

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

**Report and Recommendations  
to the  
80th Texas Legislature**

**December, 2006**



December 1, 2006

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

Dear Governor Dewhurst,

The Texas Senate Committee on Veteran Affairs and Military Installations respectfully submits this interim report on charges and findings relating to:

- issues and problems with overseas military voting and the possibility of establishing a single point of contact for Texas military voters, considering requirements of the federal Uniformed and Overseas Citizen Absentee Voting Act and reviewing systems established in other states;
- an inventory of state veterans' benefits, including health care facilities and nursing homes across the state, the state veteran cemetery system, job training programs, educational benefits, and re-employment rights issues, and the Texas Veterans Land Board Loan Programs, and making recommendations for improving efficiency and effectiveness;
- the implementation of legislation transferring the veteran employment programs under the Texas Workforce Commission to the Texas Veterans Commission and the implementation of legislation establishing a database in the Texas Higher Education Coordinating Board that tracks veterans' usage of the Hazlewood higher education tuition exemption; and
- other issues facing the 80th Legislature, such as oral health of guardsmen and reservists, Ellington Field and Fort Bliss, predatory lending, TRICARE provider shortages, business and employment issues for veterans, and the need for a VA hospital in the Rio Grande Valley.

The military plays a significant role in the Texas economy and in the lives of its citizens, especially during this time of war. The benefits offered by the state acknowledge our veterans' sacrifices as well as promote Texas as a great place for veterans to live. We hope the implementation of the recommendations in this report will contribute to Texas'

longstanding commitment to foster its military communities and care for its veterans and their families.

We thank you for the opportunity to examine the important issues affecting the lives of the 1.7 million Texas veterans and their families, and to address issues critical to the currently deployed National Guardsmen and reservists who are deeply affected by the frequency and length of deployments required during the current military engagements in Iraq and Afghanistan.

We dedicate this report to the 280 courageous Texans who have, out of a great and abiding love for their country and their people, sacrificed their lives serving in the War on Terror.

Respectfully submitted,



Senator Leticia Van de Putte  
Chair

(letter attached)

Senator Todd Staples  
Vice Chair



Senator Craig Estes



Senator Chris Harris



Senator Eliot Shapleigh

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## TODD STAPLES

December 4, 2006

The Honorable Leticia Van de Putte  
State Senator  
P.O. Box 12068  
Austin, Texas 78711-2068

Dear Chair Van de Putte:

Thank you for your hard work as the Chair of the Senate Veterans Affairs and Military Installations Committee. I appreciate your dedication in serving in this role.

Due to other professional commitments and personal medical issues in my family, I regret being unable to participate in the interim hearings and discussions pertaining to the interim charges of the committee and subcommittee. While I am unable to sign the committee's report to the 80th Legislature, please know I support your leadership and efforts to further Texas' commitment to the military and the honorable men and women who serve our nation and state in the armed forces.

Thank you for your leadership. Please do not hesitate to contact me with any questions.

Sincerely yours,

  
Todd Staples

TS/KS/pb



DISTRICT 3: ANDERSON, ANGELINA, CHURCH, HARRIS, HENDERSON, JAMES, JACKSONVILLE, JOHNSON,  
POLK, SARRIS, SAN ANGELO, SAN JACINTO, SHELBY, TYLER AND PARTS OF MONTGOMERY AND SHERIFF COUNTIES



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## **Interim Charge No. 1**

Examine issues and problems with overseas military voting and explore the possibility of establishing a single point of contact for Texas military voters. Consider requirements of the federal Uniformed and Overseas Citizen Absentee Voting Act and review systems established in other states.

### ***The Uniformed and Overseas Citizens Absentee Voting Act***

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ensures the right to vote in federal elections for all citizens overseas, including members of the uniformed services. UOCAVA requires states and territories to allow members of the uniformed services to register and vote absentee in elections for federal office.

The Federal Voting Assistance Program (FVAP) administers the secretary of defense's federal responsibilities under UOCAVA. The FVAP provides nonpartisan voting information to members of the uniformed services nationwide and fosters voting participation through military voting programs. In addition to the FVAP, each federal department and agency with personnel covered by UOCAVA, including each branch of the military services, is required to have a voting assistance program and voting assistance officers, who also provide information to such personnel in their agency, department, or service on voting under UOCAVA.

UOCAVA does not require states to permit uniformed services voters to vote for non-federal offices. However, it does recommend that the states make certain provisions to maximize access to the polls by absent uniformed services and overseas voters. Furthermore, UOCAVA is the minimum a state is required to do with respect to overseas voting. States can take measures to ensure that citizens can vote for state and local offices as well as federal ones.

### ***Barriers for Military Voters***

According to a March 2006 report by the U.S. Election Assistance Commission, there is a 33 percent rate of disenfranchisement among military and overseas voters.

There is general agreement that a key problem for military voters is the inefficiency of the highly decentralized voting procedures in the states. Historically, this country's citizens have demanded widely spread and localized elections. Each state has differing requirements and time-frames for requesting and submitting absentee voting materials, making military voting assistance officers' jobs difficult when trying to help military voters from various states.

Furthermore, most states rely on the traditional mail system for absentee voting. In terms of the military serving overseas, this often means weeks for the request for absentee ballot to make its way to the voter's election official, weeks for the ballot itself to make its way back to the voter, and weeks for the completed ballot to get back to the election supervisor. Sometimes the service member is moved during this process, making it even

more unlikely for that service member to be able to vote. The most difficult step in the process is getting the unmarked ballot from the election official to the military voter.

Another problem for military voters relates to delays in printing absentee ballot due to late-occurring primaries or changes in candidacies. In 2004, in Arkansas, a lawsuit concerning Ralph Nader's candidacy for president was not resolved until mid-October. As a result, the ballots were certified, printed, and sent to overseas voters far too late for the voters to receive, fill out, and return the ballots and upwards of 50 percent of Arkansas UOCAVA voters were disenfranchised.

### ***Current Texas Law***

Chapter 101 (Voting by Resident Federal Postcard Applicant), Texas Election Code, governs the process for military and other overseas voters to obtain and submit ballots through the federal postcard application (FPCA).

According to testimony on October 4, 2006, to the VAMI Committee by Jay Dyer, general counsel, Office of the Secretary of State (SOS), Texas has implemented new election provisions to assist overseas military voters, including a drop-dead date for ballots. The ballot may not change after this set date, and this provides certainty for military voters. Ballots are now required to be certified 45 days, rather than 30 days, prior to election day.

Current Texas law allows a soldier serving in a combat zone to request a ballot and submit a voted ballot via facsimile machine. However, testimony by Dana DeBeauvoir, Travis County Clerk, representing Texas County Clerks, stated her concern that this is not always possible or allowed by military commanders.

### ***Possible Solutions***

UOCAVA recommends using the state office responsible for providing information regarding voter registration procedures and absentee ballot procedures (in Texas, the SOS) to also accept voter registration applications, absentee ballot applications, and absentee ballots from UOCAVA voters. Furthermore, the FVAP makes state-specific recommendations for facilitating military and overseas voting. The December, 2005, Texas FVAP recommendations, with sample language, and the single point of contact suggestion are detailed below. The FVAP recommendations can be found online at <http://www.fvap.gov/services/init-txt/tx05init.txt>.

### **Single Point of Contact for Absentee or Military Voters**

One proposal to address the problems caused by decentralized voting procedures is to centralize the process within each state. Congress recommended as part of UOCAVA in 2002, but did not require, that absentee voting be centrally administered in each state. UOCAVA reads: "RECOMMENDATION Regarding Use of Office to Accept and Process Materials. ---- Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services

voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State."

In Texas, that state office is the SOS. The SOS is currently implementing a new system entitled the Texas Election Administration Management (TEAM) System. TEAM will centralize voter registration information so that SOS can reduce the duplication of ballots. TEAM could very likely prove a good way to assist in application and address updates; however, because of the wide range of ballots and races even within the State of Texas, it may not be particularly helpful in assisting voting in local elections. While the state should do everything it can to remove the barriers for military voters, a single point of contact for distributing ballots would almost surely disenfranchise voters from local elections, which could do more harm than good.

The Texas Legislative Council's (TLC) Research Policy Group put together a report on Local Election Offices and implementation of UOCAVA for the VAMI Committee. The following section on state-by-state local election offices comes from that report.

The number of local election offices that process voter registration varies greatly from state to state. Delaware has the fewest local election offices with three, and Michigan and Wisconsin, two states that have local election offices at the municipal level, have the most with 1,599 and 1,850, respectively. The majority of states, 32, have their local election offices for voter registration purposes at the county level. In seven states voter registration is processed at the municipal level, and seven states process voter registration at both the county and municipal levels. Michigan's voter registration is processed at the municipal, county, and state levels; at the state level a voter can register at one of the 156 secretary of state branch offices around the state. Louisiana and Alaska process voter registration at the parish and regional level, respectively. North Dakota processes voter information and conducts elections at the county level but does not have voter registration. In place of voter registration, North Dakota requires a voter to present a voter's affidavit in which a voter attests to satisfying the requirements to be able to vote in North Dakota. This is not the same as same-day voter registration.

#### **Local Election Offices by State**

| <b>State</b> | <b>Total Number of<br/>Local Election Offices</b> | <b>Level of Government</b> |
|--------------|---|----------------------------|
| Alabama      | 67  | County                     |
| Alaska       | 4   | Region                     |
| Arizona      | 15  | County                     |
| Arkansas     | 75  | County                     |
| California   | 58  | County                     |
| Colorado     | 64  | County                     |
| Connecticut  | 169   | Municipality               |
| Delaware     | 3   | County                     |
| Florida      | 67  | County                     |

### Local Election Offices by State

| State                                      | Total Number of<br>Local Election Offices | Level of Government   |
|--|---|---|
| Georgia                                    | 159                                       | County  |
| Hawaii                                     | 4   | County  |
| Idaho                                      | 44  | County  |
| Illinois                                   | 110                                       | County (102) and City (8)   |
| Indiana                                    | 92  | County  |
| Iowa                                       | 99  | County  |
| Kansas                                     | 105                                       | County  |
| Kentucky                                   | 120                                       | County  |
| Louisiana                                  | 64  | Parish  |
| Maine                                      | 503                                       | Municipality  |
| Maryland                                   | 24  | County (23) plus<br>Baltimore (1)   |
| Massachusetts                              | 351                                       | Municipality  |
| Michigan                                   | 1,599                                     | Municipality (1,516), County (83),<br>and State (156)   |
| Minnesota                                  | 87  | County  |
| Mississippi                                | 379                                       | County (82) and Municipality (297)<br>Military absentee voter registration<br>processed at the county level only. |
| Missouri                                   | 116                                       | County (114) plus St. Louis (1) and<br>Kansas City (1)  |
| Montana                                    | 56  | County  |
| Nebraska                                   | 93  | County  |
| Nevada                                     | 35  | County (17) and City (18)   |
| New Hampshire                              | 224                                       | Municipality  |
| New Jersey                                 | 21  | County  |
| New Mexico                                 | 33  | County  |
| New York                                   | 58  | County (57) plus<br>New York City (1)<br>New York City encompasses five<br>counties.                              |
| North Carolina                             | 100                                       | County  |
| North Dakota<br>(No voter<br>registration) | 53  | County  |
| Ohio                                       | 88  | County  |
| Oklahoma                                   | 77  | County  |
| Oregon                                     | 36  | County  |

## Local Election Offices by State

| State          | Total Number of<br>Local Election Offices | Level of Government                  |
|----------------|---|--------------------------------------|
| Pennsylvania   | 67  | County                               |
| Rhode Island   | 39  | Municipality                         |
| South Carolina | 46  | County                               |
| South Dakota   | 66  | County                               |
| Tennessee      | 95  | County                               |
| Texas          | 254                                       | County                               |
| Utah           | 29  | County                               |
| Vermont        | 246                                       | Municipality                         |
| Virginia       | 134                                       | County (95) and<br>Municipality (39) |
| Washington     | 39  | County                               |
| West Virginia  | 55  | County                               |
| Wisconsin      | 1,850                                     | Municipality                         |
| Wyoming        | 23  | County                               |

### **FVAP Recommendation: Late Registration Procedures**

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently have such procedures.

#### *Sample Language*

*An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.*

### **FVAP Recommendation: State Write-In Absentee Ballot**

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to provide a method for voting by other persons overseas

who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

#### *Sample Language*

*If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.*

### **FVAP Recommendation: Electronic Transmission of Election Materials**

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support to develop

acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

*Sample Language*

*An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.*

**FVAP Recommendation: Expand Use of Federal Write-In Absentee Ballot**

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

*Sample Language*

- *Use of FWAB as a Combined Request for Registration and Ballot Submission:*

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:*

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

### **FVAP Recommendation: Enfranchise Citizens Who Have Never Resided in the U.S.**

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

#### *Sample Language*

*If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.*

### **FVAP Recommendation: Emergency Authority for Chief Election Official**

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

#### *Sample Language*

*If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to*



*vote in the state.*

*The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.*

## **Other States**

The following information on UOCAVA implementation by the states, including the table on electronic transmission alternatives by state for voter registration and absentee ballot documents, is taken from the TLC report.

UOCAVA, as it relates to voting in any federal election by a member of the uniformed services, requires a state to accept any otherwise valid voter registration and absentee ballot application from such member; permit absent uniformed services voters to use federal write-in absentee ballots, with some exceptions; use the specified federal postcard application for simultaneous voter registration application and absentee ballot application; and provide information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters. Absentee voting procedures vary from state to state; of particular interest are state outreach programs, which states allow proxy ballot requests, and the extent to which a state allows electronic transmission of registration or ballot documents.

## **Outreach Programs**

Most states have information on UOCAVA voting procedures and requirements on their websites, even if that information consists only of a link to information on the FVAP site. Typically, this link is provided on the official website of the secretary of state, the state's chief elections officer, or the state's elections division or department. This is the extent of many states' outreach to their military absentee voting population. However, some states provide in-depth voter guides, supply mobilizing troops with absentee voting information and forms, or send mailings on proxy ballot requests to family members of uniformed services personnel.

The Indiana Secretary of State Election Division and the Illinois State Board of Elections have developed in-depth UOCAVA voter guides. The Indiana Secretary of State Election Division's guide includes deadlines for the current election cycle, suggestions on how to find information about elections and candidates, state and federal contact information, a list of toll-free numbers and fax numbers for the electronic transmission of elections materials from countries around the world to the FVAP offices in Washington, D.C., and the forms needed to request an absentee ballot. The Indiana guide can be found online at <http://www.in.gov/sos/elections/pdfs/overseas.pdf>. The Illinois State Board of Elections' guide on overseas voting includes a "frequently asked questions" section and a list of ways to ensure that an absentee ballot is counted, in addition to instructions on how to cast an overseas absentee vote. The Illinois guide can be found online at <http://www.elections.il.gov/Downloads/ElectionInformation/PDF/GuideMilitaryOvrseasvt r.pdf>.

The California Secretary of State Elections Division has provided information on overseas absentee voting procedures in California to all of the military bases in the state and is interested in providing that information to recruiting offices as well. Before the last general election, California's secretary of state visited the state's military bases to increase general public awareness of UOCAVA. The division plans to extend its outreach activities to contact individual military family support units in the state.

Iowa, Massachusetts, North Dakota, and West Virginia also are reaching out to overseas military voters through voters' families. The Iowa Secretary of State Elections Division is targeting a voter information mailing to family members of military personnel that includes Iowa's absentee voting guidelines and a proxy ballot form. For the 2004 election, the Massachusetts Secretary of the Commonwealth Elections Division worked with the Massachusetts National Guard family support programs to include absentee voting information in their newsletters, including how a family member can apply for a ballot on behalf of an active duty military voter. North Dakota also focuses on family members of military personnel by providing information through the North Dakota National Guard Family Network. West Virginia is using its Voter Week in the second week of September to implement a new outreach program with the state's family readiness centers to inform military personnel and their families about UOCAVA. This is West Virginia's inaugural UOCAVA outreach effort.

Hawaii, Minnesota, and Wyoming have chosen to focus on military bases rather than family support networks for outreach activities. Hawaii's Office of Elections participated in mobilization briefings with the Hawaii National Guard in 2004 and the Hawaii Air National Guard in 2006 to ensure that the soldiers had absentee voting information, forms, and contact information. The office's staff also accompanied an FVAP representative on a 2004 tour of Hawaii military bases so the base personnel could meet their state contacts. The Minnesota secretary of state made a presentation on military voting to the deploying Minnesota National Guard VAOs in March 2006 and has made the Power Point presentation available on the secretary of state's website at <http://www.sos.state.mn.us/docs/uovavamssslides030406.ppt>. Wyoming has focused its outreach to its one air force base, educating the state air force VAOs on Wyoming's absentee voting procedures.

While every state is required by federal law to designate a person to provide information to UOCAVA voters, Virginia is unique in how it fulfills that requirement. Virginia's State Board of Elections has a staff person designated solely for UOCAVA activities. This staff person develops partnerships with military and family support organizations to conduct UOCAVA outreach programs in the state. This staff person is in the process of identifying opportunities to develop partnerships with UOCAVA contacts in other states to increase voter education opportunities and voter participation in the overseas absentee voting population.

As the needs of a state or the administration of a state changes, so may the plan for outreach; this has happened in Texas and Washington. In Texas, past secretaries of state have visited military installations around the state to raise awareness of military voting. Plans for future outreach efforts by the Texas Secretary of State Elections Division are in

the development stage. The Washington Secretary of State Elections and Voting Division also intends to implement an outreach program targeting overseas military voters. The program is in the early planning and development stages, and the form that the program will take is still unknown.

Not all outreach programs have been a success. In the 2004 presidential election cycle, Maryland's State Board of Elections sent a letter to overseas voters to confirm the addresses on file for voting purposes. Because of the highly mobile nature of the population, many of the letters were returned, and the mailing was not considered a success. The board has not decided whether to repeat the effort. Maryland's outreach effort consists primarily of posting the UOCAVA information on a website.

### **Proxy Absentee Ballot Requests**

Seventeen states allow a person other than the voter to request an absentee ballot for a member of the uniformed services. The person authorized to request an absentee ballot varies from state to state but typically is an immediate family member or person with power of attorney authorized to act on behalf of the military voter. This does not authorize the requestor to vote for the individual on whose behalf the ballot request is made. Alaska, Connecticut, Georgia, Illinois, Iowa, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Vermont, Washington, and Wyoming allow proxy ballot requests.

### **Electronic Transmission Alternatives**

Although most states allow for the electronic transmission of documents to and from the absentee voter, the documents that may be transmitted electronically and methods of transmission vary from state to state. Only Wyoming and Alabama prohibit all electronic transmission of any voter documents. Currently, 20 states allow a military voter to transmit at least some documents by e-mail, and three states are considering implementing e-mail transmission. In almost every instance where electronic transmission is allowed, the state requires that the original documents be mailed after the electronic transmission. Where e-mailing of documents is allowed, the document generally must be e-mailed as a signed and scanned PDF attachment.

#### **Electronic Transmission Options by State**

| <b>State</b> | <b>Fax</b>   | <b>E-mail</b>   |
|--------------|--|---|
| Alabama      | None   | None  |
| Alaska       | Registration, ballot request, blank ballot, voted ballot | Registration, ballot request, blank ballot, voted ballot; documents must be e-mailed as scanned PDF attachments |
| Arizona      | Registration, ballot request, blank ballot, voted ballot | None  |
| Arkansas     | Ballot request   | Ballot request<br><br>Accepting the Automated   |

### Electronic Transmission Options by State

| State       | Fax  | E-mail   |
|-------------|--|--|
|             |  | FPCA for ballot request for registered active duty military and their dependents for the 2006 general election.  |
| California  | Registration, ballot request, blank ballot, voted ballot   | None   |
| Colorado    | Registration, ballot request, blank ballot   | None   |
| Connecticut | Registration, ballot request   | None   |
| Delaware    | Registration, ballot request   | None   |
| Florida     | Ballot request, blank ballot, voted ballot<br><br>Telephone: blank ballot request  | Blank ballot   |
| Georgia     | Ballot request   | None   |
| Hawaii      | Registration, ballot request; blank ballot if requested ballot not received within five days of the election; voted ballot if requested that blank ballot be sent by fax | None   |
| Idaho       | Ballot request, blank ballot in emergency situations   | Signed ballot request, must be e-mailed as a scanned PDF attachment  |
| Illinois    | Ballot request   | Chicago and suburban Cook County are accepting the Automated FPCA for ballot request for registered active duty military and their dependents for the 2006 general election. |
| Indiana     | Registration, ballot request, blank ballot, voted ballot   | None currently, but pilot project under consideration  |
| Iowa        | Registration, ballot request, ballot   | Ballot request and ballot  |
| Kansas      | Registration, ballot request, blank ballot, voted ballot   | None   |
| Kentucky    | Registration, ballot request, blank ballot<br><br>Telephone: blank ballot request  | Ballot request, blank ballot<br><br>Accepting the Automated FPCA for ballot request for registered active duty military and their dependents for the 2006 general election.  |

### Electronic Transmission Options by State

| <b>State</b>   | <b>Fax</b>  | <b>E-mail</b>   |
|----------------|---|---|
| Louisiana      | Registration, ballot request, blank ballot, voted ballot  | None  |
| Maine          | Registration, ballot request; blank ballot and voted ballot in certain emergency situations   | None  |
| Maryland       | Ballot request, blank ballot  | None  |
| Massachusetts  | Ballot request  | None  |
| Michigan       | Registration, ballot request  | Signed ballot application, must be e-mailed as a scanned PDF attachment   |
| Minnesota      | Ballot request  | Ballot request, must be e-mailed as a scanned PDF file from a Department of Defense or Department of State computer network                 |
| Mississippi    | Registration, ballot request, blank ballot, voted ballot  | For active duty citizens only from a government-issued e-mail address: registration, ballot request, blank ballot, voted ballot             |
| Missouri       | Ballot request, in certain counties only; voted ballot for active duty military eligible for hostile fire or imminent danger pay or in a combat zone or qualified hazardous duty area | Voted ballot for active duty military eligible for hostile fire or imminent danger pay or in a combat zone or qualified hazardous duty area |
| Montana        | Registration, ballot request, blank ballot, voted ballot in certain counties  | Registration, ballot request, blank ballot, voted ballot in certain counties  |
| Nebraska       | Registration, ballot request, blank ballot if voter outside the U.S.  | None  |
| Nevada         | Ballot request and blank ballot if outside the continental U.S. and already registered to vote  | None  |
| New Hampshire  | Ballot request  | None  |
| New Jersey     | If overseas only: ballot request, blank ballot, voted ballot  | None  |
| New Mexico     | Ballot request, blank ballot, voted ballot  | None  |
| New York       | Ballot request  | None  |
| North Carolina | Registration, ballot request, blank   | Ballot request  |

### Electronic Transmission Options by State

| <b>State</b>                            | <b>Fax</b>   | <b>E-mail</b>   |
|---|--|---|
|   | ballot, voted ballot   |   |
| North Dakota<br>(No voter registration) | Ballot request, blank ballot, voted ballot; not permitted for spouse or dependent living inside U.S.   | Ballot request, blank ballot, voted ballot; not permitted for spouse or dependent living inside U.S.; documents must be e-mailed as scanned PDF attachments   |
| Ohio                                    | Ballot request, blank ballot   | None  |
| Oklahoma                                | Ballot request, blank ballot and voted ballot in certain circumstances   | None  |
| Oregon                                  | Registration, ballot request, blank ballot; original registration form must be mailed and received or postmarked by 21st day before election   | Registration, ballot request, blank ballot; original registration form must be mailed and received or postmarked by 21st day before election; documents must be e-mailed as scanned PDF attachments |
| Pennsylvania                            | Registration, ballot request; original voter registration and ballot request must be received before election; blank ballot and voted ballot only for active duty military eligible for hostile fire or imminent danger pay or in a combat zone or qualified hazardous duty area | None  |
| Rhode Island                            | Ballot request, blank ballot, voted ballot   | None  |
| South Carolina                          | Registration, ballot request, blank ballot, voted ballot   | Blank ballot, voted ballot  |
| South Dakota                            | Registration, ballot request   | Registration, ballot request  |
| Tennessee                               | Registration, ballot request   | None  |
| Texas                                   | Registration, ballot request, voted ballot for active duty military eligible for hostile fire or imminent danger pay or in a combat zone or qualified hazardous duty area  | Currently none, but plans under consideration   |
| Utah                                    | With affidavit of why faxing is necessary: registration, ballot request, blank ballot, voted ballot  | None  |
| Vermont                                 | Registration, ballot request, blank ballot   | None  |
| Virginia                                | Registration, ballot request, blank  | Ballot request, blank ballot for  |

## Electronic Transmission Options by State

| State         | Fax  | E-mail   |
|---------------|--|--|
|               | ballot for uniformed service members overseas only   | uniformed service members overseas only  |
| Washington    | <p>Registration, ballot request, blank ballot, voted ballot</p> <p>Ballot must be received by canvass date, which is the 21st day after the general election and the 10th day after primary and special elections; this deadline will change to the 15th day after primary and special elections.</p> <p>Accepting the Automated FPCA for ballot request for registered active duty military and their dependents for the 2006 general election.</p> | <p>Registration, ballot request, blank ballot, voted ballot</p> <p>Ballot must be received by canvass date, which is the 21st day after the general election and the 10th day after primary and special elections; this deadline will change to the 15th day after primary and special elections.</p> <p>Accepting the Automated FPCA for ballot request for registered active duty military and their dependents for the 2006 general election.</p> |
| West Virginia | Registration, ballot request; registration is not complete until original document is received   | None   |
| Wisconsin     | Ballot request, blank ballot; original ballot request must be mailed and postmarked the same day it is faxed   | Ballot request, blank ballot; original ballot request must be mailed and postmarked the same day it is e-mailed  |
| Wyoming       | None   | None   |

### ***Recommendations***

#### **Use TEAM for Registration and Updates**

The VAMI Committee recommends that the SOS, once TEAM is online, examine the possibility of using that system to facilitate absentee voter registration for military and overseas voters.

#### **Examine the Feasibility of the FVAP Recommendations for Texas**

The VAMI Committee recommends that the SOS and the Legislature consider the Texas-specific recommendations of the Federal Voting Assistance Program to assist military and overseas voters.

#### **Email pilot program**

The VAMI Committee recommends that the Legislature pass a bill as early as possible to establish a voluntary pilot program for election administrators to use electronic mail to

send blank absentee ballots to overseas military personnel. The bill must include safeguards to ensure that the integrity of the ballot, as well as the confidentiality of the voted ballot, are fully maintained. After the pilot program is completed and assessed, if the state deems it a success, the program should be expanded.



## **Interim Charge No. 2**

Compile an inventory of state veterans' benefits, including health care facilities and nursing homes across the state, the state veteran cemetery system, job training programs, educational benefits, and re-employment rights issues, and the Texas Veterans Land Board Loan Programs, and make recommendations for improving efficiency and effectiveness.

### ***Summary/Findings***

There are numerous benefits available to Texas veterans. Many of the available benefits are federal, but the state does offer a number of specific veteran entitlements. Following is a survey of these benefits.

### **VA Medical Facilities**

Eligibility for US Department of Veteran Affairs (VA) health care is handled on a federal level; however, there are numerous VA medical facilities in Texas to assist veterans in need of healthcare. Eligibility is dependent upon a number of variables, which may influence the final determination of the services for which a veteran qualifies. These factors include the nature of a veteran's discharge from military service (e.g., honorable, other than honorable, dishonorable), length of service, VA adjudicated disabilities (commonly referred to as service-connected disabilities), income level, and available VA resources among others.

Texas veterans are eligible for no-cost medical records when they are obtained to file a claim for a disability against the VA. The health care provider or health care facility is not required to provide more than one complete record for the patient or former patient without charge. Also, it should be noted that some medical facilities will charge a small administrative fee for obtaining the records.

For a complete listing of VA Medical Facilities and VA Outpatient Clinics available to assist Texas Veterans, see *Appendix A*. For VA eligibility criteria, please see *Appendix B*.

### **Texas State Veterans Homes**

The Texas Veterans Land Board (VLB), a division of the Texas General Land Office, administers the Texas State Veterans Homes program. This program offers Texas veterans:

- Skilled-care nursing homes exclusively for Texas Veterans and their spouses;
- Daily rates well below market average, including medications, thanks to VA participation;
- Spacious rooms, large dining rooms, designated activity areas, covered porches, courtyards and landscaped grounds, on-site occupational and physical therapy clinics, special diets, and recreational activities;
- Libraries, beauty shops, barbershops, meditation areas and sitting areas; and

- 32-60 certified Alzheimer's care beds in secured wings with separate facilities at each home.

There are currently veteran homes in Big Spring, Bonham, El Paso, Floresville, McAllen and Temple, with a new home in Amarillo to open in Spring, 2007.

To be eligible for admission into a Texas State Veterans Home (SVH), the following requirements must be met.

The applicant must be recognized as an "eligible veteran" by the Department of Veterans Affairs (VA) (see *Appendix B*) and

- require long-term nursing care as determined by a physician and concurred by the VA,
- be at least eighteen (18) years of age,
- be a bona fide resident of Texas at the time of application for admission,
- have been a legal resident of Texas at the time of entry into military service, or have resided in Texas continuously for at least one year immediately prior to application for admission (residence based solely on military assignment is excluded),
- not have been dishonorably discharged.

Additionally, eligibility for admission is extended to persons over the age of eighteen who have been bona fide residents of Texas continuously for at least one year immediately prior to application for admission, and who are either the spouse or unmarried surviving spouse of a veteran or Gold Star parents (all of whose children died while serving in the United States Armed Forces).

Additional information can be found at  
<http://www.glo.state.tx.us/vlb/vethomes/index.html>

### **Texas State Cemetery Program**

In the November, 2001, statewide elections, voters overwhelmingly approved Proposition 7, a constitutional amendment that authorized the creation of up to seven state cemeteries for veterans and their eligible dependents. The cemeteries will be built and operated through a partnership between the VLB and the VA. The VA will fund up to 100 percent of the construction and equipment costs. The state will own and operate the cemeteries and fund most of the cost of operations.

As a result, the Central Texas State Veterans Cemetery in Killeen is now open with another State Veterans Cemetery slated to open in Mission in December 2006. Two other locations, in Abilene and Corpus Christi, are scheduled to open in 2009 and 2010, respectively. The VLB will continue to look for suitable cemetery sites in areas with large veterans' populations that are not served by other National or Texas State Veterans Committees.

The state cemeteries are designed to augment the VA program in areas not served by the national cemeteries. National cemeteries are owned and operated by the VA. State cemeteries will be owned and operated by the VLB. There is essentially no difference in the dignified burial process or the quality of operations of the cemeteries. National cemeteries are located at Fort Bliss in El Paso, the Dallas-Fort Worth area, Houston and Fort Sam Houston in San Antonio.

[Eligibility rules and burial benefits](#) for the Texas State Veterans Cemetery Committee are the same as for National Cemeteries. For additional information visit <http://www.glo.state.tx.us/vlb/cemetery/index.html>

### **Burial in a Private Cemetery**

Federal burial benefits available for veterans buried in a private cemetery include a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate, at no cost to the family. Some veterans may also be eligible for Burial Allowances. For more information, see [http://www.cem.va.gov/cem/bbene\\_burial.asp](http://www.cem.va.gov/cem/bbene_burial.asp). There are not any benefits available to spouses and dependents buried in a private cemetery.

### **Job Training and Employment Programs**

The Transition Assistance Program for Veterans is an online course that offers job-search assistance to active duty service members, National Guard, Reserves, and spouses of service members separating or retiring from the military. Areas covered include writing effective resumes and cover letters, proper interviewing techniques, and numerous methods for successful job searches. A resource section provides information regarding licensing and certification requirements for certain career fields, links to websites posting jobs, up-to-date information regarding your veteran benefits and information addressing the special needs of disabled veterans. For more information, visit <http://www.twc.state.tx.us/customers/bemp/bempsub6.html>

### **Disabled Veteran Outreach Program and Local Veteran Employment Representatives**

The Disabled Veteran Outreach Program (DVOP) and Local Veteran Employment Representatives (LVER) programs are funded by the Department of Labor and operated out of local one-stop workforce development centers. The program is run by the Texas Veterans Commission. More information on this program is available online at <http://www.tvc.state.tx.us>.

### **Educational Benefits**

Once veterans have exhausted their federal veterans educational benefits, they are entitled to utilize the tuition and fee exemptions afforded by the Hazlewood Act.

Wartime veterans of the Spanish-American War through the Persian Gulf War, who were residents of Texas at the time they entered military service are entitled to a waiver of tuition and some fees at [State-supported/public \(taxpayer supported\) colleges and universities](#). This benefit is also available to children of Texas servicemen and women who died or were killed in military service, and to children of Texas military personnel

who are shown to be missing in action or prisoners of war. Also eligible are children of members of the Texas National Guard or the Texas Air National Guard killed since January 1, 1946, while on active duty either in service of Texas or the United States.

A veteran who wants to apply for the Hazlewood Act does so directly at the institution of higher education the veteran wishes to attend. All students who wish to use the Hazlewood Act are required to complete a Hazlewood application which one can acquire directly from the school. Any person claiming this benefit must have exhausted all Federal educational benefits and be a legal resident of Texas at the time of application. The Hazlewood Act is administered by the Texas Higher Education Coordinating Board. For more information visit [www.collegefortexans.com](http://www.collegefortexans.com).

## **Employment Preference**

[Wartime veterans have preference in employment](#) with state agencies or offices, as do widows and children of those killed on active duty. State agencies are required practice veterans' preference until they have reached 40% veteran employment. Non-retired veterans who are employed by the State of Texas are entitled to claim their active duty military time toward retirement, provided they present a proper request and pay to the retirement system the specified amount of retirement contribution for up to 60 months' military credit. Such contribution is paid at the rate which was applicable at the time the employed veteran first was covered by the state retirement system, plus any accrued interest.

Additionally, a veteran is entitled to reemployment rights with his last employer when he is released from the Armed Forces of the United States, providing his absence is not longer than four years. The right of reemployment is available regardless of whether the veteran was, prior to service, employed by the state, county or city government, or by private industry. Reemployment rights of veterans are now provided by both state and federal laws.

## **Texas Veterans Land Board Programs**

The Texas Veterans Land Board (VLB), a division of the Texas General Land Office, administers three veterans' loan programs: The Land Loan Program, Veterans Housing Assistance Purchase Program, and the Veterans Home Improvement Loan Program.

Eligible Texas veterans can obtain a below-market interest rate loan of up to \$325,000 through the Texas Veterans Housing Assistance Program for the purchase of a primary residence in Texas or up to \$25,000 through the Veterans Home Improvement Loan Program to make improvements to their primary residence in Texas. All Texas Veterans Home Improvement Program loans must be originated by the VLB. The housing assistance loan may be combined with a Veterans Administration (VA), FHA or conventional loan (certain restrictions apply – contact your lender). For additional information on these programs, visit <http://www.tvc.state.tx.us/vlb.htm>.

To be eligible to participate in the Texas Veterans Loan Programs, an applicant must have:

- Served no fewer than 90 cumulative days on active duty (including active duty for training) in the Army, Navy, Air Force, Marines, Coast Guard or United States Public Health Service (unless discharged sooner by reason of a service-connected disability), OR have enlisted or received an appointment in the National Guard or a reserve component of one of the listed branches of service after completing all initial active duty training requirements as a condition of enlistment or appointment, OR have completed 20 years in a reserve component so as to be eligible for retirement, OR served in the Armed Forces of the Republic of Vietnam between February 28, 1961 and May 7, 1975 (Housing Assistance Program or Home Improvement Program only, no service era discount allowed).
- Served after September 16, 1940. (For housing or home improvement loans, certain interest rate incentives may be available to Texas veterans who served on active duty prior to January 1, 1977, and who have been discharged from active duty less than 30 years.)
- Not been dishonorably discharged. A person who has been discharged from the branch of the service in which the person served or from the National Guard is considered not to have been dishonorably discharged if the person: (1) received an honorable discharge; (2) received a discharge under honorable conditions; or (3) received a discharge and provides evidence from the VA, its successor, or other competent authority that indicates that the character of the person's discharge has been determined to be other than dishonorable.
- Listed Texas as the home of record at the time of entry into the military OR must have been a legal resident of Texas for at least twelve consecutive months immediately prior to filing an application OR be on active military duty, stationed in Texas, and have changed his/her state of legal residency to Texas. The applicant must also be a bona fide resident of Texas at the time the application is made. (A "bona fide resident" is someone who is living in Texas with the intent to remain in Texas.) This may include a Texas resident currently serving on active military duty outside of Texas. Presence in Texas due solely to military service may not establish bona fide residency.
- Successfully repaid any previous Texas Veterans Land Board (VLB) loan. A loan is considered repaid when the account has been paid in full by the original veteran purchaser or last approved assignee. Any other active VLB loans in programs other than the one for which application is being made must be in good standing. Veterans are entitled to have only one loan in each VLB program at the same time.

Note: The unmarried, surviving spouse of a Texas veteran who is missing in action (MIA) or who died in the line of duty or from a service-related cause may be eligible to participate in the programs. The veteran's home of record must have been Texas at the time of entry into the service, or the veteran must have been a legal resident of Texas at the time of death.

## **Other State Veteran Benefits**

### **Free Drivers License For Disabled Veterans**

Texas drivers licenses may be furnished free of charge to veterans who have service-

connected disabilities rated 60% or more by the VA or by a branch of the Armed Forces of the U.S. Application forms may be obtained from Department of Public Safety's license examining offices located throughout the State or by visiting [http://www.txdps.state.tx.us/administration/driver\\_licensing\\_control/VetExempt.htm](http://www.txdps.state.tx.us/administration/driver_licensing_control/VetExempt.htm).

### **Free Fishing & Hunting Licenses For Disabled Veterans**

Disabled veterans are eligible for free special hunting and fishing licenses. A disabled veteran of the Armed Forces of the United States is one who has a service-connected disability, as defined by the Department of Veterans Affairs, consisting of the loss of use of a lower extremity or of a disability rating of 60% or more, and who is receiving compensation from the United States for the disability. For more information visit Texas Parks and Wildlife at <http://www.tpwd.state.tx.us/business/shop/licenses/special/>.

### **Free Park Admission For Disabled Veterans**

Free admission to Texas State Parks is available to any veteran who has a service-connected disability, which is rated 60% or more by VA, or a service-connected disability, which has resulted in the loss of a lower extremity. For more information visit Texas Parks and Wildlife at <http://www.tpwd.state.tx.us/spdest/parkinfo/passes/#blue>.

### **Free Recording Of Discharges**

Under Texas State law, the county clerk in each County is required to record, free of charge, the official discharge of each veteran who served in the Armed Forces of the United States of America. Also note that if you do record your DD214 with the county clerk, it then becomes a public record.

### **Tax Exemption For Veterans**

Disabled veterans who meet certain requirements, their surviving spouses and the spouses and minor children of a person who dies on active duty in the U.S. Armed Forces are eligible for property tax exemptions on the appraised value of their property. The exemption is mandatory and applies to taxes levied by all taxing authorities in the State. A veteran, whose service-connected disabilities are rated less than 10% by the Department of Veterans Affairs, or a branch of the Armed Forces, is not entitled to a property tax exemption. For those rated 10% or more, the tax exemptions below apply:

| Disability Rating | Tax Exemption                      |
|-------------------|------------------------------------|
| 10% through 30%   | First \$ 5,000 of appraised value  |
| 31% through 50%   | First \$ 7,500 of appraised value  |
| 51% through 70%   | First \$ 10,000 of appraised value |
| 71% or more       | First \$ 12,000 of appraised value |

A veteran whose disability is 10% or more, and who is 65 years or older, is entitled to exemption of the first \$12,000 of appraised value of property. A veteran whose disability

consists of the loss of use of one or more limbs, total blindness in one or both eyes, or suffers paraplegia, is exempt on the first \$12,000 of the appraised value of his property. A veteran who qualifies under more than one of the exemptions may not combine the exemptions, but may take the one providing the largest exclusion. The surviving spouse of a person who dies on active duty is entitled to exemption of the first \$5,000 of the appraised value of the spouse's property. A surviving child of a person who dies on active duty is exempt on the first \$5,000 of appraised value of the child's property, as long as the child is unmarried and under 21 years of age. The surviving spouse of a deceased veteran who, at the time of the veteran's death had a compensable disability and was entitled to an exemption, is also entitled to that exemption if the surviving spouse is unmarried. This law is administered at the local level by the various taxing authorities. For answers to questions about property values, exemptions, agricultural appraisal, and protests to the appraisal review board, or to apply for exemptions, obtain an application from your appraisal district. Please note, application must be completed between January 1 and April 30.

### **Special License Plates**

Disabled Veterans, Former Prisoners of War, Pearl Harbor Survivors, Purple Heart and Medal of Honor plates are among the special license plates available to eligible veterans and their survivors for personal use on their automobile or light commercial vehicle of one ton or less. Disabled veterans must have a service-connected disability rating of 50% or more or 40% due to amputation of a lower extremity. Former prisoners of war are eligible if they were captured or incarcerated by an enemy of the United States during a period of conflict with the United States and at the time of the capture, were citizens of the United States. Eligibility is for both former members of the Armed Forces and civilian U.S. citizens who were captured by an enemy of our government. For further information, contact either the nearest vehicle title registration office, your county tax office, or visit the Texas Department of Transportation website at [http://www.dot.state.tx.us/services/vehicle\\_titles\\_and\\_registration/specialty\\_plates/military\\_and\\_veterans/default.htm](http://www.dot.state.tx.us/services/vehicle_titles_and_registration/specialty_plates/military_and_veterans/default.htm).

### **No Cost Medical Records**

Texas veterans are eligible for no cost medical records when they are obtained to file a claim for a disability against the U.S. Department of Veterans Affairs (USDVA). The health care provider or health care facility is not required to provide more than one complete record for the patient or former patient without charge. Also note that some medical facilities may charge a small administrative fee for obtaining the records.

### **Recommendation**

While Texas does a great job providing for its veterans, the state should continue to seek ways to enhance veterans services. The Texas Veterans Commission and the Texas Veterans Land Board are currently undergoing Sunset review. The VAMI Committee will defer any recommendations to the more comprehensive findings of the Sunset Commission.





### **Interim Charge No. 3**

Monitor the implementation of legislation transferring the veteran employment programs under the Texas Workforce Commission to the Texas Veterans Commission. Monitor the implementation of legislation establishing a database in the Texas Higher Education Coordinating Board that tracks veterans' usage of the Hazlewood higher education tuition exemption.

#### ***Veteran Employment Programs (HB 2604, 79th Texas Legislature, Regular Session)***

HB 2604 transferred the United States Department of Labor Veteran Employment and Training Services (VETS) from the Texas Workforce Commission (TWC) to the Texas Veterans Commission (TVC). Texas is the first state to put the veteran-specific employment services with the veteran service agency as opposed to the labor or workforce agency, and the Texas legislature did so with the support of the Department of Labor (DOL) and state leadership, as well as the advocacy of the various veteran organizations in the state.

While the VETS programs made up slightly less than one percent of TWC's overall operations, the program's transfer tripled the size and budget of TVC. At the same time the transfer was taking place, TVC underwent Sunset review and moved central offices. The magnitude of the effort put forth by TVC to accomplish the transfer, the move, and the Sunset review while keeping the VETS program, along with TVC's pre-existing programs running successfully cannot be overstated. The staff and commissioners of the TVC are to be commended.

HB 2604 was discussed at two VAMI Committee interim hearings, on March 31, 2006, and October 4, 2006. VAMI staff observed many of the transition team meetings and attended TVC events relating to the training of the staff transferred under this bill.

The DOL officially approved the transfer of the program on November 14, 2005. The transfer took place April 1, 2006. After TVC staff met with each of the 28 regional workforce development boards and brought in focus groups, TVC divided the state into eight regions for supervisory and organizational control, each of which has an experienced regional representative. In the first quarter that TVC had the program (April to June 2006), the number of veterans who entered employment through the VETS programs increased 76.19 percent from the same quarter in 2005.

As could be expected with any shift of this magnitude, there have been many obstacles and difficult issues throughout the transition process, but the hard work and dedication of the TVC and TWC staff have overcome these obstacles, and the VETS staff has continued to provide superior employment services to Texas veterans. The Sunset recommendations provide input and opportunities to further improve the employment services for veterans under TVC. The Committee finds that most of the substantive transition issues have been addressed to its satisfaction and believes that the TVC will continue to perform admirably and that Texas can serve as an example for other states

that may be interested in adjusting their models for veteran employment service provision.

### ***Hazlewood Database (SB 101, 79th Texas Legislature, Regular Session)***

The Hazlewood Act (Sec. 54.203, Education Code) provides qualifying veterans with 150 hours of free tuition and fees at public colleges and universities. SB 101 was addressed at the October 4, 2006, VAMI hearing. Jane Caldwell, director of grants and special programs at the Texas Higher Education Coordinating Board, briefed the committee.

SB 101 granted rulemaking authority concerning the Hazlewood Act to THECB and assigned THECB the task of developing a database for the Hazlewood program. The database is used to track hours and provide program statistics.

### **THECB Report on SB 101**

THECB adopted rules for the program and met with institutions of higher education to develop the database and resolve any glitches between May 12, 2005, and September, 2006. The rules were adopted in July, 2005, and modified in January, 2006. The standardized Hazlewood application packets for spring, 2006, were distributed to schools November 2, 2005. Summer packets were distributed March 16, 2006. Applications are also accessible through the [www.collegefortexans.com](http://www.collegefortexans.com) web site. The database came online for students on May 3, 2006, and for institutions June 15, 2006.

Caldwell stated that protecting the privacy of veteran student data was a significant challenge for THECB. The database developed at THECB allows veterans access to information relating to their own status and the application process provides a means for the veteran student to approve access to his or her historical data by an educational institution.

Since 1995 when the 150 hour limit went into effect, 28,167 different veterans have been reported using the program. The total (including duplications) number of reported exemptions is 94,457, indicating the average veteran used the exemption four times. In spring, 2006, when the new application procedures were introduced, 3,885 students were reported as Hazlewood recipients. Summer data is not yet available. As of October, 2006, 110 different institutions had students in the database, and 751 veteran students had logged on to look at their own files.

Caldwell stated that "overall, we have had good cooperation from the institutions and the veterans as these new procedures were brought on line. We believe the new rules and procedures have added consistency to the way the program is handled among institutions and will enable us to improve the reporting on this program."

## **Exhaustion of Federal Benefits**

Questions were raised about the provision in the Hazlewood Act requiring a veteran to exhaust all federal benefits before beginning to use Hazlewood. This has been interpreted in two different ways:

- A veteran who runs out of federal GI Bill or other federal benefit within one semester must pay out-of-pocket the remainder of the cost for that semester.
- A veteran who runs out of federal GI Bill or other federal benefit within one semester can begin to use Hazlewood within the same semester.

This issue may have a solution by rule of THECB. If not, the legislature should clarify this provision in statute.

## **US Citizenship**

Two attorney general opinions affected the implementation of SB 101 (GA-0347, 8/18/05, and GA-0445, 7/21/06). These opinions effectively disqualified any veteran who was not a US citizen at the time of entry into the military from Hazlewood exemptions.

The current law states that a veteran must have been a "Texas citizen" upon entry into the military to qualify for Hazlewood, but there is not a definition of "Texas citizen." The attorney general stated that to be a Texas citizen one must be a United States citizen.

However, more than 25,000 non-citizens currently serve in the Armed Forces. Joining the military is often a way to help expedite citizenship proceedings. Historically, Texas has not precluded these veterans from participating in the Hazlewood program, but because of the standardized application procedures required by SB 101, and the attorney general opinion, THECB was forced to include the citizenship question on the application and deny Hazlewood to veterans who were not citizens when they enlisted.

This outcome is discriminatory against honorable veterans who may have become US citizens during or since their military service, and is entirely contrary to the spirit of the Hazlewood exemption. The legislature should modify the Hazlewood statute to ensure these veterans can again receive the educational benefit to which they are entitled.

## ***Recommendations***

- The legislature should continue to monitor the implementation of HB 2604, and provide TVC any support necessary to ensure the continuation of superior employment services for veterans.
- The legislature should monitor the issue of the exhaustion of Hazlewood benefits and, if necessary, legislate to clarify it.
- The legislature should amend the Hazlewood Act to clarify the residency provision and cease the disqualification of honorable veterans who were not US citizens at the time of enlistment.



## **Other Issues**

### ***Oral Health of Guardsmen and Reservists***

National Guard commanders have expressed concern over the oral health of members of the National Guard and reservists. Whereas active duty service members are provided free dental services that facilitate military readiness, reservists and guard members are not always afforded the same opportunity prior to deployments, thus encumbering the deployment readiness of reservists and guard members, who make up nearly half of our military forces serving in Iraq and Afghanistan.

### **Recommendation**

The legislature should work with the Texas Dental Association, Texas National Guard, and any other stakeholders in finding ways to address this problem.

### ***Ellington Field***

VAMI held a hearing, joined by the Subcommittee on Base Realignment and Closure, on September 12, 2006, in Webster, near Ellington Field Joint Reserve Base.

Houston City Council Members Shelley Sekula-Gibbs and Addie Wiseman expressed concern over the scheduled decommissioning of an F-16 fighter wing in Houston in the third quarter of federal fiscal year 2008. Protection of the Port of Houston, oil refineries, petrochemical facilities, the financial district, and other valuable assets in the area were chief reasons they advocated for keeping the fighter wing in Houston.

Senator Shapleigh, Senator Van de Putte, and Major General Steven Best, commander, 75th Division, US Army, discussed the timeline for communication interoperability for disaster response agencies. MG Best acknowledged Senator Van de Putte's description of the challenges of interagency communication amongst local response groups by stating that increased exercises of response procedures have been conducted to ensure coordination of information and communication.

In response to Texas National Guard Adjutant General, Major General Charles Rodriguez' detailing of the US Air Force's decision to reduce the F-16 presence at Ellington Field, Senator Van de Putte noted that the at least two year gap from the start of the decommissioning of the F-16 fighter wing until its replacement with unmanned Predator aircrafts would have a negative impact on national security and military security. Colonel Lanny McNeely, commander, 147th Fighter Wing, stated that the gap in coverage would be filled by a detachment from Oklahoma. However, the rotation of equipment and personnel for maintenance and training occurring on a routine basis would be a major limitation of such a plan.

MG Rodriguez responded to several concerns and outlined the negative effects of decommissioning of the F-16 fighter wing. Among them, he highlighted the fact that unmanned Predator aircraft would significantly lack the deterrent quality that F-16s possess. He also talked about the different training requirements between the current

Ellington-based unit and the Oklahoma detachment, mentioning that the current pilots at Ellington are trained to fly over water, as so many resources in the region are located off shore. In regards to the evacuation of the infirm following a disaster, he stated that the time to acquire needed to acquire equipment and supplies would hinder the operations capability of any such evacuation.

MG Rodriguez commented that an additional parcel of land still needs to be purchased for the construction of a facility for a new Armed Forces Joint Reserve Center. He stated that the facility needs to be located close to Ellington Field and should the purchase be delayed by bureaucracy, the legislature could be approached to aid in the financing of the purchase.

Other entities testifying on the operations, activities, and value of Ellington Field included the Houston Airport system, the United States Navy, the United States Marine Corps, the Texas Military Preparedness Commission, the United States Coast Guard, NASA, National Disaster Medical System (including the Department of Health and Human Services, the Department of Veterans Affairs, the Federal Emergency Management Agency, and the Department of Defense), the United States Army, the Ellington Field Task Force, Southwest Airport Services, and United Service Organizations.

### **Recommendations**

- If needed, the legislature should facilitate the land purchase needed for the joint reserve base.
- The legislature should support any efforts that support maintaining a fighter wing at Ellington Field in order to protect the invaluable assets along the Texas coast and in the Houston area, including the Port of Houston, oil refineries, petrochemical facilities, and the financial district.

### ***Fort Bliss and El Paso***

VAMI met jointly with the Subcommittee on Base Realignment and Closure (BRAC) in El Paso on September 26, 2006, and discussed the impact of the 2005 BRAC decisions on El Paso.

A timeline and the relocation and subsequent increase of 47,000 soldiers and family members to the El Paso area was discussed through the testimony of Tom Thomas, civilian aide to the Secretary of the Army. Of that total the Pentagon had not yet provided how many of those family members might be certified teachers. He mentioned a UT El Paso study indicated a \$3 billion total annual impact per year.

The construction of housing units and a desalination plant at Fort Bliss were discussed as well as the additional economic impact from two military projects involving future combat and integration.

Mr. Thomas, in response to Senator Shapleigh's inquiry, stated that because the federal government will bundle construction projects, local contractors may be prevented from

securing a project, some reaching the \$100 million category. He did say that some local contracts have been awarded and other local contractors are coming together to compete for larger contracts.

Mr. Thomas agreed with Senator Van de Putte's comment on the impact of full funding for kindergarten and that a reliable number of incoming four and five year olds would be helpful.

Senator Shapleigh explained that teachers will have reciprocal certification with their originating jurisdictions and Texas. He also proposed setting a deadline in December for drafting legislative proposals together with the City of El Paso and Mr. Thomas.

William Ehrie, Chairman, Texas Military Preparedness Commission, stated that the Texas Military Revolving Loan Fund (TMRLF), established by SB 652, 78th Texas Legislature, Regular Session, is available to El Paso as is the Defense Economic Adjustment Assistance Grant Program. Ehrie also provided an update on the Red River Army Depot, Lone Star Army Ammunition Depot, and Naval Station Ingleside.

Senator Shapleigh and Chuck Berry, Texas Department of Transportation (TxDOT) district engineer, discussed timelines and funding aspects of several transportation projects. Mr. Berry explained that TxDOT plans to continue to use the traditional funding programs and look toward additional innovative financing programs to help address the remaining need.

Richard Dayoub, president, Greater El Paso Chamber of Commerce noted that El Paso still has a shortage of pediatricians and that the need for them and related health care providers will be an important upcoming challenge. Dayoub agreed with Senator Van de Putte's assertion that partnerships need to be formed with the medical community and said that the president of the county medical society will be accompanying the chamber on a legislative trip to Washington DC in two weeks. Senator Van de Putte noted that some of the most critical needs for military spouses and families are the domestic or "honey-do" lists, to which the Senator recommended that El Paso consider a similar program as is available in San Antonio's Honey-Do support organization.

Pat Aauto, City of El Paso, provided a historical perspective on population growth, housing, and land. She described one El Paso legislative initiative, to annex certain properties for the purpose of controlling development. Aauto also discussed school enrollment, school capacity, and described El Paso's expedited review and inspection process for school district projects related to BRAC growth. Other development initiatives implemented after the BRAC announcement include a developmental review team, urban land institute recommendations, a parks and open space plan, and a downtown plan.

Lorenzo Reyes, Upper Rio Grande Workforce System, testified that the greatest areas of concern are the shortages of nurses, teachers, and a skilled labor force. Reyes stated that there is currently not a workforce program for targeted industries nor colleges with

work/study programs but that the workforce system would like to work with private industry to establish more internships for students. Reyes said the workforce system needs assistance from the state in the forms of additional funding and additional flexibility.

## **Recommendations**

- The legislature should consider ways to facilitate local contractors' ability to bid for BRAC and military related projects in El Paso.
- The legislature should re-visit and monitor reciprocal teacher certification issues and reciprocity agreements between states concerning student transfer requirements and exit-level testing requirements.
- The legislature should fund the Defense Economic Adjustment Assistance Grant.

## ***Predatory Lending Practices***

"Payday lending" or deferred presentment transactions have long been troublesome in military communities. These high-interest loans often lead to a cycle of debt from which it is very difficult to recover. The US Department of Defense identified payday lending as one of ten key "quality of life" issues that it has addressed with states, because of its effect on military readiness.

SB 1479, 79th Texas Legislature, Regular Session, by Shapleigh et al./Corte, addressed deferred presentment transactions by:

- prohibiting a lender from garnishing the borrower's wages;
- prohibiting a lender from engaging in collection activities toward a military borrower or military spouse if the service member is militarily activated;
- prohibiting a lender from contacting a service member's or spouse's employer concerning a deferred deposit debt; and
- requiring lenders to abide by repayment agreements, including repayment agreements formed through the military or a third-party credit counselor.

In October, 2006, President Bush signed into law a federal provision that caps interest rates on loans to members of the military and their families at 36 percent. The bill also prohibits binding mandatory arbitration clauses and any other waivers of the right of the borrower to seek legal recourse.

## **Recommendation**

The Texas legislature should pass a bill to align state law with the federal provisions regarding the interest rate cap and the waivers to the right to seek legal recourse.

## ***Tax Incentives for TRICARE Providers***

In the 79th Legislature, 3rd Called Session, the legislature addressed funding of public education and homeowners' property taxes. One outcome of the session was HB 3, which replaced the existing franchise tax with a broader-based tax that captures a wider range of businesses.



The new tax applies to most businesses and health care providers at a rate of one percent of the business' revenues, with deductions of the costs of goods and expenses; employee compensation costs; or 70 percent of the reported revenue.

HB 3 included an additional deduction of Medicare, Medicaid, Children's Health Insurance Program, TRICARE (the military's health system), and Workers Compensation revenues from health care providers' taxable margin.

The committee supports this additional deduction, especially with respect to the TRICARE providers. Some National Guard and Reserve members have experienced trouble finding health care providers in their home towns who are willing to accept TRICARE. This incentive may help.

### **Recommendation**

The legislature should monitor the TRICARE exemption and continue to monitor the availability of TRICARE providers in Texas.

### ***Opportunities for Employment and Business Ownership for Veterans***

Young (ages 18 to 24) veterans of Operation Enduring Freedom and Operation Iraqi Freedom have a higher rate of unemployment than other veterans and than the general population across the nation. Currently, 10 percent of these veterans are unemployed, which is an improvement since February 2006 when the rate was 15 percent. The overall unemployment rate is approximately four percent.

Unemployment issues are not limited to young vets, however, and these issues also include reemployment protections for service members returning to civilian jobs after their service. Federal law (the Uniformed Services Employment and Reemployment Rights Act) ensures a service member's right to return to a job, but there are some loopholes such that service members are not always protected.

The state passed several laws related to employment and reemployment during the 79th Legislature, but there are still issues to consider.

### **Recommendation**

The Texas legislature should explore opportunities for veterans' employment and business ownership, such as providing a preference in state contracting for veteran and service disabled veteran owned businesses.

### ***Veterans Administration Hospital in the Rio Grande Valley***

Veterans from the Rio Grande Valley have approached the VAMI Committee to ask for support in requesting a full service veterans hospital and trauma center in the Rio Grande Valley. They assert that there are only two clinics in the entire valley area, and that veterans in need of emergency or serious health services are forced to travel more than 250 miles to San Antonio to receive adequate care.

Last session the Legislature memorialized Congress to look into this matter, and the federal government is currently performing a feasibility study.

**Recommendation**

The Texas legislature should continue to monitor, and possibly support, efforts toward a veterans hospital in the valley.

## Appendix A. VA Facilities

### **VA Medical Facilities**

Thomas E. Creek  
VA Medical Center  
6010 Amarillo Blvd., West  
Amarillo, TX 79106  
806/ 355-9703  
1-800-687-8262

VA Medical Center  
300 Veterans Blvd.  
Big Spring, TX 79720-5500  
432/ 263-7361  
1-800-472-1365

Sam Rayburn Memorial VA Medical Center  
1201 East 9th Street  
Bonham, TX 75418  
903/ 583-2111  
1-800-924-8387

North Texas Veterans Health Care System  
4500 S. Lancaster Road  
Dallas, TX 75216  
214/ 742-8387  
*Tele-Care:* 1-800-677-8289

Michael E. DeBakey Veterans Affairs  
Medical Center  
2002 Holcombe Blvd.  
Houston, TX 77030  
713/ 791-1414  
1-800-553-2278

South Texas Veterans Health Care System  
Kerrville Division  
3600 Memorial Blvd.  
Kerrville, TX 78028  
*Administration:*  
830/ 792-2471  
*Medical Center:*  
830/ 896-2020

Thomas T. Connally  
VA Medical Center  
1016 Ward Street  
Marlin, TX 76661  
254/ 883-3511  
1-800-423-2111

South Texas Veterans  
Health Care System  
Audie L. Murphy Memorial  
Veterans Hospital  
7400 Merton Minter Blvd.  
San Antonio, TX 78284  
210/ 617-5300

Central Texas Veterans  
Health Care System  
Olin Teague Veterans' Ctr.  
1901 South 1st Street  
Temple, TX 76504  
254/ 778-4811  
1-800-423-2111

VA Medical Center  
4800 Memorial Drive  
Waco, TX 76711  
254/ 752-6581  
1-800-423-2111

*THE FOLLOWING MEDICAL FACILITIES ARE LOCATED OUTSIDE OF TEXAS,  
BUT HAVE JURISDICTION OVER SOME TEXAS COUNTIES. PLEASE CALL  
FACILITY FIRST TO VERIFY*

Overton Brooks VA  
Medical Center  
510 E. Stoner Avenue  
Shreveport, LA 71101-4294  
318/ 221-8411  
Toll-Free: 1-800-863-7441  
(Area codes 318, 903, 501 only)  
TeleCare: 1-800-761-8262  
Other: 318/ 424-6162

VA Medical Center  
2100 Ridgecrest Drive, SE  
Albuquerque, NM 87108  
505/ 265-1711

Lawton Fort Sill VA Outpatient Clinic  
Pitman at Thomas St.  
Bldg. 4303  
P.O. Box 33326  
Fort Sill, OK 73503  
580/ 353-1131

VA Medical Center  
921 Northeast 13th St.  
Oklahoma City, OK 73104  
405/ 270-0501  
1-866-835-5273, #4

### ***VA Outpatient Clinics***

VA Outpatient Clinic  
2901 Montopolis Drive  
Austin, TX 78741  
512/ 389-1010  
1-800-268-7958

VA Outpatient Clinic  
3420 Veterans Circle  
Beaumont, TX 77707  
409/ 981-8550  
1-800-833-7734

VA Outpatient Clinic  
5283 Old Brownsville Rd.  
Corpus Christi, TX 78405  
361/ 806-5600

VA Health Care Center  
5001 North Piedras  
El Paso, TX 79930-4211  
915/ 564-6100  
1-800-672-3782

VA Outpatient Clinic  
300 West Rosedale  
Fort Worth, TX 76104

817/ 335-2202  
1-800-443-9672

VA Outpatient Clinic  
2359 Saunders Avenue  
Laredo, TX 78043  
956/ 523-7850

VA Outpatient Clinic  
6104 Avenue Q South Drive  
Lubbock, TX 79412  
806/ 472-3400  
1-800-687-8262  
*(Request 'Lubbock Clinic' from this toll-free number)*

VA Outpatient Clinic  
1301 West Frank  
Lufkin, TX 75901  
936/ 637-1342  
1-800-209-3120

VA Outpatient Clinic  
2101 S. Colonel Rowe Blvd.  
McAllen, TX 78503  
956/ 618-7100

Frank M. Tejada  
VA Outpatient Clinic  
5788 Eckhert Rd.  
San Antonio, TX 78240  
210/ 699-2100

VA Outpatient Clinic  
1502 E. Airline, Suite 40  
Victoria, TX 77901-4154  
361/ 582-7700

## Appendix B. VA Eligibility Criteria

The Department of Veterans Affairs (VA) determines "eligible veterans" as defined in 38 CFR, Part 51.50.

Sec. 51.50 Eligible veterans.

A veteran is an eligible veteran under this part if VA determines that the veteran needs nursing home care and the veteran is within one of the following categories:

- (a) Veterans with service-connected disabilities;
  - (b) Veterans who are former prisoners of war;
  - (c) Veterans who were discharged or released from active military service for a disability incurred or aggravated in the line of duty;
  - (d) Veterans who receive disability compensation under 38 U.S.C. 1151;
  - (e) Veterans whose entitlement to disability compensation is suspended because of the receipt of retired pay;
  - (f) Veterans whose entitlement to disability compensation is suspended pursuant to 38 U.S.C. 1151, but only to the extent that such veterans' continuing eligibility for nursing home care is provided for in the judgment or settlement described in 38 U.S.C. 1151;
  - (g) Veterans who VA determines are unable to defray the expenses of necessary care as specified under 38 U.S.C. 1722(a);
  - (h) Veterans of the Mexican border period or of World War I;
  - (i) Veterans solely seeking care for a disorder associated with exposure to a toxic substance or radiation or for a disorder associated with service in the Southwest Asia theater of operations during the Persian Gulf War, as provided in 38 U.S.C. 1710(e);
  - (j) Veterans who agree to pay to the United States the applicable co-payment determined under 38 U.S.C. 1710(f) and 1710(g).
- (Authority: 38 U.S.C. 101, 501, 1710, 1741-1743)