVH Program Austin professional staff.

In addition to the notifications, the operator conducts several processes:

1. Physical evidence available at the scene will be preserved for future reference.
2. If necessary, photographs of any possible evidence will be taken if consented to by the resident or assigned decision making family member or responsible party.
3. The administrator may direct the investigation or appoint a member of the management to investigate the alleged incident. This often involves several members of the interdisciplinary team.
4. Interview the person(s) reporting the incident.
5. Interview the witnesses to the incident.
6. Interview the resident if (as medically appropriate).
7. Interview the resident's attending physician to determine the resident's current mental status.
8. Interview staff members (on all shifts) who have had contact with the resident during the period of the alleged incident.
9. Interview the resident's roommate, family members, and visitors.
10. Interview other residents to whom the accused employee provides care or services.
11. Review all events leading up to the alleged incident

12. Upon receiving information concerning a report of abuse, the director of nurses will request that a representative of the social services department monitor the resident's emotions concerning the incident as well as the resident's reaction to his or her involvement in the investigation. A written report of his or her findings will be provided to the administrator or designee.
13. If the allegation is of abuse, the charge nurse will perform a physical assessment of the resident. This assessment will be documented in the resident's medical record and a copy provided to investigator.
14. While the investigation is being conducted, accused individuals who are not employed by the facility (visitors) will be denied unsupervised access to residents.
15. Employees of the facility who have been accused of resident abuse are suspended from duty until the investigation has been completed and reviewed by the administrator.
16. The individual conducting the investigation will consult with the administrator daily concerning the progress/findings of the investigation.
17. The administrator will keep the resident and responsible party informed of the progress of the investigation.
18. The results of the investigation will be recorded on the DADS Provider Investigation Report form 3613-A.
19. A copy of the completed DADS Provider Investigation Report form will be provided to the administrator within four working days of the reported incident and to DADS in 5 working days as required. .
20. The administrator will inform the resident and his representative the results of the investigation and corrective action taken within five working days of the reported incident.
21. Upon completion of the investigation, the administrator will report such findings to the local police department, the ombudsman, DADS, the Veterans Affairs Medical Center of Jurisdiction and the TSVH Program offices. .
22. All other incident investigations will be reported to DADS and the VA Medical Center of Jurisdiction within 5 working days of the results of the completed investigation.

The DADS investigator conducts an investigation separate, and independent of the operator, to determine if an event occurred and if the operator was responsible. DADS investigators inform local law enforcement and the district attorney of findings as required.

The VLB staff monitor reported incidents and investigations for accuracy and compliance with standards. Recommendations are made as necessary to the operator for changes or other actions.

4. For each veteran nursing home, what are the occupancy rate and quality indicators?

The average occupancy rate for each home is illustrated below. The two quality indicators are provided by DADS under the Quality Reporting System (QRS) and CMS under the 5 Star rating system.

Facility	CENSUS		QRS	5 Star
Amarillo	118	98%	50	1 Star
Big Spring	154	96%	38	2 Star
Bonham	158	99%	69	5 Star
El Paso	152	95%	69	3 Star
Floresville	155	97%	75	4 Star
McAllen	152	95%	69	4 Star
Temple	158	99%	81	3 Star

5. Please describe the complaint process that residents and relatives use in the homes.

Upon admission, residents are provided with written information on how to file a grievance or complaint. A copy of our grievance procedure is posted on the resident bulletin board.

Management and staff at the home make clear that any resident, or representative family member, or appointed advocate, may file a grievance concerning treatment, medical care, behavior of other residents, staff members, theft of property, etc., without fear of threat of reprisal in any form.

Grievances may be submitted orally or in writing. The resident or the person filing the grievance on behalf of the resident must sign a written complaint.

Upon receipt of a written grievance, the administrator will investigate the allegations and submit a written report of such findings within five working days of receiving the grievance. The home administrator will review the findings with the person investigating the complaint to determine what corrective actions, if any, need to be taken.

The resident or the person filing the complaint/grievance will be informed of the findings of the investigation and the actions that will be taken to correct any identified problems. The administrator will make such report orally, within five working days of the filing of the grievance with the facility. A written summary of the report will also be provided to the resident, and a copy will be filed in the business office.

Should the resident not be satisfied with the results of the investigation, or the recommended actions, he or she may file a written complaint to the home's ombudsman office or to DADS. The address and telephone number of these agencies are posted prominently on the residents' bulletin board.

5. Please explain more about the rating system DADS uses:

The two rating systems used to evaluate nursing homes in the state of Texas are the Quality Reporting System (QRS) and the 5 Star system. Please see the attached Exhibit A for a side-by-side comparison.

6. What actions or policies need to be in place to keep from happening again?

Abuse can best be prevented by constant vigilance. Since these allegations were made in 2007, the VLB staff has re-emphasized the importance that all operators' employees are consistently trained, watchful and compliant with reporting any allegation of harm to any resident.

The VLB provides continual evaluation of the level of care our home's operators provide. This continual evaluation is key to reducing the chances that future incidents will occur.

The VLB staff ensures operators routinely train their entire staff in their role when they see potential abuse occurring and the need to intercede immediately and who to report it to. The goal is to teach all employees to take full responsibility for the safety and well being our residents. These training sessions occur all the time in each home. Whenever there is an allegation, whether founded or not, we use that as a opportunity to once again remind our staff of their role in preventing and reporting abuse.

Operators routinely train their staff how to watch for signs that a member of the direct care staff is having a bad day and attempt to intercede. Our goal is to avoid the abusive situation before it happens by getting the "bad day" employee to take sometime off and come back to work refreshed and ready to care for others. Whenever there is an allegation, we use it as an opportunity to once again remind the staff of their role in preventing and reporting abuse.

The VLB staff routinely visits each of our homes and they are always asking members of the staff "what is abuse, how do you prevent it and how should you report it?" The VLB staff looks for signs of abuse or neglect during each of their visits.



El Paso, Texas
The International City

JOHN F. COOK
MAYOR

September 8, 2010

The Honorable Susan Combs
Texas Comptroller of Public Accounts
P.O. Box 13528
Capitol Station
Austin, TX 78711-3328

Via U.S. Postal Service and e-mail:
comptroller@cpa.state.tx.us

RE: Sales Tax Collected on Military Installations

Dear Comptroller Combs:

I am writing to seek your assistance with regard to a matter of some concern to the City of El Paso. As I am certain you are aware, El Paso is experiencing unprecedented growth as a result of the expansion of Ft. Bliss. While the challenges have been many in responding to the growth, we feel very fortunate to have been chosen as an expansion community. Our local citizenry takes great pride in being considered a "Military Town" and elected officials in our community enjoy a fabulous working relationship with the leadership at Ft. Bliss. The construction at Ft. Bliss has created numerous jobs and has helped us weather the tough economic times. Therefore, I have been reluctant to raise this issue but feel an obligation to do so. Prior to sending this letter, I have also broached the subject with local leaders at Ft. Bliss and I know they understand why I am seeking your assistance.

As a community we have welcomed all the innovative steps taken by the Department of the Army to address the needs of the military families being located into our community. One such innovation is the construction of a \$100 million dollar shopping center on Ft. Bliss. "Freedom Crossing at Fort Bliss" is the first opportunity for national, regional and local retailers to privately operate within a shopping center on a U.S. military installation. The shopping center will be anchored by the PX, Commissary and a 30,000 SF multi-screen, first-run movie theater. In addition, Freedom Crossing offers 455,875 SF of Gross Leasable Area and will feature premium-branded specialty retailers including apparel, gifts, services, jewelry, sporting goods, and a variety of restaurants. Annual sales are projected to exceed \$350 Million. I invite you to visit the website at freedomcrossing@ftbliss.com for more information on the project.

Honorable Susan Combs
September 8, 2010
Page 2

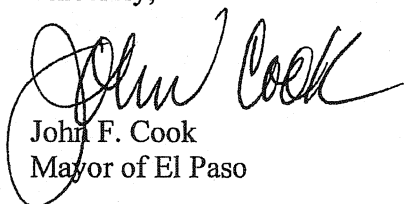
Here is the problem. When expressing concerns about unfair competition for local retailers and lost sales tax revenue from such an establishment within the installation, we have been repeatedly told that only the sales at the PX and the Commissary are tax free and the third party retailers will collect the standard 8.25% sales tax and tender it to the State of Texas. The presumption has been that Freedom Crossing will generate sales tax revenue for the City El Paso. Most people do not realize that Ft. Bliss is outside the limits of the City of El Paso and therefore not subject to municipal sales tax. A member of my staff has spoken to a member of yours in the Local Government Division and received confirmation that even if the retailers tender the full sales tax amount to the State of Texas there is no way for the City to receive its portion.

Our military partners have assured City officials that it has not been their intent to create an environment which creates an unfair competitive advantage for retailers inside the fence or even a partially sales tax free environment for the third party retailers.

In order to remedy the situation, it has been suggested to me that the City annex Ft. Bliss into the City limits. That solution raises a whole new set of problems but may be a possibility if you will confirm that there is no other solution. I am unaware of any other remedy and will welcome any suggestions you or your staff can recommend.

Freedom Crossing is scheduled to open this Fall and the loss of sales tax revenue to the City as shoppers elect to make their purchases on the installation may be substantial. I look forward to hearing from you soon.

Sincerely,



John F. Cook
Mayor of El Paso

cc: City of El Paso Council Members
City Manager
Senator Kay Bailey Hutchison
Senator John Cornyn
Congressman Silvestre Reyes
El Paso State Delegation
Major General H. Dana Pittard
Tom Thomas, CASA

MAKING PEACE

Lawmakers are looking for ways to resolve land-use conflicts between civilian communities and military bases.

BY MELISSA SAVAGE

The juniper and oak trees in central Texas have long been home to a little yellow bird known as the golden checked warbler. As residential development swept through central Texas, however, the birds had to move. Today, the golden-cheeked warbler is an endangered species and, with nowhere else to go, has moved onto Camp Bullis, a military installation just outside of San Antonio.

Home to about 130 military personnel, Camp Bullis sits on 12,000 acres and serves as a medical training facility for all military branches. The specialized training on the base has helped improve the survival rate for wounded soldiers. Today, 90 percent of those wounded in battle survive.

When the golden-cheeked warbler decided to take up residence on the base, the commanding officers had to adjust how they conducted their training exercises, since less land was available.

Over the years, military bases across the country have had to take on the unlikely role of environmental steward, maintaining habitats for endangered species, migrating birds and certain bugs. But environmental concerns are just part of the equation that pits the needs of the military against those of growing communities. And this new environmental job sometimes runs counter to the overall mission of each base: training soldiers for combat.

The problems faced at Camp Bullis are playing out at other military installations across the country. In some 20 states, legislators already have enacted laws to address the conflicts between military installations and encroaching civilian residential populations.

Senator Leticia Van de Putte, who represents the district that is home to Fort Sam Houston—another military base near San

"It's important that legislators and base commanders work together to put a framework in place that ensures the long-term success of the relationship so future base commanders and elected officials can hit the ground running."

KANSAS REPRESENTATIVE TOM SLOAN

Antonio—has seen the consequences of residential development near military bases. It's in her backyard. But she also knows the encroachment issue isn't confined to San Antonio. It's a problem for bases across the country, from the Marine's Camp Pendleton in southern California to the Army's Fort A.P. Hill in northern Virginia.

"For legislators with installations in their district, it's critical that they stay aware of what's happening on the bases, in the community and how state legislation can play a role in helping strike a balance between the community's needs and ensuring the military base can meet its mission," Van de Putte says. "The good news is that, while encroachment is pretty common, states, military bases and local communities are working together.

Partnerships among states, cities and military bases are becoming the premier strategy to accomplish common goals."

ROLE OF MILITARY BASES

During the last several years of base closures, communities have fought to keep their bases open for many reasons, but mostly because of the huge economic benefits military bases can bring to local communities and states. They generate civilian jobs and pour millions of dollars each year into the local economy. The loss of a base can be devastating to a community.

In San Antonio, the U.S. Department of Defense is one of the largest employers, providing jobs to more than 68,000 people, a third of them civilians. According to the Department of Defense, the direct and indirect economic effect of the military in San Antonio was more than \$13.3 billion in 2006.

As development inches closer to installations, limiting the ability to conduct effective military training, the Department of Defense might be left with no other choice than to close bases.

Maryland Delegate Sally Jameson knows just what military bases can mean to a community.

"For those of us with bases in our districts, we relish the jobs and dollars that spin into our local economies," she says. "In some areas, the loss of a base could mean the destruction of the local community.

"The next step is to realize the significant problems bases can face when dealing with encroachment. It can stand in the way of our



SENATOR
LETICIA VAN DE PUTTE
TEXAS



DELEGATE
SALLY JAMESON
MARYLAND

Author credit: Melissa Savage tracks military base issues for NCSL.

bases meeting their No. 1 priority—troop readiness. Staying focused on land issues and keeping the lines of communication open with base leadership is so important.”

Years ago, when the Department of Defense located many of its current military installations, it looked for land in the middle of nowhere. Having space to train away from cities limits the impact of light pollution on flight paths and keeps citizens on the other side of the fence safe during live fire training exercises. Over the last few decades, as cities have grown closer to the installations, the impact on the military sometimes has been severe.

While base commanding officers will tell you they want to be good neighbors, their primary mission is to train soldiers to fight.

WORKING TOGETHER

Keeping information flowing to the community regarding training and missions can help build and strengthen the relationships between local residents and the military, says John Conger, deputy undersecretary for Installations and the Environment with the Department of Defense.

“It’s important to raise awareness that what’s happening in the community can affect what happens on the base and what’s happening on the base can affect the community. Working together in partnership is a win-win.”

Establishing a solid foundation for a successful long-term relationship between the military installation and the community is paramount, given the short-term nature of military post appointments and the election cycle facing many government officials.

“Base commanders and elected officials tend to have short-term perspectives given the very nature of their positions,” says Kansas Representative Tom Sloan. “Commanders generally are stationed at the base for a relatively short period of time—usually no longer than two to three years. And elected officials are subject to term limits in some

“The good news is that, while encroachment is pretty common, states, military bases and local communities are working together.”

SENATOR LETICIA VAN DE PUTTE



states, and at the very least, elections every few years.

“Because of this tendency to focus on the short term, it’s important that legislators and base commanders work together to put a framework in place that ensures the long-term success of the relationship so future base commanders and elected officials can hit the ground running.”

Sloan also points out that military bases with strong community partnerships and a plan to minimize civilian impact on training are less likely to be closed.

To help foster these relationships, the Department of Defense has a program known as the Readiness and Environmental Protection Initiative. This initiative leverages federal money with local community funding to acquire land that will serve as a buffer between the installation—and its training missions—and the homes, businesses, schools and other community areas surrounding the base. The added benefit is that, in many cases, the community ends up with a significant portion of land that will remain undeveloped forever. This protected land also provides a home for wildlife, and maybe even endangered species like the golden-cheeked warbler.

LEGISLATIVE ROLE

Even though military installations are federally owned and operated, state legislatures can minimize conflict between bases and communities. Several states have passed legislation to establish military and community partnerships and limit encroachment on the installations as much as possible.


Twenty states have enacted land use-related

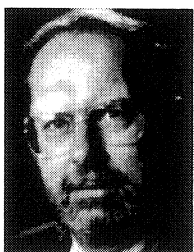
laws that either require local governments to ensure compatible development with land adjacent to military bases; formalize notification of local zoning changes to the military; and use state resources to purchase development rights, conservation easements or transfer rights to restore and preserve open space.

Last year, state legislators debated around 40 bills dealing with these issues. The Texas Legislature passed a bill allowing counties to regulate outdoor lighting within five miles of an installation, base or camp that will allow military pilots to train in conditions that mimic what they will face in combat. Texas also passed legislation moving the Texas Military Preparedness Commission into the governor’s office and removed the commission’s sunset date. The commission works directly with military installations to expand existing missions and other defense communities affected by base closings.

Kansas’ Sloan has teed up some legislation for the 2010 session that will require military commanders and local government officials to consult on any development that affects the other.

“The goal here is to include the other side early in the conversation so there will be fewer surprises and less antagonism,” Sloan says. “This will ultimately lead to stronger partnerships between the military and the community, ensure successful military training exercises, and help the community meet the off-base needs of their military neighbors.”

 **CHECK OUT** a Q and A with a Department of Defense official on success stories in civilian-military land-use issues at www.ncsl.org/magazine.



REPRESENTATIVE

TOM SLOAN

KANSAS

August 24, 2010, Statement by Mr James (Jim) Cannizzo, Attorney Advisor,

Camp Stanley, Camp Bullis and Fort Sam Houston

for the Hearing by the Senate Veterans Affairs and Military Installations (VAMI)

Committee

I am the environmental attorney advisor for Fort Sam Houston and Camp Bullis in the San Antonio area. I am here to testify on BRAC at Fort Sam Houston and encroachment at Camp Bullis.

BRAC 2005 became law on 9 November 2005. The law requires that BRAC actions be complete not later than 15 September 2011.

BRAC is part of a larger military construction program in San Antonio that will account for more than 10 million square feet of space and more than \$3.38 billion in contracts awarded between 2006 & 2013,

The majority of work is taking place at Fort Sam Houston. About 2,000 acres, more than half the post, are behind construction fences. We have reached the turn over and occupancy phase, in which major facilities are beginning to be utilized. This is the year in which we will see large numbers of personnel move into recently completed structures. By the end of the current fiscal year in September, we anticipate that as many as 20 facilities will be finished and will have begun being utilized by their respective tenants.

On Fort Sam Houston, the most significant facilities are components of the Medical Education and Training Campus (METC). METC will consolidate the enlisted medical training programs of all branches of the military. Several types of specialists will be trained there, including combat medics, Navy corpsmen, radiology technicians, nuclear medicine technologists, and biomedical equipment technicians. The METC Headquarters-Administration building and the METC dining facility, which is one of the largest in the DoD, are both finished. METC Dorm 1 and METC Medical Instructional Facilities 1 and 2 are also complete. All of these facilities were ready to go when the first classes at METC began in June 2010. In addition to these METC facilities, other projects on Fort Sam are nearing completion. The Battlefield Health and Trauma Research Lab opened in July. Also, renovations have been completed to several historic structures that will house elements of the Army's Installation Management Command (IMCOM) and IMCOM-West. A primary health clinic that will provide outpatient services currently available at Brooke Army Medical Center also opened this summer.

The other significant area of construction is the expansion of the Brooke Army Medical Center (BAMC). A 5,000 car parking garage and emergency room tower and other upgrades to BAMC are ongoing and will be completed next year.

The Military Transformation Task Force, which was created by the city, county and Greater San Antonio Chamber of Commerce to work with the military on BRAC and related construction, estimates that by the time construction ends, projects at Fort Sam alone will have accounted for \$6.7 billion in economic impact on the San Antonio area and more than \$10 million in sales tax revenues.

The Military Transformation Task Force estimates San Antonio bases will end up with a net gain of about 8,500 personnel. They'll bring thousands of family members with them and generate support jobs and household spending.

Switching to encroachment issues at Camp Bullis, retaining Camp Bullis as a viable 28,000 acre training area is essential to accomplishing the current and expanding missions of Fort Sam Houston for all our military Services.

Camp Bullis is our only field training site and is vital in preparing our Officers, Noncommissioned Officers, and Soldiers, to save lives on the battlefield.

Fort Sam Houston is the home of Army medicine and is the lynchpin for enlisted medic and officer training for the entire Army. Fort Sam Houston is a 3,000 acre urban installation near downtown San Antonio. It relies on Camp Bullis for this field training capability.

Camp Bullis is our 28,000 acre training area, 21 miles north of the installation that provides an ideal location for field training. Established more than one hundred years ago, there was no development around it. Times have of course changed and it is now rapidly being surrounded by intense development. See attached map showing the 65+ developments we have commented on the past two years as part of a comment system the City of San Antonio developed in July 2008.

As a result of the 2005 BRAC decision, Fort Sam Houston will become the home of all Defense Department enlisted medical training in the near future. Our average student population will grow from a current daily population of approximately 4,500 students to over 9,000 Army, Navy, and Air Force students attending medical specialty courses and advanced technical training courses. In total, Fort Sam Houston will receive an additional 12,000 personnel per BRAC 2005.

Retaining Camp Bullis as a 28,000 acre maneuver training area is essential to accomplishing the current and expanding missions of Fort Sam Houston. The consolidation of Defense Department enlisted medical training is a result of the significant field training capability available only at Camp Bullis. The training that occurs in the classroom setting at Fort Sam Houston, coupled with the realistic field training that occurs under conditions similar to today's battlefield, are essential in our efforts to save lives in war. These efforts are contributing to the greater than 90 percent survivability rates we are seeing from injuries in Iraq and Afghanistan.

Virtually all medical courses include a field training component as part of the curriculum. Camp Bullis is about more than medical training -- which is a key component to the BRAC mission expansion at Fort Sam Houston. We also support training by Marine, Air Force, and Navy units, both active and Reserve Components. Camp Bullis is also home to the Air Force Airbase Ground Defense School, Common Battlefield Airman Training, and the Combat Convoy Training Course. A new \$40M consolidated training center was constructed at Camp Bullis that will support regional Army Reserve Component training. This past year Camp Bullis training facilities and maneuver areas supported the training of more than 160,000 personnel.

The new authority that the Texas legislature passed in 2007 regarding night lighting at military installations like Camp Bullis is a good example of a success story in dealing with compatibility issues around military installations.

There is a need for similar legislation in two narrow subject areas. First, allowing cities to have

limited zoning authority to regulate sound attenuation construction standards would be very useful to help protect Camp Bullis and other military installations in Texas. The City of San Antonio passed a sound attenuation ordinance around Camp Bullis on 24 June 2010. This ordinance covers a relatively small area, delineated in our June 2009 Joint Land Use Study (JLUS) noise profiles, only applies to new construction, and only applies to noise sensitive uses (like housing, apartments, hospitals, nursing homes and schools). It does not prohibit uses, it merely requires noise sensitive uses to incorporate sound attenuation in building construction.

This works much in the same way that the light orders the counties have passed work – they do not prohibit land uses, instead they merely require certain technology be used. However, the City of San Antonio sound attenuation ordinance only covers the city limits. And Bexar and Comal Counties do not have authority to pass a county order on this subject. Both counties passed light orders to protect Camp Bullis once they were granted authority by the legislature. See attached City of San Antonio proposed sound attenuation zoning overlay map showing Camp Bullis' noise contours. You will see that there are some contours outside the city limits that are related to helicopter aviation. Our combat assault landing strip on the northeast side of Camp Bullis is far out of the city limits and not on this map. However, it is in the city's extraterritorial jurisdiction. It would be a better fit to extend limited zoning authority to cities because they are used to wielding such authority and because they have staff to implement this.

A second issue would be to make real estate disclosure mandatory within areas identified in a joint land use study or equivalent military noise study. Noise is the main issue, thus JLUS identified noise contours would be a likely area where real estate disclosure would apply. The advantage of a mandatory system is that there is no doubt residents who bought property next to a military installation after the date of the notice received the disclosure. So, when they call to complain about noise, the response will be that they are experiencing exactly what was disclosed to them. Moreover, potential buyers need the information. An informed buyer is much better than one who is left in the dark.

The last item I wanted to cover briefly is HB 2919 "Regional Military Sustainability Commission" from the 2009 legislative session. This legislation is not useable in its current form. Virtually all of the properties in Bexar County are exempted because of the broader than normal grandfathering language that was inserted into this bill, see attached map I am providing that the City of San Antonio created in July 2009. From a military perspective, HB 2919's biggest shortcoming is that it does not extend far enough. It only allows regulation out to two miles, three if there is an airfield associated with the military installation. Many of our compatibility issues go out 5 miles.

Thank you for allowing me to testify and for your consideration and continued support of the expanding role of Fort Sam Houston and Camp Bullis as an increasingly important center for significant and vital national defense missions.

Attachments:

1. Development Comment Map
2. Sound Attenuation Proposed Zoning Overlay Map
3. Developed Land Around Camp Bullis Map ref Grandfathering and HB 2919

Texas Senate Defense Committee Testimony

18 AUG 2010
Navy Region Southeast N38
Dave Dahl

Subject: Potential Energy Infrastructure Impacts on Aviation Readiness

1. Executive Issues:

- Wind energy projects have the potential to adversely impact aviation readiness.
- Electromagnetic Interference (EMI) from industrial scale wind turbines (WT) can adversely impact Navy mission to deliver effective and efficient readiness from shore.
 - OPNAV N885 Mission Impact Statement - WT can negatively impact ATC radars.
 - CNRSE position – Early notice and compatible siting coordination avoid impacts.
 - Stakeholders include the public, WT industry, NOAA, FAA and DoD radar operators.
 - Provided in response to request for Texas Senate Defense Committee Testimony.

2. Background:

Numerous recognized domestic and international studies detail the negative impacts to aviation and weather radars from incompatibly sited WT. FAA Acting Manager for Air Traffic and System Operations, Sheri Edgett-Baron, recommends WT developers file early notice (8-12 months prior), so the FAA can analyze impacts. “This will give us time to negotiate changes, if necessary. Impacts and proximity to radars is a huge issue.”

3. Discussion:

- Goal is industry and agency coordination on early notice and compatible WT siting.
- Substantial ARRA grant funds (<http://www.ustreas.gov/recovery/1603.shtml>).
- Site specific software analysis at NASK shows high potential for ATC interference.
- Analysis - 24% of NASK instrument training at risk from nearest 75 WT project.
- NASK and City of Kingsville estimate additional 700-900 turbines in planning stages.
- Similar impacts assumed from future development – risk is loss of training readiness.
- MIT/Raytheon studies predict future technical mitigations.
- DoE NASK study near completion – anticipate finding of similar technical solutions.
- DoD Energy Clearing House (CH) may be functional as early as Oct 2010.
- DoD CH will serve as a rapid, single-point clearing house for industry proponents.

4. Recommendation: For information only.

Review potential mechanisms to ensure notice, participation and compatible siting.

Value of Military/Defense presence to Texas

A driving force in Texas' diverse economy, Department of Defense (DoD) military expenditures, including military and DoD civilian payroll, totaled more than \$65.4 billion in 2008, making Texas the number one recipient of DoD expenditures. With historic active installations like Fort Sam Houston, Fort Bliss, Fort Hood, Randolph Air Force Base and Naval Air Station Corpus Christi, Texas is host to the most active duty military personnel in the country and Texas ranks second in DoD civilian workforce.

Texas' Value to National Security

With decades of critical, robust, and illustrious defense history, Texas today is arguably unmatched in true value to our Nation's security. With over 233,593 total DoD employees, Texas expects to see a gain of approximately 8,155 military personnel by 2011 due to BRAC 2005. Most importantly, as a state, Texas continues to lead from the front by fostering a military presence to strategically support national defense enabling national security.

Through organizations such as the Texas Legislature, the Governor's Office, and the Texas Military Preparedness Commission the State has demonstrated strong commitment to America's national security objectives. Specifically, the TMPC champions and continues to support a large and increasing military presence in Texas, promotes Texas' reputation as the most military friendly state in the nation, tirelessly works to preserve test, training and staging areas, focuses on the expansion of defense industries, and provides unmatched quality of life assurances to both active duty and retirees. As a result, the value of Texas to America's national security may not be questioned. Today we see Texas with a superb opportunity to craft proactive, deliberate, and forward looking military compatibility legislation that secures its preeminent role in national security.

Issues of Concern

- 1. Military Compatibility Legislation** - Zoning for unincorporated areas near installations.
- 2. Notification** - Notice re major development or land-use regulations near the installation.
- 3. Participation** - Participation as ex-officio member of local planning entities.
- 4. Real Estate Disclosures** - Notice to purchasers located near a military installation.
- 5. Enforcement** - Compatibility measures require enforcement.



DEPARTMENT OF THE NAVY

COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

11000
Ser N322/ 127
FEB 24 2010

The Honorable Susan Combs
Texas Comptroller of Public Funds
P. O. BOX 13528, Capitol Station
Austin, TX 78711-3528

Dear Ms. Combs:

I am writing you to address an issue that is of immediate concern to the operational effectiveness and flight safety of our Naval Aviators and Naval Air Stations in the South Texas Region.

Multiple United States Federal Agency reports, international studies, and United States Navy (USN) site experience demonstrate that wind turbines erected inside of 30 miles from airport surveillance radar (ASR) systems and electronic aids to navigation (NAVAIDS) have a variety of deleterious effects on the air traffic control (ATC) mission and flight safety. Air traffic control radar degradations include false weather depiction, actual weather masking, target masking, false target generation, scintillation, and the spontaneous appearance (or disappearance) of aircraft targets. Severity of these flight safety effects vary, depending upon proximity, range, turbine composition, turn rate, direction, blade harmonics, environmental, topography, development density, antenna location, receiver sensitivity, software, air traffic type and density, and operator level of expertise.

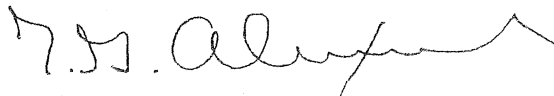
There is no effective federal, state or local regulation to prevent the safety of flight and negative effects presented by wind turbine "farm" location and construction. There are now only two types of mitigation, siting and technical. Siting mitigation is always superior to technical mitigation, as it avoids the interference problem altogether. Navy experts find negative effects range from virtual obscuration at 8 miles, to potential masking at 30 miles. Studies also site 12 potential technical mitigations, including software mods and gap-fill radars.

NAS Kingsville and NAS Corpus Christi train nearly half of all Naval Aviators in the Fleet. These student pilots conduct over 500,000 annual flight operations in 36,000 sq miles of South Texas airspace. Many training flights take place in low visibility conditions where solo students navigate by instrument under the direction of air traffic controllers. Radar degradation by wind farms poses serious flight risks for these fledgling aviators. Currently there are over 200 operating

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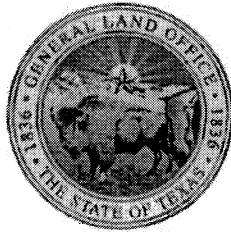
turbines in the Kingsville area, with another 700-900 in the planning and pre-construction phases. I urgently request your assistance in ensuring compatible siting of wind turbine farm developments to protect Naval Aviation's long tradition of economic contribution to the Texas economy, and safeguard the critical stream of highly trained Naval Aviators who support our national defense.

Sincerely,



T. G. ALEXANDER
Rear Admiral, U.S. Navy
Commander

THANKS FOR YOUR SUPPORT!



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TEXAS GENERAL LAND OFFICE
AND VETERANS LAND BOARD
AND THE
TEXAS VETERANS COMMISSION
GLO CONTRACT NO. 10-067-000-3807**

WHEREAS, pursuant to Senate Bill 1, Article VI, Rider 21, Page VI-29, 81st Legislature, Regular Session, the **TEXAS GENERAL LAND OFFICE AND VETERANS LAND BOARD (GLO/VLB)** and the **TEXAS VETERANS COMMISSION (TVC)** shall cooperate in the funding and operation of a Veterans call center; and

WHEREAS, this Memorandum of Understanding (MOU) is intended to document the agreement between the TVC and the GLO/VLB for the transfer of funds for the call center for Fiscal Years 2010 and 2011; and

WHEREAS, the funds transferred are to be used by the GLO/VLB for the operation of the TVC's existing call center during the 2010-2011 biennium, as provided under Senate Bill 1;

NOW THEREFORE, in consideration of the benefits to the State of Texas, the parties hereby agree as follows:


1. The TVC will transfer to the GLO/VLB **SIXTY-EIGHT THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$68,626.00)** on September 1, 2009.
2. The TVC will transfer to the GLO/VLB **SIXTY-EIGHT THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$68,626.00)** on September 1, 2010.
3. This Memorandum of Understanding shall be effective on September 1, 2009, and shall terminate on August 31, 2011.

SIGNATURE PAGE FOLLOWS

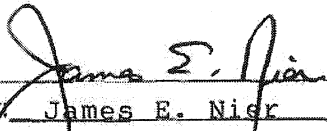
SIGNATURE PAGE FOR GLO CONTRACT NO. 10-066-000-3807

GENERAL LAND OFFICE

TEXAS VETERANS COMMISSION







Larry L. Laine, Chief Clerk/
Deputy Land Commissioner



By James E. Nier
Title: Executive Director

Date of execution: 7/17/09

Date of execution: 7/15/09

S.A. 
Div. 
AGC 
G.C. 

COMMUNICATION CENTER TVC DATA

January 2008-Present

	Calls Offered		Education		Employment		Claims, Representation, Counseling			Referred To		
	Total Calls Offered All Categories	Total TVC Calls Offered 10 Categories	VA Education	Hazlewood	Veteran Job Seekers	Employers	Claims	Medical	Emergency Funds	Claims Counselor	VA/Other	VSO
Jan-08	5,867											
Feb-08	5,716											
Mar-08	6,235											
Apr-08	8,163											
May-08	7,540											
Jun-08	7,354											
Jul-08	6,960											
Aug-08	6,423											
Sep-08	8,156											
Oct-08	6,649											
Nov-08	4,566											
Dec-08	4,231											
Jan-09	5,527											
Feb-09	4,846											
Mar-09	5,355											
Apr-09	7,070											
May-09	4,909											
Jun-09	5,768											
Jul-09	5,293											
Aug-09	5,574											
Sep-09	6,472											
Oct-09	5,205											
Nov-09	4,013											
Dec-09	3,645											
Jan-10	4,198											
Feb-10	4,025											
* Mar-10	5,578	427	101	13	23	0	108	11	5	78	64	24

*Inception of reporting by TVC Category.



John Keel, CPA
State Auditor

An Audit Report on

**Veterans' Services at Selected
Institutions of Higher Education
and Survey Results Related to
Veterans' Services at All Texas
Public Higher Education
Institutions**

September 2010
Report No. 11-004



An Audit Report on

Veterans' Services at Selected Institutions of Higher Education and Survey Results Related to Veterans' Services at All Texas Public Higher Education Institutions

SAO Report No. 11-004
September 2010

Overall Conclusion

The seven institutions of higher education (institutions) that auditors visited either fully or partially complied with statutory requirements related to students who are veterans or current military service members and their dependents (student veterans). Each also had in place several nationally recognized best practices to help make the institutions "veteran friendly."

However, auditors identified several areas in which the institutions should consider providing additional services and support to help student veterans maximize available state and federal educational benefits. These include:

- Sending targeted communications about financial assistance and resources available to student veterans prior to their arrival on campus.
- Enhancing their Web sites to ensure that they provide easily located and comprehensive information about the educational benefits available to student veterans, including a link to those resources on the Web site's home page.
- Offering student veterans one central location on campus where they can obtain information about both the federal and state education-related financial assistance available to student veterans.
- Establishing a veterans advisory committee that includes representation from all stakeholders.
- Offering early class registration to student veterans.

Additionally, auditors reviewed the Web sites of 20 Texas public institutions. While most of the Web sites contained information about the benefits and services available to student veterans, that information was not always comprehensive or easily located. For example, 11 of the 20 Web sites did not have a link to veteran-related information on their home pages, and many of the Web sites presented information about federal and state financial assistance in separate locations that were often difficult to locate and/or did not clearly identify the financial assistance offered by the State's Hazlewood Act.

Background Information

Texas has the second largest population of military service members and veterans in the nation and is projected to have 90,954 people transition out of military service through federal fiscal year 2015, according to the National Center for Veteran Analysis and Statistics.

Based on the results of a survey that auditors conducted, most higher education institutions expect the population of student veterans to grow. The 101 Texas public higher education institutions that responded to the survey auditors conducted reported that 42,312 veterans, current military service members, and their dependents were enrolled as students in the Fall 2009 semester. This is a 31 percent increase from the reported enrollment in Fall 2008.

An institution's Web site is typically the first resource used by current or prospective student veterans to access information on available benefits and resources. If these Web sites do not provide clear, direct access to information about all the benefits available to student veterans, eligible students may be unaware of the benefits and may not take advantage of the financial assistance available to them.

Auditors also conducted a survey of all 111 public two-year, four-year, and health-related institutions in Texas that were approved providers of veteran education programs by the Texas Veterans Commission. All four-year and health-related institutions and 85 percent of two-year institutions responded to the survey.

The 101 responding institutions reported an increase in the number of student veterans using federal and state benefits during the Fall 2009 semester, after the expansion of federal and state benefits became effective (see text box). The institutions also anticipated an increase in the number of military dependents receiving financial assistance through the State's Hazlewood Act, which exempts eligible recipients from tuition, dues, and selected fees.

Overall, the majority of responding institutions stated that they provide programs and services specifically designed for student veterans, offer some form of counseling services for student veterans, and are considering implementing "veteran-friendly" changes in the next five years.

Expansion of Federal and State Benefits

Expanded federal and state benefits became available to veterans, military service members, and their dependents in 2009. These include:

- The federal Post-9/11 GI Bill, which became effective August 1, 2009. New education benefits include:
 - ♦ Up to 100 percent tuition and fee coverage.
 - ♦ A monthly living (housing) stipend.
 - ♦ Up to \$1,000 a year for books and supplies.
 - ♦ A one-time relocation allowance.
 - ♦ The option to transfer benefits to family members.

The State's Hazlewood Act exemption provides education benefits to honorably discharged or separated Texas veterans. Eligible veterans who declare Texas as their home of record are exempt from the payment of all tuition, dues, and selected fees for up to 150 semester credit hours at Texas public higher education institutions. Senate Bill 93 (81st Legislature) expanded Hazlewood Act exemption benefits to include:

- Removal of certain residency restrictions.
- Extension of eligibility to spouses.
- The option for eligible veterans to assign their unused hours to their children.
- Allowing the use of state financial aid to pay tuition that is not covered by federal financial assistance for veterans.

Summary of Management's Response

The higher education institutions responding to the audit report agreed with the findings and recommendations in this report. The higher education institutions' management responses are presented immediately following each set of recommendations in the Detailed Results section of this report.

Summary of Objectives, Scope, and Methodology

The objectives of this audit were to determine whether selected institutions:

- Inform service members and veterans about education opportunities.
- Provide support while these individuals attend the institution.
- Have implemented other practices to assist these individuals.

The scope of this audit covered all functions related to student veterans who were enrolled in a Texas institution between September 1, 2007, and December 31, 2009. Auditors also reviewed the services that the institutions offered student veterans after December 31, 2009, to determine compliance with applicable state laws and rules.

The audit methodology included gaining an understanding of processes and controls related to the services offered to student veterans. This included collecting information and documentation, performing selected tests of credit awarded, analyzing the results of tests, and conducting interviews with staff at seven institutions that auditors visited. Those institutions were:

- Texas A&M University.
- Texas State University - San Marcos.
- Texas Tech University.
- University of Houston.
- University of North Texas.
- The University of Texas at El Paso.
- The University of Texas at San Antonio.

Auditors also surveyed all Texas public higher education institutions that were approved providers of veteran education programs by the Texas Veterans Commission about the services they offer student veterans, analyzed selected institutions' Web sites for student veteran-related information, and conducted focus groups with student veterans at the seven institutions visited.