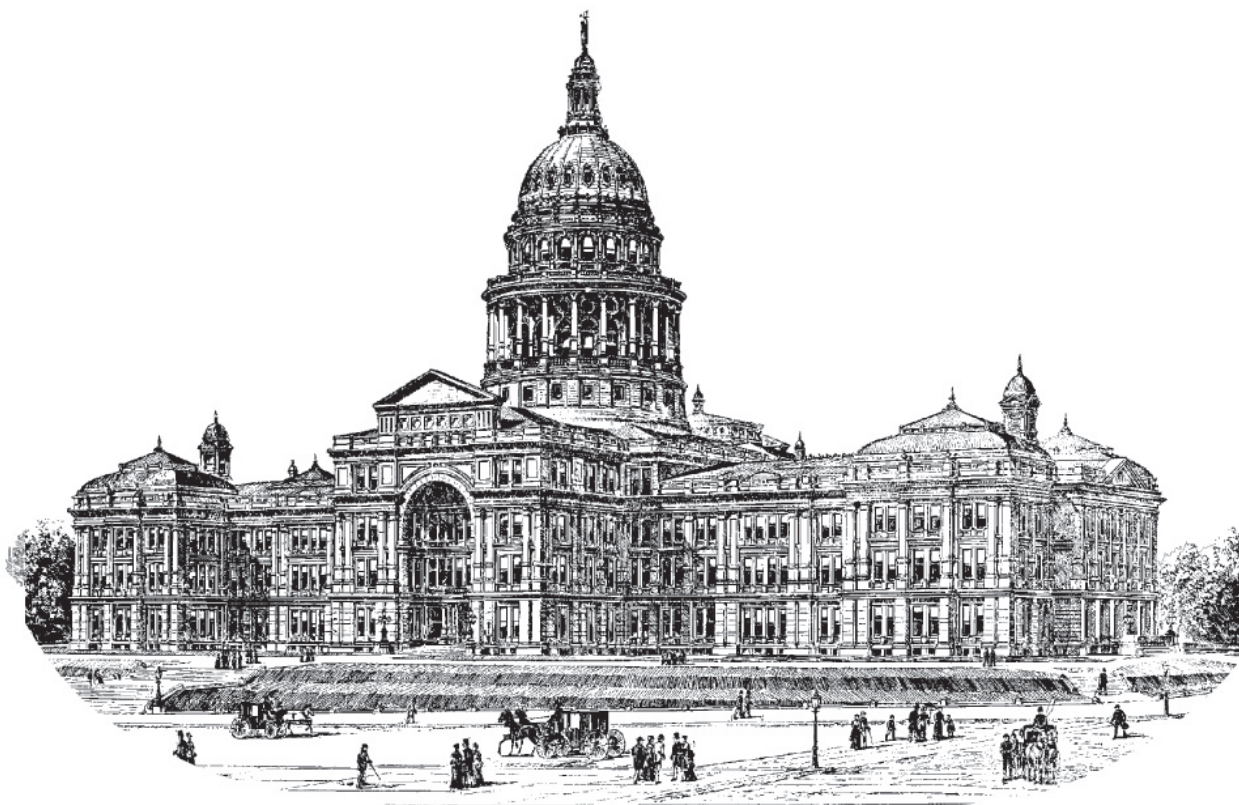




INTERIM REPORT

TO THE 83RD TEXAS LEGISLATURE



HOUSE COMMITTEE ON
DEFENSE AND VETERANS' AFFAIRS
JANUARY 2013

**HOUSE COMMITTEE ON DEFENSE AND VETERANS' AFFAIRS
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2012**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
83RD TEXAS LEGISLATURE**

**JOE C. PICKETT
CHAIRMAN**

**COMMITTEE CLERK
LEIGH ANNE LAUDERDALE**



Committee On
DEFENSE AND VETERANS' AFFAIRS

January 31, 2013

JOE C. PICKETT
Chairman

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Joe Straus
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Defense and Veterans' Affairs of the Eighty-second Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-third Legislature.

Respectfully submitted,


Joe C. Pickett, Chair


Ralph Sheffield, Vice-Chair


Dan Flynn


Leo Berman


Joe Farias

Van Taylor


Charles Perry

Jim Landtroop

Connie Scott

Ralph Sheffield
Vice-Chairman

Members: Dan Flynn, Leo Berman, Joe Farias, Van Taylor, Charles Perry, Jim Landtroop, Connie Scott

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INTRODUCTION

In February of 2011, during the 82nd Legislative Session, Speaker Joe Straus appointed nine Members to the House Committee on Defense and Veterans Affairs. Pursuant to House Rule 3, Section 32, the Committee has jurisdiction over all matters pertaining to:

- (1) the relations between the State of Texas and the federal government involving defense, emergency preparedness, and veterans issues;
- (2) the various branches of the military service of the United States;
- (3) the realignment or closure of military bases;
- (4) the defense of the state and nation, including terrorism response;
- (5) emergency preparedness;
- (6) veterans of military and related services; and
- (7) the following state agencies: the Adjutant General's Department, the Texas Veterans Commission, the Veterans' Land Board, the Texas Military Preparedness Commission, the Division of Emergency Management, and the Emergency Management Council.

INTERIM STUDY CHARGES AND SUBCOMMITTEE ASSIGNMENTS

Upon the conclusion of the Eighty-Second Legislative Session, on October 20, 2011, the Speaker of the House, the Honorable Joe Straus, released the interim committee charges for the Texas House of Representatives. These charges, and the subsequent recommendations were addressed over the course of four public hearings during the interim.

The House Committee on Defense and Veterans' Affairs



- 1) Study the current role of all Texas state military forces. Identify changes that would enhance the accountability and effectiveness of the state guard, air guard, and National Guard and all other components of our state military forces.
- 2) Monitor the implementation and impact of the MOVE Act on the state and on municipalities. Make legislative recommendations, as needed, to ensure a smooth implementation of the law. (Joint with the House Committee on Elections)
- 3) Study and make recommendations on how the state and local governments can work together to protect our federal military installations from unnecessary encroachment while still allowing appropriate use of land near bases to be used for nonmilitary purposes.
- 4) Determine any challenges to the training and operations of Texas' 15 military installations in light of recent reductions in federal defense spending. Additionally, review the current structure and mission of the Texas Military Preparedness Commission as a result of HB 2546 (81R). Recommend any legislative actions needed to sustain and improve the state's military preparedness.
- 5) Monitor the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 82nd Legislature.

CHARGE ONE

Study the current role of all Texas state military forces. Identify changes that would enhance the accountability and effectiveness of the state guard, air guard, and National Guard and all other components of our state military forces.

BACKGROUND AND INTERIM STUDY

The Texas Military Forces can be activated by the Governor of Texas and the President of the United States. The Governor is the commander in chief of the Texas Military Forces which is led by the Adjutant General. The Adjutant General is appointed by the governor every two years with the advice and consent of the Senate. The Adjutant General leads the Texas Army National Guard, the Texas Air National Guard, the Texas State Guard and the Adjutant General’s Department. The three “guard” entities are at the governor’s disposal to respond to emergencies and needs within the state of Texas. Two of the entities (the Texas Army National Guard and the Texas Air National Guard) are available to the President of the United States of America. The administrative and financial resources to fund the state’s operations flow through the Adjutant General’s Department. The financial resources necessary to fund federal operations flow through the United States Property and Fiscal Office, a branch of the National Guard Bureau in Washington D.C.

 Title 32 USC	 Title 10 USC
<p><u>State</u></p> <ul style="list-style-type: none"> • Defense Support to Civil Authorities (DSCA) <ul style="list-style-type: none"> - Homeland Defense - Homeland Security <ul style="list-style-type: none"> • Border/Shores/Highways • Operation Border Star—LEA - Rabies Eradication—DSHS • Humanitarian Assistance/ Disaster Relief (HA/DR) <ul style="list-style-type: none"> - Hurricanes, Floods, Fires, Ice Storms • Medical Support to Border Area-Operation Lone Star • Assisting At-Risk Youth Programs <ul style="list-style-type: none"> - ChalleNGe/Star Base • CDAE (Counter Drug Aviation Element) 	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Homeland Defense • SWB Support • Augment Combatant Commands <ul style="list-style-type: none"> - CENTCOM - PACOM - EUCOM - NORTHCOM - SOUTHCOM - AFRICOM • Peace Prairie (Singapore) • Czech Republic Partnership • Chile Partnership • NORTHCOM-SEDENA Support.

The Texas Military Forces are battle-ready, accessible, flexible, affordable, and sustainable. Unlike their active duty counterparts, Texas Guard members maintain two professions, one as a professional soldier/airman and another as a Texas civilian. These guard members live and serve in each of Texas’ 254 counties. This connection with every community is an incalculable advantage to state and national security. The Texas Military Forces have over 100 facilities in 65 counties. With Air and Army National Guard units in every corner of the state, the governor has the capacity to quickly tailor and employ multi-service solutions to the full spectrum of domestic operations

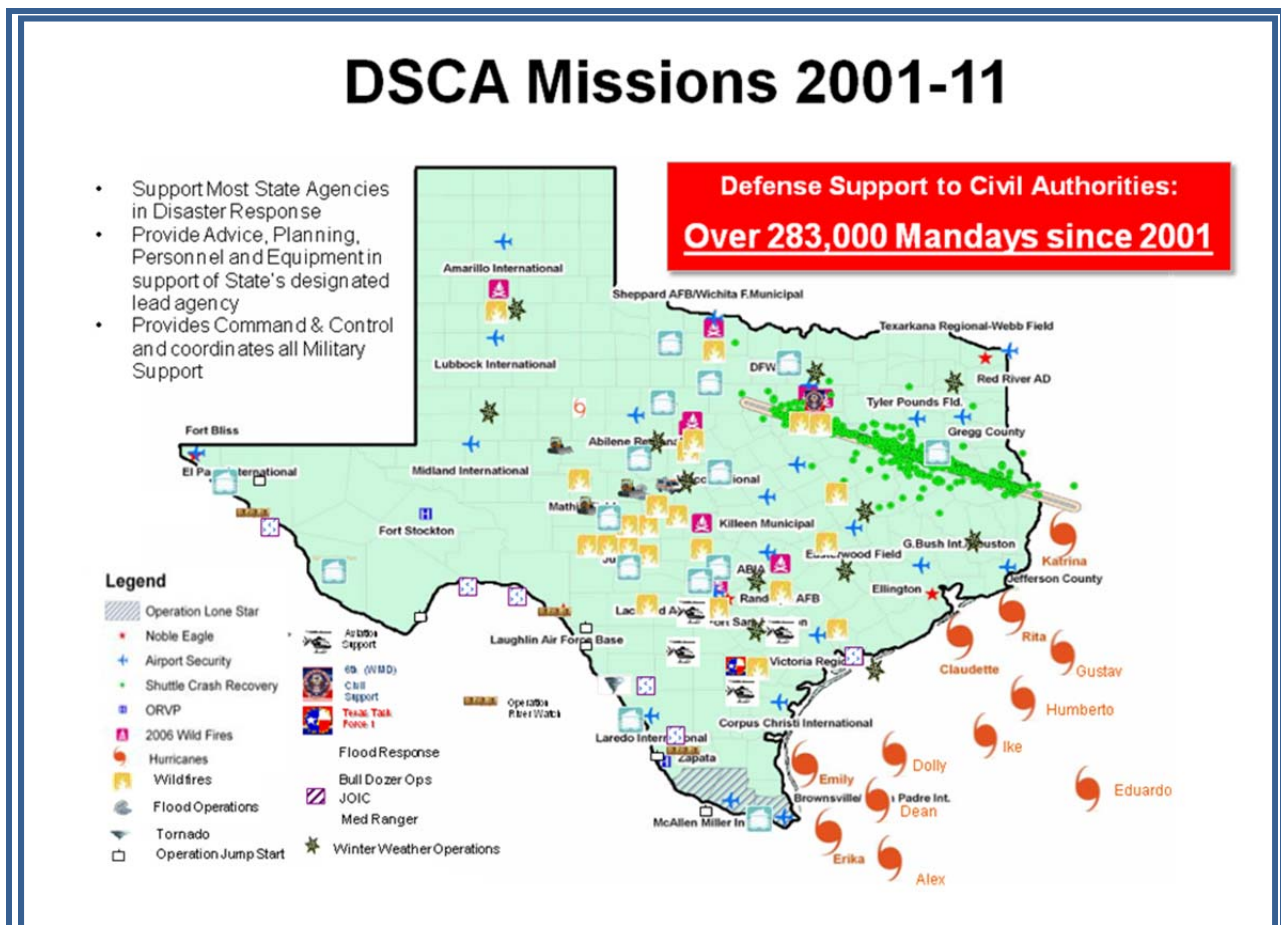
Entity	Manpower
Adjutant General's Department	620
Texas Air National Guard	2,931
Texas Army National Guard	19,212
Texas State Guard	2,315
Total Manpower	25,078

including state emergencies.

The Texas Military Forces is the largest military force in the country and leads all other states in combat deployments. Soldiers and airmen are continuously called upon to respond to our nation's international threats. Since 9/11, Texas Military Forces have deployed more than 31,000 soldiers & airmen in support of the Global War on Terror and overseas Contingency Operations. The Texas National Guard Soldiers and Airmen are on the front lines, at home and abroad, doing everything necessary to defend America and the American way of life.

The Texas Military Forces has supported a multitude of emergencies in the state. In recent history the Texas Military Forces provided emergency response to numerous hurricanes and tropical storms, tornadoes, snow storms, floods, and wildfires, all of which were located across Texas. The ability to respond is based on a close working relationship with state homeland security and emergency management officials as the governor uses the Texas Military Forces to support their mission.

The recent border security missions, in particular, highlight the value of communication and collaboration between entities – federal funds were provided for the missions, however the governor and the adjutant general used the established system of command and control to respond.



The combination of the National Guard and State Guard military forces working together in support of civil authorities in a domestic mission has leveraged the concept of a joint military force at an operational level. These synergistic relationships have been further tested with the new border initiatives. Annual pandemic military training exercises conducted with the Texas Department of State Health Services, Operation Lone Star, and the evacuation planning efforts that occur all along the Texas coast are joint support ventures that demonstrate the continued evolution that Texas Military Forces undertake in this ever changing world.

Texas' National Guard members protect communities at home and abroad for roughly 1/3 the cost of the Active Component. At a time when fiscal responsibility is so important, the National Guard provides full operation capacity, at home and abroad, at a fraction of the cost of full-time active duty forces.

In addition to being effective, the Texas Military Forces has several accountability measures in place. These include the Texas National Guard receiving regular inspections from the Army Inspector General and the Air Force Audit Agency. In the last year, the Adjutant General's Office received reviews from the State Auditor's Office and a post payment audit from the Comptroller of Public Accounts. Our internal audit functions with a contracted firm who reviews our internal and external controls regularly, based on risk areas.

Statutory Basis

The Preamble to the United States Constitution contains the basic mandate for the maintenance of military forces: "to provide for the common defense." Regarding the National Guard, Congress is authorized in the Constitution "to provide for organizing, arming, and disciplining the Militia" – reserving to the States, respectively, the appointment of the Officers, and the authority of training the Militia according to the discipline prescribed by Congress in Article I, Section 8. The Constitution further specifies that the President is Commander-in-Chief of the Militia "when called into the actual Service of the United States." The Texas Government Code makes the Governor "Commander-in-Chief of the military forces of the State, except when they are called into actual service of the United States." [TX Govt. Code, Title 4, Chap. 431, Sect. 002.]

The Texas Government Code, Chapter 431. State Militia, governs the Texas Military Forces in the state. Section 431.022 provides that the Adjutant General is subordinate only to the governor in matters pertaining to the State Military Forces. The general duties of the Adjutant General are described in Section 431.029.

Hearings

The committee heard testimony on March 5, 2012, in El Paso and subsequently has gathered supporting documentation and information about the role and the activities of the Texas Military Forces, and provides the following recommendations.

COMMITTEE FINDINGS AND RECOMMENDATIONS

The future of a military response will require the ability to synergistically harness all of the resources available in all military and civilian components.

Borders: Protecting Texans

Texas is the second largest state in the union with a total area of more than 266,000 square miles. It has the second largest population with more than 25 million residents. Texas shares a 1,241 mile international border with Mexico. Along the U.S. border with Mexico there are 43 ports of entry, 18 in Texas which have the potential to contribute to threats to United States security.

In 2010, President Obama directed the temporary use of up to 1,200 National Guard personnel on the Southwest Border to support the Department of Homeland Security activities. From October 1, 2010, through February 29, 2012, the Texas National Guard provided 286 personnel for Operation River Watch. Operation River Watch supported both Customs and Border Protection and Immigration and Customs Enforcement by supporting two key mission sets: Entry Identification, and Criminal Analysis. Additionally, the Texas National Guard provided a joint, 13 personnel Command and Control Cell.

The Texas National Guard provided three companies totaling 246 personnel for Entry Identification Teams supporting Customs and Border Protection at three US Border Patrol stations in the Rio Grande Valley sector. Over the 17 months of Operation River Watch, the three companies were credited with assisting US Border Patrol by observing 8,112 undocumented aliens, leading to 4,030 apprehensions and to 3,417 aliens who turned-back to Mexico prior to apprehension. The companies were also credited with the seizure of 17,665 lbs. of marijuana.

Additionally, the Texas Military Forces has provided federally funded drug interdiction services in Texas since 1989. This "counter drug" mission bridges the gap between Department of Defense and non-Department of Defense institutions in the fight against narcotics trafficking and associated narcotics violence along the border to the south. In the last two fiscal years alone, this program has resulted in over \$1.8 billion in narcotics seizures.

In the other key mission set of supporting Immigration and Customs Enforcement, the Texas National Guard provided 27 Criminal Analysts from both the Texas Army and Air National Guard in ten different locations throughout Texas, including the border area. These personnel assisted Immigration and Customs Enforcement in more than 350 different Homeland Security investigations, including: immigration crime; human rights violations; human smuggling; smuggling of narcotics, weapons and other types of contraband; financial crimes; cybercrime; and export enforcement issues.

Joint Task Force Liberty commenced operations on March 1, 2012, supporting the US Department of Homeland Security. The mission is to conduct aerial detection and monitoring in order to detect, interdict, and disrupt Terrorist Criminal Organizations/Drug Trafficking Organizations along the Texas-Mexico border through December 31, 2012. The presence of Joint

Task Force Liberty allows the National Guard to support the Department of Homeland Security with air mobile assets that can quickly match the dynamic environment of the border.

From March 2012 – April 6, 2012, Joint Task Force Liberty executed a total of 1,073 flight hours, including 947 UH-72A hours and 126 RC-26B hours. Additionally, in just over one month of operations, CBP credited the Task Force in assisting with 1,980 undocumented alien observations, 1,144 apprehensions, 689 turn-backs, 25 alien smuggling cases, and the seizure of 4,508 lbs. of marijuana.

The committee recommends that the legislature continue to seek the resources of the federal government to protect our border, specifically through missions given to the Texas National Guard like those cited in this report. The committee further recommends that the legislature provide state active duty funding for similar state initiatives.



Natural Disasters: Protecting Texans

One of the missions of the Texas National Guard is to provide the manpower and equipment necessary to support the governor and the Texas Division of Emergency Management (TDEM) in responding to state and local emergencies, whether they are natural or man-made.

The Texas Military Forces play a vital role in protecting our state and its citizens. In 2011, the severe drought, combined with weather conditions, made for a very active wildfire season in Texas. That year, the Texas Army National Guard flew 82 missions and dropped nearly five million gallons of water on fires across the state, and our Ground Assets cut 162 miles of fire break.

From August 30 to September 16, 2011, the Texas National Guard supported the Texas Forest Service by providing three CH-47s and eight UH-60s in more than 15 areas throughout the state. The Texas Military Forces dropped 3.9 million gallons of water and fire retardant over Bailey, Bastrop, Bullis, Columbus, Gethsemane, George Bush Park, Horseshoe Bend, La Grange, Magnolia, Marshall, Possum Kingdom, Palo Pinto, Riley Rd, Rhonesboro, and the Trinity fires.

In the Bastrop fire alone, eight National Guard Blackhawk helicopters and three Chinook helicopters flew a total of more than 147 hours and dropped nearly 1.4 million gallons of water.

The Texas Military Forces provided not only air support, but ground support as well, through bulldozers, firefighting trucks and other supporting vehicles and equipment. The Texas Military Forces deployed one Ground Wildfire Suppression Force Package composed of four D7 Bulldozers with supporting vehicles and equipment and cut five miles of fire break.

While supporting the fire suppression efforts, Texas Military Forces supported the community as

well. Sixty Texas State Guardsmen were put on active duty and established shelters and support for residents displaced by the Bastrop fires. In total, more than 180 Texas Military Forces personnel supported the Bastrop fire suppression effort.

Along with the continued threat of wildfires across the state, the six-month hurricane season begins June 1st of each year. In 2012, the National Oceanic and Atmospheric Administration (NOAA) Climate Prediction Center predicted a 70% chance of nine to 15 named storms and of those, with one to three becoming major hurricanes. Based on the time period of 1981-2010, an average season produces 12 named storms with six hurricanes, including three major hurricanes.

The committee recommends that the legislature find opportunities to provide state active duty funding for state training for emergency missions.

Department of Defense Budget Reductions

Looming Defense Department budget cuts could have devastating effects on the military's readiness beginning in January 2013 unless Congress changes the law. Sequestration, a possible automatic cut in the defense budget of roughly 10% of the \$531 billion base budget, would be added on top of the already \$487 billion in defense spending cuts set by the Budget Control Act of 2012. These cuts do not take into account the automatic reductions occurring from withdrawals from Iraq and Afghanistan.

The Air Force presented a proposal to relocate eight Air National Guard C-130 Hercules transport aircraft (C130s) from the 136th Airlift Wing in Fort Worth to a new facility in Montana. This proposal would remove viable resources from Texas. In times of emergency, the Governor of Texas relies on the 136th Airlift Wing's eight C-130s to protect not only Texans, but all Gulf State citizens. Since 2005, the Texas Air Guard's C-130s have flown 423 storm sorties, delivering 939 tons of needed supplies along the entire Gulf Coast. In addition, the C-130s are the only aircraft that can be called into action by the Governor in a state of emergency. As a result, Texas was the first to respond and successfully evacuate 800 hospital and nursing home patients during Hurricanes Ike and Gustav.

The National Guard Bureau chose to place a civil support team in Texas. The civil support team includes an analytical laboratory system to allow a quick response to potential contamination sites, analyze samples of chemical and biological agents, and report the results to the local civil authorities. The civil support team also has state of the art detection, communications, modeling and hazard assessment equipment, all of which can be made available to communities across Texas. The civil support team is capable of responding to the full spectrum of hazards and represents a significant capability for use by both Texas and the Federal Government.

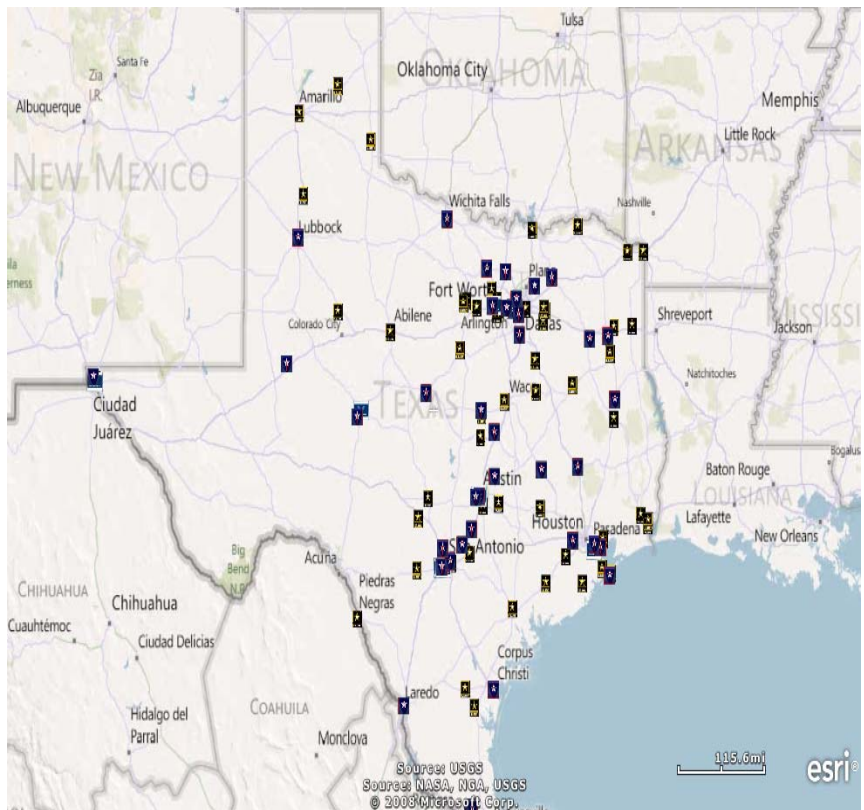
In addition to the economic impact of activities in this state, acquiring and maintaining federal assets and missions for the Texas National Guard provides resources such as those mentioned above for use by the Governor and all the civil authorities across Texas, allowing the state to be flexible and efficient in the time of whatever crisis faces the state. Therefore, the committee recommends that the legislature support initiatives that bring federal missions or equipment into the state and take a strong stance against relocation of missions or equipment out of Texas.

Growing State Population

The Texas State Demographer expects large population growths in the major cities and along the Texas/Mexico border, as well as distinct increases in the age of the Texas population. An increase in population in urban areas and in the median age of our population will require greater planning for disaster response missions as the Texas Military Forces will be called upon to assist in the care of residents misplaced during disasters.

To meet the increasing need facing Texas in the years to come, greater support must be provided to the Texas Military Forces. The Adjutant General's Department has several budgetary initiatives that the legislature should strongly consider funding.

- Additional support for the Texas State Guard: This volunteer organization provides Texas with more than 2,300 trained volunteers to support civil authorities by managing evacuation shelters, providing medical support, and other critical needs. The administration of these programs is funded for 1,500 volunteers. The agency's budget request to support the higher volunteer levels is a sound state investment.
- Facility support: Nearly half of all Texas' readiness centers were constructed more than 50 years ago and are in need of substantial repair, rehabilitation, and maintenance. The Texas Military Forces inventory consists of 5.5 million square feet of facilities. Federally supported efforts to modernize must have matching funds from the state. If funds are not appropriated through the state budget this upcoming biennium, the deferred state maintenance costs for the facilities backlog will be \$38.7 million through FY 2015. For the Texas Military Forces to recruit, retain and train our forces, investment in these facilities is crucial.



-
- Two types of training facilities are lacking in Texas as well. Training space and professional readiness are critical components of preparedness. The often obsolete facility designs do not accommodate new units, missions, or equipment. Having the ability to renovate and expand our existing buildings requires a continuation of both federal and state support.
 - First, as warfare becomes more complex and attacks on our citizens take a cyber-form, having a training center (Regional Training Institute) equipped for 21st century classroom training will pay major dividends to this state. State support is important for projects such as the Regional Training Institute whose purpose is to provide a professional learning environment, quality instruction, and training for individual soldiers and military units in a university classroom-like setting. The continued readiness of Texas depends greatly on training provided to our Texas Military Forces by the Texas Regional Training Institute. Fundamentally, the existing facilities do not provide sufficient space for the current courses or for planned growth in the number of courses offered and students enrolled. An investment by the State in the design phase will secure federal construction funding.
 - Secondly, a south Texas training area where weapons qualification and maneuver training can occur will save valuable resources. Currently, no training facility exists in the region within the army-required four hour driving distance of the Texas Military Forces units. This training center could serve 3,300 soldiers stationed in south Texas and more than 4,000 law enforcement officers in the region and across the state. The Texas Military Forces, working together with multiple partners in a collaborative effort, would establish facilities with the capability to support weapons training and qualifications from 9mm pistols to 7.62mm rifles, as well as urban combat and maneuver training requirements. The training area could also serve as a staging area for natural disaster response along the Coastal Bend, the Rio Grande Valley, and throughout South Texas. Acquiring state land for this purpose would allow the Texas Military Forces to acquire federal funding to construct the area's supporting infrastructure, including barracks and equipment storage facilities. Use of the proposed training center will benefit all partner agencies and the citizens of Texas.

Ensuring local, State, and Federal agencies remain ready to meet the challenges of homeland security, border protection and civil support requires state-of-the-art facilities, communication and coordination.

Antiquated Law

The enabling legislation for the agency has not been substantively rewritten and modernized since its creation. There are provisions in the statute that do not reflect the modern nature of our military forces. For example, there is a provision in the statute that is more than 100 years old and probably unconstitutional that allows local officials to call upon the nearest guard unit for aide, without gaining gubernatorial approval or involvement. This committee recommends the legislature undertake a modernization review of the military forces enabling statute.

DISCUSSION

The Texas State Guard (TXSG) is a rapidly deployable, highly mobile emergency action force, capable of a wide range of augmentation missions in Direct Support to Civilian Authorities (DSCA). As the third branch of the State Military Force, the Texas State Guard has unique experience providing Direct Support to Civilian Authorities throughout several hurricanes and many other disasters. It maintains emergency management expertise through the Military Emergency Management designator and has multiple expert and senior level soldiers. The State Guard interacts with local leadership, staffs local shelters, provides fill-in capability for shortfalls in the local emergency management structure, and runs local Points of Distribution. TXSG also provides communication support to supplement the National Guard communications, damage assessment training, and supplements local authorities, but does not directly police unless directed by the Governor. Additionally, the State Guard has flexibly acquired missions as needed by the local government. Recently, TXSG activated the Special Needs Evacuation Tracking System (SNETS) missions to track special needs evacuees.

Members are locally based and can respond to emergencies, within 2 hours of notification, anywhere in the state making them the most rapidly deployable force under the control of the Governor. Members of the Texas State Guard serve in an unpaid capacity, unless called to state active duty and are the most cost effective military force in the state.

RECOMMENDATIONS

1. Review and enhance full time staff for Texas State Guard to enhance readiness and training.
2. Review and determine budgetary enhancements for Texas State Guard that would provide improved readiness
3. Review and determine other agencies that could benefit from the cost effective use of the Texas State Guard.
4. Review and determine changes to the current military code that would enhance accountability and readiness.

CHARGE TWO

Monitor the implementation and impact of the MOVE Act on the state and on municipalities.
Make legislative recommendations, as needed, to ensure a smooth implementation of the law.
(Joint with the House Committee on Elections)

BACKGROUND

Members of the uniformed services and U.S. citizens who live abroad are eligible to register and vote absentee in federal elections under the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA). In 2009, Congress overhauled UOCAVA by enacting the Military and Overseas Voter Empowerment (MOVE) Act. A major feature of the MOVE Act is its requirement that all states send absentee ballots to uniformed and overseas citizens at least 45 days before an election, unless a state has received a waiver from the federal government. In response to the MOVE Act, some states have moved their primary election date in order to meet the 45-day deadline. MOVE also requires states to establish procedures to allow UOCAVA voters to request registration and absentee ballot applications electronically and by mail.

Texas Administrative Code, Title 1, Part 4, Ch. 81 authorizes the secretary of state (SOS) to e-mail ballots to uniformed services voters, including their spouse and dependents, that are overseas during a federal election. Election Code, Ch. 101 sets forth the procedures for early voting by mail using federal postcard applications (FPCAs). Sec. 41.001 sets forth the uniform election dates. With certain exceptions, each general or special election in Texas is held on the second Saturday in May or the first Tuesday after the first Monday in November. Election Code, sec. 41.007 stipulates that the general primary election date is the first Tuesday in March in each even-numbered year. The runoff primary election date is the second Tuesday in April after the general primary election, and the presidential primary election date is the first Tuesday in March in each presidential election year. Sec. 172.023 stipulates that an application for a place on the general primary election ballot must be filed no later than January 2 in the primary election year.

Senate Bill 100: Therefore, the 82nd Legislature took up and considered SB 100 in order to implement the federal Military and Overseas Voter Empowerment Act ("MOVE Act"). SB 100 would move the general primary election date to the first Tuesday in April and the runoff to the third Tuesday in June. The presidential primary election date would move to the first Tuesday in April in each presidential election year.

The bill would require, with certain exceptions, each general or special election in Texas to be held on one of the following dates: the second Saturday in May in an odd-numbered year, the second Saturday in May in an even-numbered year for an election held by a political subdivision other than a county, or the first Tuesday after the first Monday in November. A county elections administrator would not be required to enter into a contract to furnish election services for an election held on the second Saturday in May in an even-numbered year.

The bill would extend the deadline to December 31, 2012, for a political subdivision other than a county that held its general election for officers on a date other than the November uniform election date to change the election date to the November uniform election date.

A political subdivision that before September 1, 2011, held its general election for officers on the uniform election date in May, or that was required by other law to hold its general election for officers on that date, would have to hold its general election for officers on the first Tuesday in April in an odd-numbered year unless the governing body of the political subdivision changed the date.

SB 100 would authorize a home-rule city to implement the changes authorized by the bill by adopting a resolution. The change would supersede a city charter provision that required a different general election date. A holdover of a member of a city governing body, in accordance with state constitutional provisions requiring officers to serve until their successors were qualified, as the term of office could be conformed to a new election date, would not constitute a vacancy for purposes relating to vacancies in the Texas Constitution.

Implementing the Federal MOVE Act. SB 100 would implement the federal MOVE Act and authorize the e-mail transmission of balloting materials to a member of the armed forces or merchant marines of the U.S., or their spouse or dependent, or a person domiciled in this state but temporarily living outside the U.S.

The SOS would be the designated state office to provide information about voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by individuals eligible to vote under the federal MOVE Act. The SOS would be the state coordinator between military and overseas voters and county election officials and could adopt any necessary rules, including rules for an alternate secure method of electronic ballot transmission other than e-mail.

County election officials would have to cooperate with the SOS to ensure that military and overseas voters timely received accurate balloting materials in time for the election. An application for a ballot to be voted by mail would have to be submitted on an official FPCA form and include certain eligibility information. An individual qualified to vote under these provisions could request from the early voting clerk e-mail transmission of balloting materials. The early voting clerk would have to grant this request if:

- The requestor had submitted a valid FPCA and was an overseas voter who provided a current mailing address located outside the U.S. or a military voter who provided a current mailing address outside of his or her county;
- The requestor provided an e-mail address that corresponded to the address on file with the FPCA or on a newly submitted FPCA;
- The request was submitted on or before the seventh day before the date of the election;
- A marked ballot for the election from the requestor had not been received by the early voting clerk.

An e-mail address would be confidential and would not constitute public information. An early voting clerk would have to ensure that a voter's e-mail address was excluded from public disclosure.

Voter registration. To register to vote under the bill, a person would be required to provide the address of the last place of residence in the state or the person's parent or legal guardian's last place of residence. The registrar would have to register the person at the address provided or assign them an address under prescribed procedures.

Balloting materials. Balloting materials could be e-mailed only for an election in which an office of the federal government was on the ballot, including a primary election or an election to fill a vacancy in the Legislature unless it was ordered as an emergency election or held as an expedited election or was a joint election under either of those circumstances. Balloting materials sent by e-mail would have to include:

- the appropriate ballot;
- ballot instructions;
- instructions on how to print a return envelope from the federal voting assistance program website and how to create a carrier envelope or signature sheet for the ballot; and
- A list of certified write-in candidates.

Balloting materials could be provided in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the SOS. The SOS would be required to prescribe procedures for the retransmission of materials following an unsuccessful transmission. Military or overseas voters would have to be voting from outside the voter's county or from outside the U.S. A voter who received a ballot under these provisions would have to return it by mail, common or contract carrier, or courier. A ballot could not be returned by electronic transmission, with certain exceptions.

The deadline for returning ballots would be the same as the deadline for returning a marked ballot voted by mail. If a ballot was late, it would not be sent to the early voting ballot board for processing. If a ballot was timely, the clerk would have to include in the jacket envelope a copy of the voter's FPCA and the signature cover sheet, if applicable.

For each FPCA registrant accepted to vote, the early voting clerk would have to note on the early voting poll list indicating the voter was an FPCA registrant. The clerk also would have to note on the early voting roster each e-mail of a ballot voted under these provisions. A ballot from an FPCA registrant would not have to be included on the precinct early voting list.

The SOS, in coordinating with local election officials, would be required to implement an electronic free-access system that a person could use to determine, by telephone, e-mail, or over the Internet, whether the FPCA or other registration or ballot application had been received or accepted and whether the person's ballot had been received and its status.

The SOS would have to create a tracking system under which an FPCA registrant could determine whether a voted ballot had been received by the early voting clerk. Each county that sent ballots to these individuals would have to provide information required by the SOS to implement the system.

If the early voting clerk had provided a voter a ballot to be voted by mail by regular mail and e-mail, the clerk could not deliver a jacket envelope containing the early voting ballot until both ballots were returned or the deadline for returning marked ballots had passed. If the ballots provided by regular mail and e-mail were returned before the deadline, the early voting clerk would have to deliver to the board only the jacket envelope containing the ballot provided by e-mail. The ballot provided by regular mail would be considered not timely returned.

In determining whether to accept an early voting ballot by mail when the signature on the carrier envelope certificate was determined to have been executed by someone other than the voter, the early voting ballot board would have to compare the signature on the carrier envelope or signature cover sheet with the signature on the FPCA.

The bill would require the early voting ballot board, when placing and sealing rejected ballots in a carrier envelope, to keep a record of the number of rejected ballots in each envelope. The bill would require a notation to be made on the carrier envelope of any ballot rejected after the envelope was opened and to include the reason the envelope was opened and the ballot rejected. The presiding judge of the early voting ballot board, when providing written notice of the reason for the rejection, would also have to provide the notice to the e-mail address where the ballot was sent.

For ballots from military or overseas voters, the early voting ballot board would have to place the copy of the voter's FPCA or signature cover sheet in the same location as the carrier envelope. The bill would require the SOS to prescribe procedures to allow a voter who qualified to vote by a federal write-in absentee ballot to vote through use of a federal write-in absentee ballot in an election for any office for which balloting materials may be sent by e-mail.

Change of terms in municipalities. By December 31, 2011, the governing body of the general-law municipality could adopt a resolution changing the length of terms of its members to two years. The resolution would have to specify how the transition from the length of the former term to the modified term was made. The transition would have to begin with the first regular election for members of the governing body that occurred after January 1, 2012, and a member who served on that date would serve the remainder of that term. This provision would expire January 1, 2015.

The bill's provisions would prevail over another act of the 82 Legislature to the extent of any conflict. The SOS would have to adopt rules to implement the bill's provisions, including the adjustment of any affected date, deadline, or procedure. The bill's provisions would not be in effect for an election held on November 8, 2011.

SB 100 would make a number of organizational and conforming changes to the Election Code and other statutes related to extending or shortening deadlines, where appropriate, as a result of amending the uniform election and primary election dates. The bill would take place on September 1, 2011.

Notes: The House committee version of the bill differs from the Senate-passed version by establishing the runoff primary election date as the third Tuesday in June rather than the fourth Tuesday in May. The substitute also contains provisions relating to the general primary election date and the presidential primary election date that were not included in the Senate-passed version.

According to the bill's fiscal note, the fiscal implications cannot be determined at this time. It is assumed that if the primary runoff election date is moved from the second Tuesday in April to

the third Tuesday in June, several public schools used for the elections would be closed for the summer and could charge a fee. This could cost the state about \$86,000 to \$260,000. (House Research Organization)

Senate Bill 100 was passed by both chambers, signed by the Governor, and went into effect on September 11, 2011.

COMMITTEE ACTION

The House Committee on Defense and Veterans' Affairs and the House Committee on Elections met in a scheduled public hearing on October 9, 2012 to receive invited and public testimony relating to the implementation of the MOVE Act. The following people provided testimony to both committees: Keith Ingram, Director of Elections, Office of the Secretary of State; Joy Streater, County Clerk/Elections, Comal County; and written testimony from Jacquelyn F. Callanen, Elections Administrator, Bexar County.

Chairman of the House Committee on Elections, Representative Larry Taylor stated in his opening comments, "Obviously in Texas, we think very highly of our veteran's and military folks and we want to make sure they have every opportunity to vote in these elections. As they have actually gone out and fought for our right to do, so we want to make sure we protect their right to vote in these elections we want to do everything we can to make sure that happens."

On behalf of the Office of the Secretary of State, Mr. Ingram testified that The 82nd Texas Legislature passed SB 100 in order to implement the federal Military and Overseas Voter Empowerment Act ("MOVE Act"). The main functions of SB 100 were (1) to increase the coverage of the 45 day deadline to any federal and state election, (2) to modify and regularize the Federal Postcard Application ("FPCA") process, and (3) to make sure that the election calendar schedule was elongated in order to accommodate the 45 day deadline to mail out military and overseas ballots (a process that was placed in the Election Code in 2005). An additional function of SB 100 was to provide a mechanism for local entities to move their elections from the May uniform election date to November.

Regarding the additional function of SB 100, a number of local elected bodies did move their elections to November from May. This was done with little trouble or fanfare except for a few isolated instances.

Moving on the main functions of SB 100, the FPCA process has been updated in TEAM, the Texas statewide voter registration database, without any major glitches. Both the online and offline counties have adapted well to the changes. The users of the Federal Voting Assistance Program's website (used in order to request, access, and download to the FPCA) have generally done so without issue. The Federal Voter Assistance Program ("FVAP") reports that Texas is one of the top states, by number of visitors, for use of their website to apply for overseas ballots.

The Office of the Secretary of State has emphasized to Texas counties the necessity of meeting the 45 day deadline. This year, the Texas election calendar was reworked on the fly through court orders from the Federal three judge panel in San Antonio after its interim redistricting

maps were vacated by the U.S. Supreme Court. When the March 6th primary date was no longer feasible, the Court spent a great deal of time talking to the political parties and this office along with County election officials about a revised schedule. Much of the emphasis in those talks was about accommodating the need to have ballots mailed to military and overseas voters by the 45th day before a new primary date. Additionally, the court was interested in picking a runoff date that accommodated the elongated schedule between the primary and runoff that the 82nd Legislature enacted in SB 100.

The period prior to the new primary date of May 29th was extremely busy for the counties. All counties were required to complete state and local redistricting once the new maps were drawn by the court. Counties had to move voters into new precincts after drawing the precincts in accordance with Texas Election Code § 42.005. Once voters were assigned to new precincts, the counties had to mail new voter registration cards to every voter. Finally, the counties had to keep up with the increase in calls and voter registration applications caused by the delay in mailing out the new voter cards.

Even with all of this uncertainty and multiple changes to the Texas election calendar, all but a handful of counties met the deadline of mailing military and overseas ballots by April 14th. The majority of problems in meeting the deadline were caused by the need to correct ballots as a result of redistricting confusion in addition to the normal issues associated with local party officials ordering ballots in a timely manner. Of the handful that were late, most were sent by the following Monday and the remainder went out during the following week.

The July 31 runoff was smoother due to the fact that the counties did not have to compress almost a year's workload into one month. Also the ballot was much shorter. There were a few stragglers, but all the overseas ballots were mailed or emailed by the Monday following the June 16th deadline.

Finally, September 22, 2012 was the 45th day before this general election. Six counties failed to meet this deadline: Fannin, Nacogdoches, Galveston, San Patricio, Jeff Davis and Reeves, totaling 66 military and overseas ballots. 62 of these ballots (from all but Reeves County) were sent on Monday, September 24. The four from Reeves County were emailed and overnighted by Friday, September 28.

Meeting the 45 day deadline is a high priority for our office and for the counties. It is important that the 82nd Legislature also allowed military and overseas ballots that arrive within five days of the election to be counted. That deadline this year will be on Tuesday, November 13, because Monday, November 12 is the observance of Veterans Day and the mail will not be delivered that day. Thus, our military and overseas voters should have ample opportunity to cast their ballots.

We do not yet know how many MOVE act ballots were requested, returned, and counted for any of this year's elections. The counties will have this information for the primary and the runoff, but the Office of the Secretary of State will not get that information from the counties until after the general election at which time this Office sends the Election Assistance Commission's post-election survey to the counties. We do know that in 2008 there were 53,058 ballots sent out and

37,863 of these were counted. We also know that in 2010 there were 17,863 ballots sent overseas and 17,322 were counted. (SOS)

Mr. Ingram submitted a follow up letter, dated on October 16, 2012 to answer several of the questions raised regarding the Secretary of State's instructions to counties regarding email ballot instructions and attachments. The letter stated:

Our office is aware from the 2010 experience with email ballots (the first opportunity on a wide scale to use them) that asking overseas voters to deal with carrier envelopes and to fold envelopes is tricky and unwieldy. We modified the instructions and forms for 2012. It appears that some of the counties are not yet using the updated and simplified process. This Office will endeavor to ensure that all counties are using it for the next election to which Section 101.104 of the Texas Election Code applies. I would note specifically that there is no instruction to include a copy of the envelope in which the ballot would have been transmitted if it had been mailed.

You will notice in our instructions to the county clerks and election administrators that we provide instruction for either a carrier envelope or a signature verification page. Since the point of the carrier envelope procedure is to make sure that the voter returns a signature to the county so that the early voting board can compare a signature with the ballot to the one on file with the application for the ballot, our office created a "signature verification page" procedure to use instead of a carrier envelope if the county chose to do so. That way the voter simply has to sign one page and fold the ballot inside of it and place the page and ballot in a regular envelope to return to the county. This procedure was meant to streamline the process without endangering either the ballot security or ballot confidentiality concerns that are ever present in the procedures for mail-in ballots.

The Office of the Secretary of State would welcome the opportunity to discuss more ways to make this process as simple as possible for the voters while maintaining ballot security and ballot confidentiality.

Ms. Streater, Comal County Elections Clerk, gave oral testimony in addition to providing a packet of written testimony to each member of both committees. The packet she supplied contained the information that is emailed to each military voter. One of the first issues that Ms. Streater brought to light was the reality that not every military person that requests an email ballot has access to printer. In fact, many do not. Secondly, she explained that many of the military voters receiving the packet have expressed serious frustration with this process, which is largely due to the confusing instructions contained in the packet. Thirdly, she reminded both committees that not all military voters have access to scotch tape, which is required in order to mail their ballot. Fourthly, the envelope they are supposed to return the ballot has no postage on it. So, they end up returned the voted ballot in the envelope intended for the return application.

Mr. Streater said that, "When it arrives here, we do not know if it is an application or a returned ballot. We have to open it to determine that. If it is a voted ballot, we have to seal it up to be examined by the Early Voting Ballot Board."

In her opinion, "email ballots should be restricted to those overseas Military voters." She said that, "We have to find a way for them to email it back even if we have to print it off and put in an envelope. This compromises the secrecy of the ballot, but so does the current procedure." She informed both committees that it takes approximately twenty minutes per email to send one out. In her closing remarks, she said, "Please help us to help the people who are fighting for our freedoms."

Ms. Callanen, Bexar County Elections Administrator, submitted written testimony to both committees, reminding them that Bexar County is a "Military City" and they have an outstanding history of military voting. In fact, in 2008, Bexar County was ranked number seven in the nation on military votes. As of October 9, 2012, Bexar County has sent out over 7,000 MOVE ballots. They had 5,409 go out on the first day--half of those by email. However, at the end of this election cycle, Bexar County asking for some enhancements to the program.

The first enhancement she mentions "would be to allow the voted ballots to be emailed back to us." Apparently, Bexar County receives numerous emails from military voters with the voted ballot. In those emails, the military voters explain their frustration because they do not have access to fax machines. "Should we deny them to right to vote because of a piece of technology, she asks?" The majority of the ballots Bexar County receives are missing races on the ballot. "As you know, ballots are at a minimum of 14 inches (legal). Almost no one has access to legal [size] paper, and it prints on 8 1/2 by 11 inches at best, and if it is a true overseas printer it comes out square (A24). Then these ballots become a real challenge to remake. It takes critical time to figure out what ballot style and precinct it should be because our Early Ballot Board process dictates that we separate the ballot from the ID of the voter. If they are permitted to email back the ballot--we have the necessary resources to print the complete ballot." In her concluding comments, Ms. Callanen informed both committees that Bexar County will be prepared to comment on more enhancements and give statistics following this election.

RECOMMENDATIONS

The Committee recommends the Elections Division within the Office of the Secretary of State continue to work with county election administrators/clerks to streamline the process for sending absentee ballots to military service members overseas.

CHARGE THREE

Study and make recommendations on how the state and local governments can work together to protect our federal military installations from unnecessary encroachment while still allowing appropriate use of land near bases to be used for nonmilitary purposes.

BACKGROUND

The Department of Defense (DOD) maintains 15 major, and multiple minor defense installations throughout Texas. Collectively, these facilities provide an estimated \$65-100 billion dollars to Texas' economy every year and are home to approximately 200,000 service members. In order to maintain military missions in Texas and sustain these installations' training capability and capacity, it is imperative that the Department of Defense's services and host communities proactively plan together for compatible land use and their development. This planning must account for airspace requirements, as well as ground training needs, and their associated impacts on nearby neighborhoods.

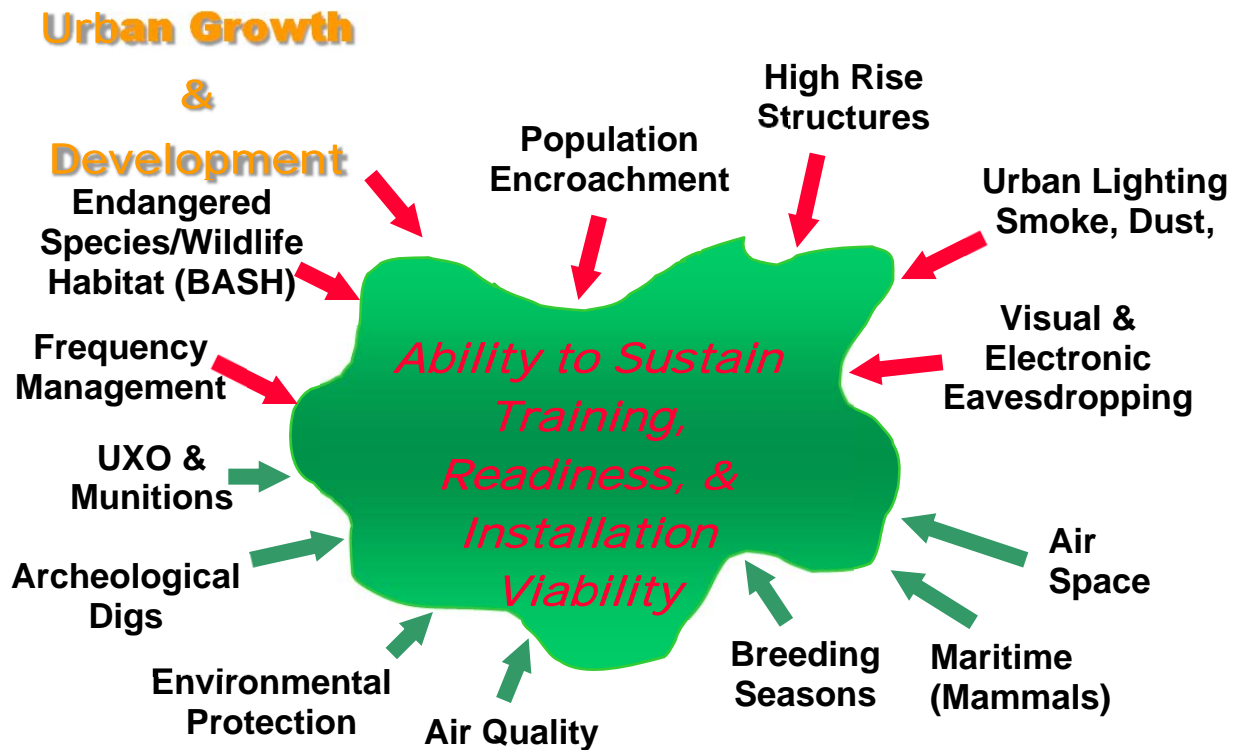
Encroachment is the cumulative effect of uncontrolled urban development that impedes the military's ability to carry out its testing and training missions on affected bases. The rapid pace of urban growth into rural areas around military installations and ranges presents two sets of encroachment problems. As residential and commercial development increases in areas near military bases, residents may be exposed to aircraft over-flights, dust and noise from military activities. In addition, important military training exercises may be compromised by the encroaching development. These potentially competing interests could result in incompatible use of land, air, water and other resources, but may be mitigated with state legislative intervention.

Incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission and that such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation. In addition, the economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment. Therefore, the Texas Legislature has encouraged and continues to encourage local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations throughout the state. Local land use planning and zoning are cost effective tools for ensuring compatible development around military installations.

The National Governors Association Policy on Encroachment and Military Activities provides:

"The aim is not to prevent growth or limit any state or local authority but to encourage land uses that avoid encroachment and are consistent with both the scope of military activities at a particular base and the needs and safety of the neighboring community."

Many Faces of Encroachment



COMMITTEE ACTION

The House Committee on Defense and Veterans' Affairs met in public hearing on August 22, 2012, to hear testimony regarding state and local government cooperation to ensure the protection of our federal military installations from unnecessary encroachment while still allowing appropriate use of land near bases to be used for non-military purposes. Representative Lyle Larson and Representative Lozano were in attendance.

Captain Mark McLaughlin, United States Navy, Commanding Officer of NAS Kingsville, testified on behalf of Captain Rob Bennett, Chairman of the Texas Commanders Council. As mentioned in another section of this report, the Texas Commanders Council was formed in the fall of 2011, and is comprised of the leaders of major military installations throughout the state. The Council was formed to provide one concise message to the Texas Legislature on issues related to military readiness statewide. While many issues continue to be local in nature, there are major issues related to compatible development that are shared amongst various installations through the state. The TCC has worked diligently to package these issues for the state's consideration and were discussed in the August 22nd hearing.

Captain McLaughlin provided the committee with a copy of the TCC's adopted "*Legislative Requirements to Support Military Missions in Texas.*" The document is comprised of two sections: Airspace Compatibility and Land Use/Ground Compatibility.

Airspace Compatibility: The need of Texas' airspace to enable military training is broad. Texas enjoys more favorable flying weather than many other states, which facilitates improved training capacity in Texas' skies. This is true at air installations and on special military routes and ranges throughout the state. These military training routes (MTR's), military operating areas (MOAs/Ranges), special use airspace (SUA), and low level routes form a complex system of "highways in the sky" where pilots can train on various platforms. Challenges to DOD's use of this airspace include:

- Vertical Obstructions: Such as cell phone towers, wind turbines, transmission lines, tall buildings, etc. These types of structures can be physical obstructions to flight and require special training to ensure they are built in areas where they will not impact flight operations (either at airfields or in training areas).
- Radar Interference: This can be caused by wind turbines, whose spinning blades and rotating hubs can cause a variety of challenging effects on aviation and weather radar systems. Many turbines have a radar cross-section that is equivalent to that of a large aircraft, which can lead to false returns on a radar scope, interference at specific angles to the side of each turbine.

As stated, current state law lacks protection (regarding unincorporated lands) for military airspace in Texas. Structures (including wind turbines) which are proposed near airfields or are greater than 200 feet in height require a review through the Federal Aviation Administration (FAA). However, a negative FAA review (impact to military airspace or radar system(s)) will not stop/limit construction.

Land Use/ Ground Compatibility: Texas' military installations are largely surrounded by unincorporated land which lacks zoning authority. In these areas, there is no notification or ability to limit construction that may be incompatible with military operations. While each installation's training needs and local impacts are unique, many installations throughout Texas struggle with common issues:

- Incompatible land use: In proximity to installation boundaries, training ranges, operating areas and flight paths hinders long-term military training sustainment.
- Urban lighting: Can impact night time flying or training, particularly LED lighting becomes prevalent and has the potential to impact those who train with night vision goggles (NVGs).
- Frequency spectrum: the use of various telecommunications devices has the potential to interfere with weapon systems and navigational systems.

As stated, current state law lacks protection (regarding unincorporated lands) for military use in Texas. Military mission sustainment would benefit greatly from a formal, enforceable notification process and protection to ensure that potential structures, developments, and land

uses would be discussed early in the planning process to ensure compatibility with and preservation of the military's footprint.

In order to maintain the associated missions in Texas, we need to ensure that air and ground training capabilities are protected and preserved. These include installations, air fields, ground ranges, and airspace located within military operating areas and training routes. When combined, this represents a significant portion of the land and air space within the state.

Joint Base San Antonio

The next witness to testify before the committee was Colonel John Lamoureux, Commander, 502 Mission Support Group, representing the 502 Air Base Wing, Joint Base San Antonio. Joint Base San Antonio (JBSA) includes Fort Sam Houston, Lackland, Randolph, and Camp Bullis. According to his testimony, JBSA serves 84,000 personnel and supports over 135,000 students annually. The military are easily the largest employer in San Antonio. The Department of Defense's economic impact in San Antonio is over \$12 billion annually according to Fiscal Year 2011 data. BRAC and non-BRAC construction tied to the three San Antonio installation locations is worth an estimated \$5 billion dollars adding to a present plant replacement value of just over \$32 billion.

Col. Lamoureux said that JBSA has several compatibility issues that he would like to highlight. Lackland and Randolph both have airfield compatibility challenges such as development in noise areas and construction of facilities in the airfield safety areas. Attachment 1 and 2 are maps from Air Installation Compatibility Use Zone (AICUZ) studies of both installations. Similar to civilian airports, obstructions in the clear zones and accident potential zones and noise complaints from these noise areas can threaten the viability of our airfields.

Randolph AFB was established in the early 1930s and Lackland AFB in the 1940s and actually its airfield, Kelly Field, were established in 1916. Despite these being long existing and very busy airfields, development is moving closer to our airfields. Today most of the areas in close proximity to our airfields are within nearby municipalities, so there is zoning authority; however some of the zones are in unincorporated areas. This is true for the southern noise contours of Randolph and for the Medina Annex just west of Lackland which has small arms ranges that can pose noise issues. If cities were able to require bound attenuation in limited areas near military installation in their extraterrestrial jurisdiction (ETJ) or counties were able to regulated limited areas near military installations for sound attenuation in unincorporated areas, there would be a regulatory tool to address these issues. While these are not large areas geographically, these gaps present significant regulatory shortfalls.

The other significant compatibility issue for JBSA has been protecting the viability of the 28000 acre Camp Bullis training area on the north side of San Antonio. Camp Bullis is our primary field training site for several battlefield missions. Both Fort Sam Houston and Lackland locations rely on Camp Bullis for their field training capability. The JBSA-Fort Sam Houston is the home of Department of Defense medicine (which grew by over 12,000 personnel after BRAC 2005) and is the lynchpin for enlisted medic and officer training for the entire DOD. Air Force Security Forces from Lackland AFB rely on Camp Bullis' field training for the Air Force Airbase Ground Defense School and Common Battlefield Airman Training. Approximately 40%

of the training at Bullis is Air Force and is vital to the ongoing military operations in Afghanistan.

When Camp Bullis was established about 100 years ago, there was no development around it. However, today due to growth of San Antonio and its surrounding communities, we are experiencing encroachment. See attachment 3 showing how the Camp is now surrounded by development on all but its northern side.

The past few years, the City of San Antonio and Bexar, Comal, and Kendall Counties were instrumental in resolving many of Camp Bullis' encroachment issues. In 2008 and 2009, the City issued a dark sky ordinance and the counties issued lighting order to help protect Camp Bullis' night training missions. San Antonio passed a military sound attenuation zoning overlay in 2010, see attachment 4. However, it did not cover the city's ETJ. Tree protections help Camp Bullis in four ways. First, they help Camp Bullis from becoming the "lone island of refuge" for the endangered golden-checked warbler. The warblers trigger many restrictions on Camp Bullis under the federal Endangered Species Act and these restrictions will only increase if we are the "lone island of refuge." Next, trees help buffer light from development around our installation, which helps protect our night training mission and our use of Night Vision Goggles (NVGs). Trees can also help buffer noise coming from our installation; reducing noise complaints arising from our firing ranges and aviation activities. Additionally, the trees help the San Antonio area to be in attainment for EPA ozone standards. Ozone is a summertime pollutant and the biggest factor in ozone creation is temperature. Ozone compliance could affect any major proposal for federal growth such as the BRAC 2005 growth for JBSA (and for private development also, such as the Toyota plant in San Antonio).

As stated before, Military Mission sustainment would benefit greatly from a notification process and protection to ensure that potential structures, development and land uses would be discussed early in the planning process to ensure compatibility with preservation of the military missions in Texas.

Laughlin Air Force Base

Colonel Michael Wehmeyer, Commander of the 47th Mission Support Group at Laughlin Air Force Base, testified on behalf of Colonel Thomas Murphy, Laughlin Air Force Base wing commander, who also represents Laughlin Air Force Base on the Texas Commander's Council.

His testimony reminded the committee that, in order to maintain military missions in Texas and sustain these installations' training capability and capacity, it is imperative the DOD, services and host communities proactively plan together for compatible land use and development. This planning must account for airspace requirements, as well as ground training needs and their associated impacts on nearby neighborhoods, such as noise frequency, spectrum, and traffic. Planning must take into account installations, airfields, ground ranges, and airspace located within military operating areas and training routes.

Laughlin Air Force Base is located near Del Rio and is home to the 47th Flying Training Wing, which conducts specialized undergraduate pilot training for the United States Air Force and allied nation air forces utilizing the T-6, T-38 and T-1A aircraft. Laughlin AFB uses 218 aircraft

to fly over 87,000 flight hours per year, more flight time than any other AETC base. This equates to numerous airplanes in the sky over Del Rio from sun up to sun down, 240 sorties a day, with a launch and recovery every 2.5 minutes. These operations make Laughlin AFB the busiest airfield in the Air Force. The military operations airspace in which we operate encompasses over 10,000 square miles of the local area. In addition, we use 13 low-level routes encompassing over 2,400 nautical miles of airspace. Using our aircraft and airspace, Laughlin AFB trains over one-third of the Air Forces' new pilots, graduating over 360 new pilots each year. The end result of this effort and training is to produce Airmen that take airpower downrange to support overseas contingency operations. Within one year of graduation, our pilots are flying combat missions. Laughlin AFB is also vital to the Del Rio community, employing over 4,000 people and having an annual economic impact of over \$234 million dollars.

Discussion of Compatible Use:

Laughlin AFB leadership believes Texas needs legislation that addresses the ever-increasing problem of incompatible land uses, and provides military installations and surrounding communities a process to share information and work together from the outset of development projects. Incompatible land uses diminish and, in many instances, substantially interfere with the capability of military installations to operate effectively and provide critical training. In our experience, when installations, communities and developers coordinate early in the palling process of proposed projects, the effect of incompatible land uses on operations can be minimized or avoided.

Uncoordinated development can result in incompatible land use that interferes with military functions in many ways. For example, high-rise buildings or cellular towers near airfields can conflict with aircraft flight paths. Increased residential and high-density development can increase Bird Aircraft Strike Hazards, and development of high energy transmission lines can interfere with the frequency spectrum necessary for military communications and safe flight operations. Legislation that increases communication and cooperation between military installations, local communities and developers has obvious benefits for all concerned.

Today, the Air Force focuses on community partnering and intergovernmental planning to achieve compatible land use and zone to protect ever-evolving management needs. We are integrating these activities as appropriate with programs such as Air Installation Compatible Use Zone (AICUZ) studies and Joint Land Use Study (JLUS) recommendations.

Laughlin Air Force Base and our local communities have benefited greatly over the last few years through strong partnering efforts. The City of Del Rio and Val Verde County established a Joint Airport Zoning Board pursuant to the Texas Local Government Code, Chapter 241. When future planned developments are submitted, the base is contacted and allowed to provide comments related to potential encroachment threats. Based on our relationship with the local community, Laughlin AFB's comments are strongly considered by decision makers. Furthermore, the Joint Airport Zoning Board established the Laughlin Air Force Base Compatible Land Use and Hazard Zoning Ordinance, which requires developers to coordinate with local authorities and the base prior to receiving zoning approval. The ordinance is currently under revision based on the 2008 AICUZ and JLUS recommendations.

Concurrently, the Air Force is also working with national organizations such as the National Conference on State Legislatures, the Council of State Governments, the National Association of Counties, the Environmental Council of States, and many other organizations to encourage state legislation and policy development in order to enhance long term sustainability of our military installations.

Naval Air Station Fort Worth, Joint Reserve Base

Fort Worth City Councilman, Dennis Shingleton, presented testimony on behalf of NAS Fort Worth, JRB Regional Coordination Committee. The committee is currently chaired by Paul Paine, President of Fort Worth South, Inc. and who is also current Chairman of the Texas Military Preparedness Commission. The Regional Coordination Committee's (RCC) mission is to promote and preserve the military mission at the installation. The RCC is responsible for encouraging compatible land use planning, conducting community outreach, and participating in military affairs surrounding NAS Fort Worth, JRB. The base has a 2.3 billion dollar annual economic impact to the immediate surrounding communities and the greater Dallas-Fort Worth region. This regional asset is important to the local economy and the communities around the base have worked cooperatively and voluntarily to address land use and development that is compatible with military operations.

The RCC was formed in 2008 as a result of a Joint Land Use Study. Currently, the RCC is comprised of eight voting members including the Cities of Benbrook, Fort Worth, Lake Worth, River Oaks, Samson Park, Westworth Village, White Settlement, and Tarrant County. The committee also has 13 non-voting members including NAS Fort Worth, JRB, Lockheed Martin, numerous chambers of commerce, and other public agencies.

The RCC members have worked cooperatively to address the issues of notice and compatibility, and has been successful at addressing these issues because NAS Fort Worth, JRB is surrounded by seven cities that have zoning authority. Specifically, the RCC has implemented tools, such as a Development Review Website, that allows local governments the ability to input development proposals and zoning changes and receive feedback from other planning peers and members of the RCC as to the compatibility and potential impact on military operations.

This website is one significant accomplishment that has led to enhanced notice of development proposals and provides feedback on the compatibility of a project so that decision makers such as planning and zoning boards and city councils have the best available information when determining potential impacts.

One example of coordination that occurred through this tool and enhanced communication is the City of Fort Worth's Lake Worth Vision Plan. In 2009, the city proposed a vision for a city owned lake, Lake Worth, which forms the northern boundary of the base. The original consultant sketch and vision included incompatible land uses within the base's safety zones. The RCC collectively worked with the City of Fort Worth over a year's timeframe to amend the draft Vision Plan to incorporate land uses that were compatible with safety zones. This process was testament to the ability to find a win-win solution for the city, residents, and base, when

everyone sits down at the table long before any real implementation actions begin. Tools that can be used at the local level to promote compatible growth around military installations such as:

- Protecting the voluntary participation of coordination efforts by governmental entities surrounding military installations;
- Enhancing communication efforts for new potential residents that may be affected by military operations;
- Expanding existing municipal authority within the extra-territorial jurisdiction of unincorporated areas within noise contours; and,
- Creating effective requirements for notification, analysis, and consultation for certain proposed activities that may adversely affect military operation (e.g. wind turbines, communication towers, etc.) between project developers and military bases and city and county officials.

Corpus Christi International Airport

Fred Seguno, Director of the Corpus Christi International Airport, testified that the City of Corpus Christi is deeply committed to strengthening the strategic military missions of Naval Air Station Corpus Christi and Naval Air Station Kingsville, as well as the U.S. Coast Guard operations.

The Corpus Christi International Airport, Naval Air Station--Corpus Christi, Naval Air Station Kingsville and their outlay landing fields have approximately 800,000 operations combined--that is take-offs and landings of commercial, military, and unmanned aircraft--more than the Dallas-Fort Worth International Airport. Approximately 60% of the 100,000 operations at the Corpus Christi International Airport are conducted by the military aircraft in our area. The City of Corpus Christi is currently undergoing a Joint Land Use Study and is discussing future land use planning, re-zoning needs, property disclosures, ordinance revisions, annexation strategies, compatible use agreements, and other actions to implement compatible land uses in and around the airport and air fields used by the military. Those incompatible uses can be anything from homes, apartments, mobile home parks, cell phone towers, office buildings, wind farms, and/or other high density developments.

The City of Corpus Christi is also working to reconstitute the Nueces County, San Patricio County, and City of Corpus Christi Joint Airport Zoning Board authorized under Chapter 241 of the Texas Local Government Code. The goal of the Joint Airport Zoning Board is to prevent or eliminate airport hazards and to ensure compatible land use within the limited jurisdictional boundaries of the Board, which is one-and-one-half miles from the sides of the runway and five miles from the ends of the runway. This boundary limitation is a significant problem that could impact our ability to protect the Coastal Bend military installations in the future. The boundary limitation in statute (Sec. 241.003, (7), Local Government Code), handcuffs a community so that it cannot achieve the purpose outlined in the law. Expanding the boundaries of "controlled compatible land use area" around Texas airports would be a significant improvement. Changing the boundary limitation will be a priority of the City of Corpus Christi during the 83rd Regular Session in 2013.

In the Coastal Bend, we have organized the South Texas Military Facilities Task Force. The City, County, Chamber of Commerce, the Port of Corpus Christi, Economic Development Corporation, and private businesses have committed resources to maintain and enhance the missions of the Naval Air Stations, Corpus Christi Army Depot, and the Coast Guard. Many other states are competing to keep their bases open and enhance their missions and have financial support of their state government. They include the states of Louisiana, Oklahoma, Florida, and Virginia. We encourage the Texas Legislature to join us in protecting Texas Military bases by appropriating funding to make infrastructure improvements or purchase land and development rights to prevent incompatible land uses near the bases.

RECOMMENDATIONS

It is the Committee's recommendation that Texas Local Government Code 241 be amended to allow political subdivisions, if they desire, to expand the dimensions of "Compatible Land Use Areas" in order to protect local economic interests along with the safety of the flying public and Department of Defense mission requirements.

CHARGE FOUR

Determine any challenges to the training and operations of Texas' 15 military installations in light of recent reductions in federal defense spending. Additionally, review the current structure and mission of the Texas Military Preparedness Commission as a result of HB 2546 (81R).

Recommend any legislative actions needed to sustain and improve the state's military preparedness.

COMMITTEE ACTION

The House Committee on Defense and Veterans' Affairs met in a public hearing on August 22, 2012 to receive invited testimony from Mr. Keith Graf, Office of the Governor, Director of Aerospace, Aviation, and Defense, and Director of the Texas Military Preparedness Commission.

Mr. Keith Graf, on behalf of the Texas Military Preparedness Commission, testified that HB 2546 (81R) has been fully implemented. To date, the TMPC has implemented all legislative changes and is now housed within the Economic Development and Tourism Division of the Governor's Office, and works closely with the Texas Economic Development Bank on any Military Revolving Loan Fund applications. This transfer has provided TMPC with additional resources, such as access to the research and marketing departments.

Discussion: Allow Defense Economic Assistance Adjustment Grant to be utilized proactively.

Rationale: With potential Department of Defense (DOD) budget cuts including the looming possibility of future BRAC rounds and over a \$400 billion sequestration, it is important that defense communities have access to funds directly geared towards providing assistance to communities which are more inclined to be impacted by DOD decisions. Currently DEAAG is a reactionary program. TMPC would like to proactively address issues in military communities which have been placed on the target BRAC list or other authorized documents designating the community as potentially vulnerable to future negative DOD actions. Qualifications for proactive measures can be quantified through analysis of the most recent DoD BRAC Installation Score as compared to the national average DoD BRAC Score per service. Infrastructure/construction projects will remain as the only type of project to be funded.

Benefits: The state desires to keep military and defense workers in the state. It is also important to recognize that through any base closure or loss/reduction in defense contracts, the state could lose the benefit of sales tax revenue generated by the defense contractors and military workers in a community. Furthermore, ancillary businesses may be negatively affected or even forced to close as a result of a closure to a military base or the loss of defense jobs to the base as a whole.

Through providing access to funds prior to an official BRAC decision, communities in danger of losing current missions will address infrastructure problems which place them at a risk of negative realignment or closure.

Fiscal Note: The state legislature would have to allocate DEAAG funds through the General Revenue appropriations process.

Statutory Rule and Amendments: Amend Government Code, Chapter 486 to allow the state award DEAAG funds to defense communities who are facing the possibility of a BRAC action or other DOD decisions that will negatively affect the community.

Stake Holders: Defense Communities

Anecdotal Information: As part of the BRAC 2005 process, the US Army rated mission readiness of all Army installations through an analysis of 40 Military Value Attributes. Ranging from “Heavy Artillery Direct Fire Capability” to “Urban Sprawl” these scores factored into the overall BRAC analysis and decision making process.

In 2005, BRAC scored the military value of “Operations Facilities” at Red River Army Depot at .44, well below the national average of 1.88. This poorly rated military value in addition to other installation shortfalls placed Red River Army Depot on the final BRAC 2005 list of realignment and closures. Fortunately, after being placed on the list it was spared closure and currently operates in the same capacity as before BRAC 2005.

Currently, grant funds cannot be awarded in a preemptive manner to assist the installation and community in increasing the military value of this facility. However, if this recommendation is implemented, grant funds could be awarded for the purpose of improvement and construction of operation facilities to aid Red River Army Depot in remedying the massive shortfall documented in the previous BRAC round.

*****At this time the Department of Defense has not yet announced how potential sequestration cuts could impact the military or defense contractors.*

CHARGE FIVE

Monitor the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 82nd Legislature.

TEXAS VETERANS COMMISSION

The U.S. Department of Veterans Affairs (VA) defines “veterans” as those who served in the active duty military, Coast Guard, uniformed Public Health Service, the uniformed National Oceanic and Atmospheric Administration, reservists called to active duty, and those disabled while on active duty training. The Department of Labor also adds to that definition the requirement that the veteran must have served 180 days.

With 1.7 million, Texas has the second-highest number of veterans of any state in the United States, second only to California. Many veterans either entered service in Texas or were stationed at one of the 15 active military bases spread throughout the state when they separated from the military. A large percentage of those new veterans leaving the military remain in Texas for a number of reasons including employment opportunities, cost of living considerations, and military friendly benefits and services.

Veteran Population Growth

The number of veterans in Texas is expected grow in the coming years. Troop surges during the conflicts in Iraq and Afghanistan affect the number of veterans in Texas. In 2007, President George W. Bush ordered an additional 20,000 troops to Iraq, and in 2009, President Barack Obama ordered an additional 30,000 troops to Afghanistan. To meet these personnel demands, while simultaneously maintaining a state of global readiness, required an increase in the number of troops serving on active duty and the mobilization of National Guard and Reserve units to supplement the active component.

The end of combat operations in Iraq, a decreased military presence in Afghanistan, and force reduction measures announced by the Department of Defense in January of 2012 will drastically shrink the size of the active component military in a condensed period of time. Through normal attrition, 250,000 military personnel will leave the military and become veterans every year through 2031. The U.S. Army, with current troop strength of 562,000, will reduce its overall numbers by 80,000 soldiers and the U.S. Marine Corps plans to reduce its force by as much as 22,000 in the coming years.

As a result, the number of veterans entering the state will be the largest veteran population increase experienced since the end of the Vietnam War.

Texas Leads the Nation on Veteran Issues

The State of Texas leads the nation in its commitment to serving the needs of its veterans, their families, and survivors. Today, Texas is widely recognized for aggressively leading the nation on veteran issues. National leaders have referred to the “Texas-model” when advocating for the integration of veterans services. Texas’ leaders have sent a clear message to the veterans of the state and to the nation as a whole that the sacrifices made by veterans and their families are not forgotten and are deeply appreciated. Because of the recent conflicts in Iraq and Afghanistan, a

large number of veterans require specific assistance and services, such as filing for disability compensation from the VA or finding counseling for Post-Traumatic Stress Disorder.

Also as veterans age, there is an increase in the need for care and assistance for older veterans, which includes filing to increase a VA disability rating or applying to enter assisted living veterans' homes. Women veterans, who need health care services that differ from their male counterparts, also tend to access services at a higher rate than male veterans.

Upon leaving the military, a veteran will need benefits and services such as:

- Filing a claim with the VA
- Using GI Bill benefits
- Finding an On-the-Job training opportunity
- Finding employment
- Getting housing assistance
- Getting counseling for Post-Traumatic Stress Disorder or Traumatic Brain Injury
- Finding family and child services
- Finding referral to other services
- Getting into a Veterans' Home
- Accessing burial, health, and life insurance benefits

Texas Coordinating Council for Veterans Services

There are several state agencies responsible with the delivery of benefits and services associated with these needs. The Texas Coordinating Council for Veterans Services (TCCVS) was established as the result of legislation authored by Senator Leticia Van de Putte and sponsored by Representative Sid Miller and passed by the 82nd Legislature in order to coordinate the activities of state agencies that assist veterans, service members, and their families; coordinate outreach efforts that ensure that veterans, service members, and their families are made aware of services; and facilitate collaborative relationships among state, federal, and local agencies and private organizations to identify and address issues affecting veterans, service members, and their families. The legislation initially created the Council with the composition of the executive heads of the five following agencies as members:

Texas Veterans Commission (TVC) (Chair)
Texas Veterans Land Board (VLB)
Office of the Adjutant General
Texas Health and Human Services Commission (HHSC)
State Bar of Texas

The legislation enabled the members of TCCVS to establish workgroups to focus on specific issues affecting veterans, service members, and their families. The members of the Council elected to establish six such workgroups:

Mental Health
Employment
Higher Education
Criminal Justice

Housing
Women Veterans

Ten additional agencies joined TCCVS as the result of the creation of workgroups established to focus on specific issues affecting veterans:

Department of State Health Services (DSHS)
Department of Aging and Disability Services (DADS)
Department of Assistive and Rehabilitative Services (DARS)
Texas Workforce Commission (TWC)
Texas Workforce Investment Council (TWIC)
Texas Higher Education Coordinating Board
Texas Correctional Office on Offenders with Medical or Mental Impairments
Texas Commission on Jail Standards
Texas Department of Housing and Community Affairs
Texas Department of Agriculture

Beginning in November 2011 TCCVS and the established workgroups met regularly to discuss, identify, and research specific veteran issues within their areas of focus. The Committee received TCCVS' first report to the Legislature on October 1, 2012. The report includes background on many veterans' needs, identifies state resources currently in existence to address those needs, and makes recommendations to fill gaps not currently covered.

It is the Committee's recommendation that the report be examined in order to determine what action the Legislature might be able to take in order to act upon the recommendations of TCCVS.

State Strike Force and Fully Developed Claims Teams Initiative

On August 22, 2012, the Committee received testimony from the Texas Veterans Commission regarding the state of the backlog of claims for disability compensation pending with the U.S. Department of Veterans Affairs in Texas:

- On January 2, 2010, the total number of claims pending in Texas was 40,435.
- On July 14, 2012, the total number of claims pending in Texas was 89,678.

The number of cases that have been pending over 125 days, the cases in the VA backlog, show the real problem:

Date	Pending over 125 days in Houston VA RO	% Pending over 125 days in Houston VA RO	Pending over 125 days in Waco VA RO	% Pending over 125 days in Waco VA RO	Total pending over 125 days in Texas ROs
January 2, 2010	9,458	45.2%	7,345	37.7%	16,803
July 14, 2012	28,342	74.4%	40,270	78.1%	68,612

In essence, in Texas, the total pending caseload has more than doubled while the backlog has more than quadrupled from 2010 to present. Presently, the real world average for getting a decision on a VA claim is 18 to 24 months.

On July 19, 2012, Lieutenant Governor David Dewhurst, working with Governor Perry and Speaker Straus, directed the Texas Veterans Commission to reinstitute the "State Strike Force Teams" that were implemented in 2009 to help reduce this federal backlog of veterans' claims for disability benefits. The state leadership also directed the Texas Veterans Commission to help the backlog by assisting veterans in filing fully developed claims, which are processed faster by the VA, and to address critical staffing needs in areas where veterans need additional access to TVC Claims Counselors.

On July 26, 2012, Governor Perry, Lieutenant Governor Dewhurst, and Speaker Straus authorized the Texas Veterans Commission to utilize \$1,511,267 in the 2012-2013 biennium to address the backlog of federal disability claims. This \$1.5 million supports both State Strike Force and Fully Developed Claims Teams for Texas veterans, which will address the backlog on both ends of the filing process:

There are two State Strike Force Teams, each with eight (8) people, located at the VA regional offices in Texas. The Fully Developed Claims Teams provided eight (8) new TVC claims counselors in critical need areas, which will not only improve access, but assist veterans in filing in fully developing claims. There are also five (5) Fully Developed Claims Team members in each of the two regional offices, three (3) of whom will work to expedite and ensure fully developed claims and two (2) of whom will work on claims for veterans and family members with unique challenges such as widows and veterans exposed to Agent Orange.

TVC was able to begin the hiring process for these teams immediately, thanks to \$100,000 emergency grant from Governor Perry. TVC quickly assembled dynamic teams of highly skilled counselors with over 625 years of combined experience veterans claims. With the team members in place, the State Strike Force Teams began working backlogged claims cases at both VA Regional Offices and the Fully Developed Claims Teams have begun receiving new claims from field offices throughout the state.

This initiative garnered national attention. On September 21, 2012, TVC was invited to Washington D.C. to testify before the U.S. House Veteran's Affairs Committee's Subcommittee on Disability Assistance and Memorial Affairs by Chairman Jon Runyan regarding the state's innovative efforts to reduce the backlog of VA claims in Texas and the possibility of replicating this model in other states. Congressman Bill Flores, a member of the Texas Congressional Delegation and a member of the U.S. House Committee on Veterans Affairs, has worked with VA officials in Texas to encourage cooperation between TVC and the VA on this initiative. On November 29, 2012, U.S. Senator John Cornyn's amendment to fight the growing backlog of disability claims within the Department of Veterans Affairs (VA) employing the TVC initiative as a national model passed the US Senate, and will now be included in the National Defense Authorization Act.

TVC's goal for this one-year initiative is reduce the claims backlog in Texas by 17,000 claims by August 31, 2013. The initiative was funded through the Texas Veterans Commission's current appropriations, which will necessitate supplemental appropriation for the 2012-13 biennium. Additionally, the TVC has requested additional funds to continue the initiative through the 2014-

15 biennium. The Committee recommends both items as funding priorities to the 83rd Legislature.

Monitoring the transfer of the Veterans Housing Program to the Housing 4 Texas Heroes Program. During the 82nd Legislative Session, Governor Perry called on the Legislature to transfer the Veterans Housing Program from the Texas Department of Housing and Community Affairs (TDHCA) in order to increase the number of veterans served. The Legislature determined that the FVA would administer the program as of September 1, 2011.

The General Appropriations Act provided \$1 million over the biennium, and TDHCA transferred \$2 million in existing funds already designated for veterans' housing assistance. With a total of \$3 million for the program, the Veterans Housing Program was designated Housing4TexasHeroes Program by Governor Perry. Organizations receiving grants for temporary housing may provide:

- Transitional housing to homeless veterans
- Short-term rental assistance to low income veterans
- Assistance to families of veterans who are undergoing long-term treatment at a medical facility in Texas

Organizations receiving grants for permanent housing may provide disabled veterans with a physical disability or severe injury:

- New home construction
- Home renovation
- Home modification

Timeline

June 17, 2011 Governor signed General Appropriations Act

Aug 26, 2011 First grant solicitation period opened

Aug 29, 2011 Governor announced new Housing4TexasHeroes Program

Sept 16, 2011 First grant solicitation period closed

Nov 16, 2011 TVC awarded \$3 million to eight (8) non-profit organizations

Jan 1, 2012 Grants began

As of October 31, 2012, Housing4TexasHeroes grantees had reached 83% of their grant periods. In that time, they have reported serving 916 veterans, dependents, and surviving spouses, or 170% of the projected number of veterans and family members to be served.

Additionally, through October 31, 2012, these grantees have requested reimbursement for over \$1,705,020, or approximately 58% of the total amount awarded. Approximately half of the eight grants awarded are construction or modification grants, and will be extending their grant periods to complete their projects and expend their remaining grant funds.

The Committee will continue to monitor the Housing4TexasHeroes program but does believe it is a critical component of the state's veterans housing efforts. Locating viable revenue streams to sustain this grant program should remain a priority.

Veterans Employment Considerations

Gulf War II Era veterans, those recently separated veterans of the Iraq and Afghanistan conflicts, are facing challenges to employment at a greater rate than the general veteran population. The national unemployment rate for Gulf War II Era veterans has remained at or above 10% for 27 of the past 36 months, peaking at 15.2% in January 2011.

The Comptroller's Office produces an annual report, the Veteran Workforce Summary Report, which identifies number and percentages of veterans employed by state agencies and institutions of higher learning. The latest report shows a low percentage rate of veterans employed by these state agencies and institutions of higher learning. The Legislature has provided state laws (Chapter 657, Section 657.004, Government Code) which mandate that public entities or public works of the state must exercise veteran's employment preference practices until at least 40 % of the employees of the public entity are veterans.

The employment of veterans by state agencies could be elevated by providing education opportunities or training for state agencies on the value of hiring and developing qualified veterans for positions within their organization. Educating the prospective veteran employee regarding the state hiring process, particularly in translating their military skills into skills valuable to state agencies via applications and resumes, would also contribute to a higher employment rate.

The Committee finds that an initiative that sought to provide state agency executives and human resource managers with the knowledge about why hiring veterans is good for the business of the state, and how their organization could most effectively implement the state's veteran employment preference laws, would be critical to increasing the laws' effectiveness. Additionally, agencies would benefit from the training and sharing of best practices for promoting engagement with and among veteran employees already serving within the organization.

This initiative would additionally provide assistance to veterans specifically seeking employment within state agencies, helping them to effectively communicate and translate their military skills to skill sets valuable to state agencies, resume assistance, and interviewing techniques.

Veteran Entrepreneurship

Most of these programs seek to match employers with qualified veteran employees. There is, however, a need to support services and programs that target veterans who are aspiring entrepreneurs and whose skills sets lend themselves to self-employment. These veterans desire to establish new small businesses within the state, and need to be connected with the resources available to make those businesses sustainable.

Veteran business owners recognize the value of employing other veterans and are more likely to provide stable employment for other veteran job seekers, diminishing the opportunity for veteran underemployment in the state. In Texas, veterans own 9.2% (199,203) of all private companies in the state and provide work for nearly 500,000 employees, with estimated annual receipts totaling more than \$99 billion.

The Texas Veterans Commission launched the Veteran Entrepreneur Program (VEP) in April 2012 with the purpose to foster and promote veteran business ownership throughout the state of Texas. VEP identifies and connects aspiring Veteran Entrepreneurs with the following resources:

- Funding sources
- Business plan development
- Mentors
- Business opportunities
- Business education programs

With only one FTE and no budget, in its first eight months of operation the VEP program has hosted four on-site seminars throughout the state and provided direct assistance to 899 veterans moving toward entrepreneurship.

The Committee recognizes the value of this initiative, which has helped to demystify the business start-up process for prospective veteran entrepreneurs and believes it should become a more critical component of the state's larger veteran's employment efforts. The Committee recommends the expansion of the program as a funding priority for the 83rd Legislature.

OTHER ITEMS OF CONSIDERATION:

The House Committee on Defense and Veterans' Affairs met in a public hearing on October 9, 2012 to hear testimony regarding two separate issues not listed in the Committee's interim charges. The first issue the Committee examined was *suicide prevention*. The second is the process for active duty, former active duty and their spouses, and military personnel transitioning into the workforce and seeking *occupational licenses*.

SUICIDE PREVENTION

The House Committee on Defense and Veterans' Affairs met on October 9, 2012 to hear invited testimony from Lt. Col. Alba Villanueva, Director of Joint Family Support Services for the Texas Military Forces, Sam Shore (DSHS) and Sean Hanna (Military Network Coordinator). The committee members received a clear briefing of the needs of Texas service members, particularly those who have seen combat and their families.

Texas Military Forces

Lt. Col. Alba Villanueva, Director of Joint Family Support Services for the Texas Military Forces provided the Committee with information regarding TMF's suicide prevention program. The Joint Family Support Services encompasses several programs, including the Risk Reduction and Suicide Prevention program, Medical Command, Surgeon's Office, and the Drug Addiction program. These programs provide training for soldiers, officers, and non-commissioned officers to help them identify potential at-risk soldiers facing suicide or suicide ideations.

Since 2001, there have been 30,675 soldiers have deployed, and an additional 22,764 have been activated/deployed in support of state missions. Statistics demonstrate that approximately 22% of National Guard Soldiers returning from deployments exhibit mental health issues and would benefit from psychological healthcare. We expect the FY13-14 to reflect reduced deployment but, with the delayed presentation of TBI, PTSD and Sexual Assault trauma we do not expect these numbers to decrease significantly.

Lt. Col Alba Villanueva testified that within the Texas Army National Guard, there has been a marked increase in Suicides (TX has had 15 since FY2010; Two in the past month), suicide ideations, domestic violence, drug and alcohol abuse in the military and among veterans directly attributable to behavioral health issues. These devastating numbers pushed the National Guard Bureau to expand these programs. They partner with Lifeworks, a suicide prevention program, the Peer-to-Peer program, as well as the ACE program. Though there are existing resources nationally, at the state, and local level, such as the VA, TRICARE, Texas Veterans Commission, and community health centers, including our own prevention training; our Soldiers, Family Members and Units depend largely on the immediate care and counseling provided by our one NGB contracted Director of Psychological Health and ADOS funded 68X, Mental Health Specialist.

TXMF Suicide Statistics: Suicide cuts across all ages, ethnicities and genders. However, the highest risk group in the Army is Caucasian males 18-25 years of age. In the Texas Army National Guard, sixty percent of suicides happened in this age group for FY10-12. Furthermore, males have a much higher risk of suicide than females by a ratio of 7.5 to 1.

TXMF Suicides during FY10 – FY12

- 15 Suicides (7 in FY10, 4 in FY11, and 4 in FY12)
 - Age: 22 to 46 with a median age of 24 years
 - Rank: E-3 to E-6
 - Sex: 13 male, 2 female
 - Ethnicity: 10 Caucasian and 5 Hispanic

-
- Marital status: 7 were married, 8 were single
 - Method:
 - Twelve were due to self-inflicted gunshot wounds.
 - Three were due to hanging.
 - TXMF Suicide Attempts/Ideation in FY 12
 - 11 Attempts – undergoing mental health treatment
 - 23 Ideations – undergoing mental health treatment

TXMF Mental Health Suicide Prevention & Response Programs:

TXMF partners nationally, at the state, and local level with the VA, TRICARE, Texas Veterans Commission, and community health centers. Through our Family Support Services Office, Joint Substance Abuse Program, and Medical Command, TXMF has programs to connect veterans and their families to appropriate mental health services in order to prevent suicidal activity, respond to suicidal ideations and provide support post-suicide.

A. SUICIDE PREVENTION

1. Resilience, Risk Reduction and Suicide Prevention Program

The TXMF Resilience Team is comprised of several programs geared towards building psychological hardiness and mitigation of at risk behaviors among TXMF Service Members and Family members.

a. Master Resilience Training & Resilience Training Assistants (MRT & RTA): Bouncing back from life's stressors and pains requires the skills that are taught in the Army's Resilience training courses. As a part of Comprehensive Soldier Fitness, MRT's (1 per Battalion) become qualified to train RTA's (2-4 per unit) who will in turn teach resilience skills to their fellow Warriors. Participants in these courses learn about resilience and the competencies that contribute to resilience: Self-awareness, Self-regulation, Optimism, Mental Agility, Strengths of Character, and Connection. Twelve core skills undergird Resilience training and using these skills helps the participant become Army Strong for a life time. By FY13, TXMF will have 105 trained MRTs and 785 RTAs throughout the state to help teach resilience skills to Service Members.

b. Applied Suicide Intervention Skills Training & Suicide Intervention Officers (ASIST/SIOs): "ASIST" is for service members who want to feel more comfortable, confident, and competent in helping to prevent the immediate risk of suicide with their Soldiers. Those experiencing suicidal ideation are guided to safety and on to appropriate health treatment. Over one million caregivers have participated in this highly interactive, practical, practice-oriented workshop.

After qualifying by taking the ASIST course, Service Members can then continue their training by taking the Army's "ACE" (Ask, Care, and Escort) program to become Suicide Intervention Officers (SIO's) They serve their units as "boots on the ground" peer interventionists and are trained to recognize when a fellow Warrior is in distress and then how to take necessary steps to prevent suicide. SIO's also train their units in the "ACE" model and assist in support/documentation when there is an incident at the unit.

c. Peer-to-Peer Training (P2P): The Peer-to-Peer (P2P) Training Program strives to train at least 5%, (1,000) of Texas Military Forces Soldiers at the unit level to (1) IDENTIFY potential warning signs of mental distress, (2) perform unit level INTERVENTION, and (3) INITIATE referral management and the ongoing care processes for peer members within their Command and influence. Over 825 Unit Peer-to-Peer Specialists have been trained since August of 2010.

Mirror/Partner: State Peer-to-Peer Programs: Through grants and partnerships with Department of State Health Services, Texas has developed a network of 600 trained peers in 50 counties who know how to reach out with help for these new war veterans; they have assisted in over 12,000 peer interactions since 2010. Because the new war veterans typically do not understand how their invisible wounds can affect their lives, and because they are unlikely to present themselves for medical or mental health treatment, they need a supportive hand from a peer who understands both their military experiences and their injuries.

d. Resilience at Yellow Ribbon Events (Pre, During, Post Deployment): Soldiers and their families participate in basic resilience training at Yellow Ribbon events which increases their emotional and relational strengths during all phases of the deployment cycle.

e. Director of Psychological Health (DPH): The DPH provides requested psychological services to include education/training and prevention efforts, intervention and crisis management, and post-venation efforts in addition to risk assessments and assistance with resource and referral management for service members and families. Provide relevant and up to date behavioral health training as a member of the TXMF Resilience Team. Perform diagnostic impressions and provide clinical/therapeutic input regarding intervention strategies, deployment readiness, fitness for duty, and other behavioral related services as requested by State Surgeon.

Prevention, Response, and Outreach (PRO): Assists leaders in coordinating and implementing a risk reduction plan which incorporates resources such as Substance Abuse Program, SARC/SHARP (Sexual Assault Response Coordination & Sexual Harassment/Assault Response and Prevention), Suicide Prevention, and MRT/RTA, that will produce immediate but enduring solutions that promote resilience among our Soldiers and family members. Moreover, this program develops and enhances leader skills to recognize and mitigate high stress/at-risk factors, and facilitate long term reduction of high-risk behaviors and suicidal actions in the TXARNG.

2. Post-Deployment Health Reassessment (PDHRA)

The Office of the State Army Surgeon conducts health assessments at various stages in a Soldiers deployment cycle and military career. It is unlike any other health screening offered by the Army, and it examines for physical and mental concerns that may arise following a deployment assignment. PDHRA has three components: Battlemind Training, DD Form 2900, and a confidential discussion with a healthcare provider. It provides a snapshot of a Service Members mental and physical health at various stages in the deployment cycle, and allows Medical Officers and Commanders to identify changes in a Service Member and proactively address any conditions which may affect the individual readiness of a Service Member.

The key distinction in this screening is the timing in which it is conducted:

- Pre-Deployment Health Assessment-performed prior to mobilization, typically at mobilization site
- Periodic Health Assessment- conducted annually, regardless of deployment
- Post-Deployment Health Assessment- Performed no earlier than 30 days prior to and no later than 30 days after redeployment
- Post-Deployment Health Reassessment (PDHRA) - performed 90-180 days after return from a combat zone. The PDHRA plays a vital role in readiness and resiliency as this screening examines for combat-related issues that may have gone undetected in previous examinations.

3. Joint Substance Abuse Prevention (JSAP) Program:

The TXMF Joint Substance Abuse Prevention Program is responsible for providing guidance and leadership on all non-clinical alcohol and other drug policy issues; developing, establishing, administering, and evaluating non-clinical alcohol and other drug (AOD) abuse prevention, education, and training programs; overseeing the Military, Drug Free Workplace and Department of Transportation biochemical (drug) testing programs. The TXMF JSAP program is tasked to:

- Increase individual fitness and overall unit readiness.
- Provide services which are proactive and responsive to the needs of the TXMFs workforce and emphasize alcohol and other drug abuse deterrence, prevention, education, and rehabilitation.
- Implement alcohol and other drug risk reduction and prevention strategies that respond to potential problems before they jeopardize readiness, productivity, and careers.
- Restore to duty those substance-impaired Soldiers who have the potential for continued military Service.
- Provide effective alcohol and other drug abuse prevention and education at all levels of command, and encourage commanders to provide alcohol and drug-free leisure activities.
- Ensure all personnel assigned to JSAP staff are appropriately trained and experienced to accomplish their missions.
- Improve readiness by extending services to the Soldiers, civilian corps members, and Family members

4. TXARNG Medical Command Behavioral Health

The Behavioral Health (BH) Case Manager is a Unit and Brigade Medical Readiness Liaison and Soldier Advocate, understanding of the Military requirements and Regulations and working to ensure that all parties are active participants in the wellness of the Soldier and health and safety of the Unit and the Public. Work partners include internal resources of Medical Command, The DPH, VA resources, private physicians, legal resources and channeling Soldiers to military and civilian care that fits into the Soldiers financial abilities. The end goal is to educate, advocate and remediate to the benefit of all involved.

B. SUICIDE RESPONSE

1. TXMF's Serious Incident Response & Behavioral Health Hotline

TXMF has established procedures for responding to a suicidal ideation or suicide. This process ensures the service or family member receives immediate response/care. Our 24hr Behavioral Health Hotline provides service members with advice and counseling in the event one of these situations arises.

2. *“Aftercare” Provided for Units within their Local Communities following a Trauma within the Group:* The Texas Military Forces has recently encountered 2 suicides in the past month, despite enhanced Leader and Unit Suicide Prevention training efforts. Following a suicide, suicide attempt or ideation, the members of a particular unit are prone to trauma with the knowledge that one of their own, a “battle buddy” has or may have taken a permanent action to deal with a temporary problem. Partnering with Department of State Health Services (DSHS), the TXMF Resilience Team and Director of Psychological Health create a unit response team to provide trauma support and training for the unit over a timeline of several months. This response team develops a unit peer support network within the affected unit, resources with mental health professionals to assess the psychological stress and health of the unit, providing longer term resources for those who display at-risk behaviors.

Local Mental Health Agency (LEMHI) professionals are involved in the trauma response team initially, as a local resource for the unit, but due to their strict eligibility for services, there is a gap in follow-on care at LMHA facilities. Expanding the scope of eligibility for services at LMHAs to veterans in crisis or who have experienced trauma would greatly increase the mental health services available to Service Members and veterans in geographically remote areas.

3. *Survivor Outreach Services and Military Funeral and Honors* provide follow up assistance to support TXMF Casualty Notification Officers and Casualty Assistance Officers as they work with family members who have experienced the loss of a service member.

Mr. Sean Hanna, representing Military Veteran Peer Network, testified that the *Veteran Peer – to – Peer Network* is a strong natural support for individuals transitioning out of military service who have been wounded in war or have untreated brain injuries and are more likely to engage in risky behaviors leading to loss of hope.

Mention was made of the first report of the Texas Coordinating Council for Veterans Services (TCCVS) submitted October 1, 2012 to the offices of the Governor, Lieutenant Governor, Speaker of the House, State Senator Leticia Van de Putte, Chair of the Senate Committee on Veterans Affairs and Military Installations (VAMI) and State Representative Joe Pickett, Chair of the House Committee on Defense and Veterans Affairs. *SB 1796 (82nd session) created the TCCVS to coordinate:*

- Activities of state agencies that assist veterans, service members, and their families;
- Outreach efforts which ensure that they are made aware of services; and the
- Work of state, federal, and local agencies, and advisory councils in addressing their issues.

Report Highlights:

- Veterans experiencing the effects of combat need access to health and mental health treatment resources prior to the onset of a crisis.
- Veterans need and benefit from peer-to-peer support programs. The state should continue its commitment to the DSHS Military Veteran Network which links together the state's most valued resources for Veterans—well-trained, knowledgeable, caring fellow Veterans.
- The state should provide funding for the creation of more Veteran One-Stop Resource Centers (VOSRC).
- Texas state agencies should promote the hiring of Veterans within their organizations.
- Veterans Courts should be expanded across the state (one in each county with 5,000 veterans or more).
- County jails, Texas Department of Criminal Justice and Veterans Administration should collaborate in efforts to determine the Veteran status of an incarcerated inmate who can then access assistance from VA Veterans Justice Outreach Specialists and Texas Veterans Commission counselors.
- Women Veterans need improved access to health care, child care services and housing.

DSHS has trained nearly 700 volunteer Veterans in their peer support program. Supported by the Local Mental Health Authorities, over 19,000 documented interactions have occurred between these volunteers with Veterans or family members.

As Mr. Hanna testified, the LMHAs employ 22 regional veteran coordinators who are essential to the success of the Veterans Initiative. But, Texas is a big state with a significant veteran population and, as made clear by questions of committee members, “doubling the boots on the ground” must be a consideration in the next Session to strengthen the Texas response to the emotional and mental health needs of our service members and their families.

The Texas Council of Community Centers will work with the Department of State Health Services to provide that information to the Committee for its consideration.

Peer-to-Peer

RECOMMENDATIONS

- Expand volunteer coordination by adding 22 fulltime veteran coordinators to the existing 22. These individuals would operate under amendments to existing DSHS contracts with LMHAs. The additional Coordinators will be stationed in El Paso, 2 in Dallas, Fort Worth, Austin, San Antonio, 2 in Houston, Temple/Killeen, Waco, Edinburg, Midland, Tyler, Galveston, Kerrville, San Marcos, Del Rio, Laredo, Corpus Christi, Lewisville/McKinney, Corpus Christi, and Wichita Falls.
- Support expansion of Military Veteran Peer Network
- Support expansion of local partnerships (Community Blueprint, Joining Community Forces, Lone Star Veterans Association, similar groups)

- Support expansion of BEITZ-trained peer volunteers
- Provide training in Battle Buddy 101, ASK, ASIST
- Strengthen ties with LMHA community partnerships

Additional Coordinators	Volunteer	FY2014	FY2014 Totals	FY2015	FY2015 Totals	Biennial Totals
Salary		\$ 45,000		\$ 45,000		
Fringe		\$ 13,500		\$ 13,500		
Travel		\$ 4,000		\$ 4,000		
Phone/internet		\$ 1,800		\$ 1,800		
Total cost per Volunteer Coordinator		\$ 64,300		\$ 64,300		
Volunteer Coordinator X 22		\$1,414,600		\$ 1,414,600		
Total			1,414,600		\$1,414,600	\$ 2,829,200

OCCUPATIONAL LICENSURE FOR MILITARY PERSONNEL

The Committee specifically wanted to address the process for separating military personnel entering the workforce and for military spouses who are seeking occupational licenses. This became an item of interest for the Committee to take up due to the challenges that military members and families face as they depart military service after encountering frequent moves.

The following people provided testimony: Dale Vande Hey, Department of Defense-State Liaison Office; Rufus Coburn, Texas Veterans Commission; Reagan Miller, Texas Workforce Commission; Apurva Naik, Texas Workforce Commission; Col. Thomas Palladino, Texas Veterans Commission; Derek Ruschhaupt, Texas National Guard; Brian Francis, Texas Department of Licensing and Regulation; Katherine Thomas, Texas Board of Nursing.

Texas delivers employment services through its Texas Veterans Commission and by using U.S. Department of Labor funding. It also runs an entrepreneurship program and employs a woman's veterans' coordinator to assist female veterans. The Troops to Energy Jobs program was featured and is an effort of several utility companies to facilitate the hiring of veterans for in-demand utility jobs including engineers, line workers, plant operators, technicians, pipefitters, welders and security officers. The Center for Energy Workforce Development is creating a template for utility companies to use in training, recruiting and hiring veterans. Wal-Mart discussed its financial support of a variety of programs to support the hiring of veterans including the U.S. Chamber of Commerce "Hiring Our Heroes" effort. Its "Military Family Promise" guarantees a job at a nearby store or club for all military personnel and military spouses employed at Wal-Mart and Sam's Club who move to a different part of the country because they have been transferred by the military.

Department of Defense

Dale Vande Hey testified on behalf of the Deputy Assistant Secretary of Defense. In his opening remarks, Mr. Vande Hey reminded the Committee that, "Military members and spouses are very eager to apply their years of experience in a particular field by using the credentialing they have obtained via their federal and state licenses, professional certifications or apprenticeships. However, this can often be challenging." State licensing and professional credentialing requirements can often limit employment and career options for separating/retiring service members or relocating military spouses.

Separating service members are frequently delayed in getting post-Service employment even though they have applicable military education, training and experience which will qualify them for licenses. The Military Services provide service members with opportunities to obtain certifications while on active duty to prepare themselves when they transition to civilian occupations. Each service members receives a transcript of their experience and training which can be uses by licensing boards to assess license requirements. Military spouses who already have a license also face the challenge of becoming employed in their selected career following a military move due to state licensing requirements and processes.

Vande Hey said, "The Department of Defense appreciates the work the Texas Legislature and the Texas Department of Licensing and Regulation has done and continues to do in allowing separating service members and transitioning military spouses to put their existing licenses and experiences to good use in Texas."

During the last Texas Legislative Session, HB 2643 authorized the recognition of verified military service in which the person was trained in or performed air conditioning and refrigeration related work as part of the person's military occupational specialty. SB 1733 permitted military spouses to use their license from a previous state (issued under approximately the same criteria that Texas requires) to obtain a licensure by endorsement that streamlines the application and state verification process.

"The Department of Defense encourages Texas to continue recognizing the training and experience of separating service members in additional occupational specialties. We also recommend that you authorize temporary licensing in addition to your current procedures for licensure by endorsement that will further encourage a military spouse to transfer a current license in good standing from another state when additional requirements must be met. We appreciate the continuing progress in all situations to expedite procedure in granting a license while maintaining professional standards."

Texas Workforce Commission

Reagan Miller, Director of the Workforce Development Division at the Texas Workforce Commission, informed the Committee that the Texas Workforce Commission (TWC) partners with 28 local workforce development boards and fellow state agencies such as the Texas Veterans Commission (TVC) to provide a broad range of employment, job training and related services to veterans. TWC is committed to working in partnership to make the transition of Texas veterans to the workforce, a successful one.

All veterans who come through TWC's 201 workforce solutions offices across the state receive priority of service across employment and support programs administered through the system. These programs include Employment Services, Workforce Investment Act, Temporary Assistance, Child Care Programs, and other work support programs. This priority of service extends to WorkinTexas.com, the largest database of job seekers in Texas. This system is part of TWC's efforts to target veteran job seekers, and when an employer posts a job to WorkinTexas.com there is a two day veteran hold on the posting.

TWC also offers other resources for recruiting and hiring our veterans. They oversee the Texas Veterans Leadership Program (TVLP), which helps veterans returning from Iraq and Afghanistan find work and transition successfully into civilian life. A unique aspect of this program is that the specialists assisting the returning veterans are all veterans of Iraq and/or Afghanistan. This network of specialists plays an integral role in addressing the individual needs of their fellow returning veterans.

TVLP builds working relationships with community service, faith-based, veteran service and military organizations, as well as the U.S. Department of Veterans Affairs (VA) and TVC. There is an emphasis on increased coordination in conducting employer outreach by co-locating

staff in Workforce Solutions Offices and working in partnership with TWC's Business Service Units and the Texas Veterans Commission Employment Services Staff. These staff work together to facilitate job referrals, identify employment opportunities with employers, and conduct career fairs that target or benefit veterans. Since the inception of the program, TVLP has outreached 10,821 Operation Iraqi Freedom and Operation Enduring Freedom Veterans.

Former members of the military are a valuable resource to area businesses and a vital component of the Texas workforce. Through the course of their military service, these soldiers, sailors and airmen work in occupational specialties equivalent to civilian positions and have acquired diverse skills through their service to our country. They chose a career path such as engineering, information technology, health care, telecommunications, logistics, and construction. Veterans receive invaluable training and education in today's modern military, and our all-volunteer force is technologically savvy, highly educated, and trained in cutting edge skills. They have the skills desired by our employers.

Previously, such training and experience was not easily or appropriately translated in the transition back to the civilian workforce all across the country. Last session, SB 1736, established the College Credit for Heroes (CCH) program at TWC. The CCH initiative aims to maximize the amount of college credit that our heroes receive for their military training and occupational experience, reducing the amount of time a veteran spends in the classroom. In July 2011, TWC and the Texas Higher Education Coordinating Board began working on this initiative with seven colleges that stepped up to meet the college credit challenge facing veterans: Central Texas College, Lone Star College, Lee College, San Jacinto College, Houston Community College, Temple College, and Alamo College.

The results to date are very encouraging, and TWC is working with College Credit for Heroes partners to promote replication of these innovative approaches. TWC and CCH partners hosted outreach events throughout the state, meeting with more than 47 colleges and universities in an effort to explain the project's mission and encourage replication and articulation agreements between institutions of higher education. Many institutions are ready to sign agreements, and overall feedback is very positive. In addition to these regional meetings, Lone Star College hosted the Veterans Excellence Conference on August 29-31, 2012, to highlight the best practices developed through this initiative.

On September 4, 2012, TWC's three member Commission approved \$1.3 million in federal Workforce Investment Act performance incentive funds to continue the CCH initiative. The second phase of the initiative will consist of a competitive request for proposals and expansion to other regions of the state, other colleges and universities, and other professions.

Red, White, and You Campaign: Earlier this year, Memorial Hermann Health Care System in Houston launched an effort to target veterans for jobs in all types of positions with the healthcare system's operations. TWC has assisted with this successful effort that has been expanded to include other hospitals in the Houston Medical Center. This effort has evolved into a statewide campaign that will include companies across industries. On November 15, veteran-focused job fairs will be hosted in all 28 workforce board areas across the state. TWC is working with the Local Workforce Development Boards, the Texas Veterans Commission, employers and

employer associations, the Department of Texas Veterans of Foreign Wars, the American Legion, and other partners to maximize employer participation in the *Red, White and You* campaign and the hiring of Texas veterans and their spouses. Public Service Announcements featuring Governor Perry and Dr. Red Duke of Memorial Hermann have begun running to promote the event.

The Texas Workforce Commission recognizes that the State of Texas can lead the way for the nation in assisting veterans. This is an ongoing effort that requires many partners working together to ensure that veterans' needs are being fully addressed.

Texas Military Forces

Who We Are & What We Do: TXMF are agile and ready to respond in short notice to both State and Federal missions. About 115,000 active guard and reservists reside in TX. We (TXMF) are the largest military force in the country and lead all other states in total combat deployments. Since 2001, 31,000 Texas Soldiers have deployed in support of the global war on terror. Approximately 22,764 have been activated and deployed in support of state missions.

Unemployment Facts: Texas is home to 1.8 million, Texas Veteran residents. The unemployment rate for all Texas veterans in 2011 was 13.5 percent vice the state average of 7%; 13.1% of Veterans returning from Iraq and Afghanistan are unemployed. According to TXMF Post-Deployment Employment Assistance Surveys, the unemployment rate of returning TXARNG Soldiers is closer to a 22%. The Army paid out \$515 million dollars in unemployment compensation in 2011. More than twice that of 2008 (\$226 million) Texas Post-9/11 Veterans Unemployment Compensation Recipients (\approx 13,000 as of Dec 11)

Why the Need: The readiness of our force depends greatly on the ability to secure meaningful civilian employment in their communities. While a number of services exist one to support veterans, the largest challenges faced by the Guard is connecting returning TXARNG Service Members to exact employment assistance. TXARNG members reside all over the state, typically geographically separated from Active Duty installations such as Ft Hood or Ft Sam who primarily cater to active duty service members.

Partnerships & Thanks: Veteran Employment Assistance programs like those of the Texas Veterans Commission Veteran Employment Services, the Texas Workforce Commission's Texas Veterans Leadership Program, Employer Support of the Guard and Reserve are of great assistance to our Texas military members and veterans seeking employment. We are grateful for the efforts of our partner agencies in Texas and the Job Connection Education Program to support employment initiatives and the readiness of our service members and families.

JCEP Program: 7 Staff. 3 regional offices. Placed >1,050 Texas Military members, Veterans, and spouses since the pilot program began in March of 2010. 1K celebration at the Texas Capitol. JCEP works with local companies explaining the Job Connection Education Program and the benefits of hiring a Service Member. JCEP has successfully established over 483 Employer Partnerships. The program's specialized education, training, certification and job-search services enhance participants' abilities to obtain and retain meaningful employment.

JCEP establishes an intimate partnership with a participant that is unique among employment assistance agencies:

- JCEP advisors work one on one with the service member to match up experience, training and interest with available certifications and employment opportunities.
- They make sure the participant's resume and application are appropriate for the position. They assist them with mock interviews. And when a participant's skills and interest lead to an application the JCEP advisor makes sure the HR manager he's been working with is aware that the application has been submitted.

The proactive nature of JCEP counselors has demonstrated proven results with a greater than 90% success rate for participants being hired upon interview.

Our Concerns: With the drawdown of troops from Iraq and Afghanistan and the reduction in funding for military programs as well as the rising number of veterans we are grateful for the continued interagency partnerships between TXMF and state veteran service. We all know how much our service members sacrifice on a daily basis, and we make every effort to support them with employment assistance and the resources we have at our disposal.

Texas Department of Licensing and Regulation

Brian Francis, Deputy Executive Director at the Department of Licensing and Regulation, testified that TDLR was authorized by the 82nd Legislature through House Bill 2643 to use verified air conditioning and refrigeration military experience by an applicant as credit towards the license requirements under the Air Conditioning and Refrigeration Contractor License Law. He informed the committee that the State of Texas and numerous veterans' organizations have worked to expand opportunities for military veterans to use military experience in a civilian career. TDLR supports this effort and has already begun working on legislation for the 83rd Legislative Session that would expand that licensing authority to allow TDLR to consider military experience, education, and training towards licensing any of its 28 programs.

National Conference of State Legislatures

Ed Kringer, Director for State Liaison and Education Opportunity with the Military Community and Family Policy Office at the U.S. Department of Defense (DOD), testified at an NCSL Military Task Force Meeting held in Chicago where he discussed the key state policy issues that impact service members and their families' for 2012. These are areas where state legislatures can pass legislation to assist service members and veterans. The Department of Defense is working with the states to educate and create awareness about these topics.

Key Policy Issues for Service Members and their Families for 2013

1. Facilitate service members receiving licensure and academic credit for military education, training and experience
2. Facilitate military spouse transition through licensure portability and eligibility for unemployment compensation
3. Minimize school disruption for military children during transition and deployment
4. Increase access to quality, affordable childcare for military families
5. Ensure deployment separation does not determine child custody decisions
6. Improve absentee voting for military members and their families
7. Provide authority for establishing veteran treatment courts (VTCS)
8. Promote consumer protections and enforcement of the predatory lending regulation
9. Comport state laws with DOD rules on disposition
10. Coordinate state-wide public-private support for service members and their families

ENDNOTES

All of the information contained in this report was compiled from public testimony that was presented to the Committee on Defense and Veterans' Affairs, and can be found in the broadcast archives on the House of Representatives' website. www.house.state.tx.us