

INTERIM REPORT

to the 85th Texas Legislature



HOUSE COMMITTEE ON
DEFENSE AND VETERANS' AFFAIRS



DECEMBER 2016



**HOUSE COMMITTEE ON DEFENSE AND VETERANS' AFFAIRS
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2016**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
85TH TEXAS LEGISLATURE**

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CHAIR**

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**JIMMIE DON AYCOCK
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Committee On
Defense and Veterans' Affairs

December 5, 2016

Susan Lewis King
Chairman

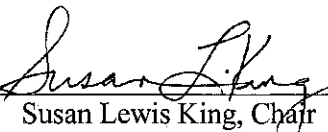
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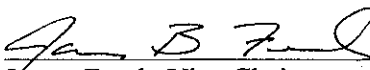
The Honorable Joe Straus
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

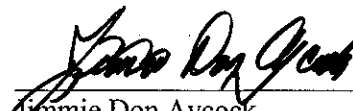
Dear Mr. Speaker and Fellow Members:

The Committee on Defense and Veterans' Affairs of the Eighty-fourth Legislature hereby submits its interim report including interim work by the Committee and legislative considerations for the Eighty-fifth Legislature.

Respectfully submitted,

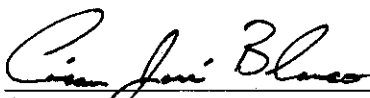

Susan Lewis King, Chair

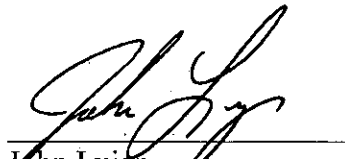

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Members: Jimmie Don Aycock, Matt Schaefer, Matt Shaheen, César Blanco, John Lujan



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ACKNOWLEDGEMENTS

The Defense and Veterans' Affairs (DVA) Committee would first like to thank all those who have served this country and particularly the 1.7 million Veterans who call Texas home. Many believe that Texas is the model for the nation in how it honors and respects those who have served or are serving in the United States military.

In thanking these Veterans we must also acknowledge and appreciate the sacrifices that each of those family members endures when their Service Member is called upon. In addition, we extend the utmost gratitude to those who have served and continue to serve in our most recent conflicts in the Global War on Terrorism (GWOT) and various humanitarian and peacekeeping missions enacted in defense of liberty. Whether they serve in the Active Duty Military, the Guard, or the Reserves, the work of this Committee is for them and their successors.

The Committee would also like to recognize our partners in service to Veterans including the State agencies which worked with the Committee; Health and Human Services Commission (HHSC), Department of State Health Services (DSHS), Department of Family and Protective Services (DFPS), Department of Public Safety (DPS), Texas Department of Transportation (TXDOT), Department of Motor Vehicles (DMV), Texas Department of Licensing and Regulation (TDLR), Texas Workforce Commission (TWC), and the agencies over which we have jurisdiction; Texas Military Department (TMD), Texas Military Preparedness Commission (TMPC), Texas Veterans Commission (TVC), Veterans Land Board (VLB), Texas Division of Emergency Management (TDEM), and the Emergency Management Council (EMC).

In addition, the input from service and advocacy organizations was invaluable. The Committee appreciates the work of such organizations as the Veterans of Foreign Wars (VFW), American Legion (AL), Disabled American Veterans (DAV), Military Officers Association of America (MOAA), Fleet Reserve Association (FRA), Association of the United States Army (AUSA), Vietnam Veterans of America (VVA), Texas Association of Vietnam Veterans (TAVV), Military Order of the Purple Heart (MOPH), Texas Coalition of Veteran Organizations (TCVO), Texas Commander's Council (TCC), Texas Mayors of Military Communities (TMMC), Heart of Texas Defense Alliance (HOTDA), Military Child Education Coalition (MCEC), and every Veteran and Veteran Advocate who interacted with the Committee for their testimony and support on behalf of our Service Members, Veterans, and their families.

There would be no report without the full involvement of staff in a true team effort. The Chair acknowledges the outstanding efforts of her Chief of Staff Robyn Wertheim, Committee Director Paul Theobald, and Committee Intern Joseph Brantley. These individuals contributed tirelessly to the report with their exceptional work ethic and dedication. The Chair also notes the Senate Veteran and Military Installation (VAMI) Committee Clerk, Bailey Olderog, who collaboratively gave ideas during the process of completing this report.

LETTER FROM THE CHAIR

October 19, 2015

Dear Members and other Interested Parties,

With deepest gratitude and a sense of tremendous joy, I wish to thank Speaker Joe Straus for the exceptional honor of his appointing me as Chair of the House Committee on Defense and Veterans' Affairs for the 84th Legislative Session. During the session, Speaker Straus made Veterans a top priority focus. It was also my privilege to serve collaboratively with his leadership team of Patricia Shipton and Jesse Ancira. Our committee's stellar members joined together in support of Veterans and our defense communities in a robust, spirited, and intellectual manner. Personally, as a non-Veteran, but having family members who have served, as well as a resident of a defense community (Dyess Air Force Base/Abilene), it was initially and still my prevailing hope that the entire Legislature embrace the importance of the military whether or not they have served in the military or have an installation in their community. As our Committee convened each and every hearing during the Regular session, as well as the four hearings in the Interim, we pledged to our Nation's and State's flags and asked all Veterans, Active Duty, Guard, and Reserve to stand and be recognized for their service. In every case, this was a visible reminder that supporting and mindfulness of our Veterans and current military is vital at all times.

It is my sincere hope that this interim report enlightens, educates, and engenders enthusiasm for our honored Veterans and the critical defense communities of our state. I have absolute trust in our Legislature and Executive Leadership that this critical focus will be embraced and lead to well vetted and sound policy decisions.

Most Sincerely,



Susan Lewis King, Chair

INTRODUCTION

The Speaker of the House, the Honorable Joe Straus, appointed seven members to the House Defense and Veterans' Affairs Committee for the 84th Legislative Session, which began in January 2015. Representative Susan Lewis King (HD-71, Abilene) was appointed Chair and Representative James Frank (HD-69, Wichita Falls) was appointed Vice Chair. The remaining members on the Committee included Representatives Jimmie Don Aycock (HD-54, Killeen), Joe Farias (HD-118, San Antonio), Matt Schaefer (HD-6, Tyler), Matt Shaheen (HD-66, Plano), and César Blanco (HD-76, El Paso). Following Representative Farias' retirement in August of 2015, John Lujan (HD-118, San Antonio) was elected in a special election in January of 2016 to replace Representative Farias in the House, and the Speaker appointed him to serve in the seat vacated by Representative Farias on the Committee for the remainder of the interim.

Pursuant to House Rule 3, Section 9, the Committee was given jurisdiction over all matters pertaining to:

1. The relations between the State of Texas and the federal government involving defense, emergency preparedness, and Veteran 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 Texas Military Department, the Texas Veterans Commission, the Veterans' Land Board, the Texas Military Preparedness Commission, the Texas Division of Emergency Management, and the Emergency Management Council.

BACKGROUND

In assessing the Interim Charges given to the Committee, the Chair and staff noted the interconnected nature of the Charges. As a result, the Charges were organized into THREE TOPICS, under which each of the Charges could be discussed in relation to other Charges.

The first topic pertains to maintaining the positive economic impact of the military in Texas. In order to do this, the Committee looked at the possibility of a Base Relocation and Closure (BRAC) and its potential impact on defense communities in Texas and the Texas economy as a whole. If Congress does institute a BRAC, then the 13 major military installations in Texas would be in jeopardy. By the sheer number of installations, Texas would face a high probability of being

negatively impacted by a BRAC. In reviewing this possibility, the Committee assessed the vulnerability of military bases in Texas by looking at the military value of each military installation and defense community. The other three Charges included in this Topic related to issues of sequestration in the federal budget, a Real Estate Seller's Disclosure Form, and encroachment. All three of these affect or have the potential to affect the outcome of a BRAC on installations and communities in Texas (See Appendix).

The second topic, while dominated by the Hazlewood Act discussion, included a look at the barriers to employment and education for Veterans in Texas. These issues of employment and education are integral to the successful transition of Service Members from military to civilian careers, and the Committee wanted to look at the issues holistically, from any necessary changes that may be needed to keep the Hazlewood Act solvent, to how we are preparing and assisting Service Members as they transition to higher education or the workforce.

The third topic contains just one Charge from the Speaker. The Committee reviewed legislation that passed out of the DVA Committee and became law, and State agencies over which it has jurisdiction. While the Committee solicited information from agencies on how they fulfilled the requirements for the bills that became law, the majority of the testimony covered the implementation of the bills, and not agency reform. Any ideas for reforming the agencies would be better addressed during session by the Committee while monitoring the progress of program implementation and ensuring the fiscal responsibility that Texastaxpayers expect.

The Committee sought a wide degree of input and conducted two hearings outside of the Capitol in order to engage with communities in different regions of Texas. The goal was to solicit invited and public testimony from local stakeholders in addition to those with regional and statewide perspectives. Much of the report comes directly from the written and oral testimony of those who appeared before the Committee and includes some questions and comments from Committee Members. Effort was made throughout this report to present the testimony exactly as it was given to the Committee with no editorializing, and in many cases, is transcribed verbatim from oral and written testimony. This was done in an effort to display that the Committee had invited and public testimony throughout the process.

In the pursuit of engaging partners in all areas of the State, the Committee conducted hearings in El Paso and Wichita Falls, and toured Fort Bliss and Sheppard Air Force Base respectively. The Chair, Committee Members, and/or staff also traveled to and toured Dyess Air Force Base in Abilene, Ellington Field in Houston, both the Naval Air Station and Army Depot in Corpus Christi, Joint Reserve Base Fort Worth, Fort Hood in Killeen, all three major locations of Joint Base San Antonio (JBSA), and the Texas Army National Guard facilities of Camp Mabry and Camp Swift. This was done to generate a greater understanding of the significant effect the United States Military as an industry has on the State.

INTERIM STUDY CHARGES

On November 4, 2015, the Speaker of the House, the Honorable Joe Straus, assigned interim charges for the various committees of the Texas House of Representatives. The seven charges given to this Committee could be organized under three main topics. Due to the relationship between the goals of the charges, the Committee heard testimony on them by topic:

- Maintaining the Military Value of Defense Installations and Communities (Charges 1, 2, 4, and 5),
- Education and Employment Barriers for Veterans and Service Members (Charges 3 and 6), and
- Oversight of Legislation Passed by the House in the 84th Legislature which became law (Charge 7).

The charges are detailed below, separated into the topics under which they fall.

TOPIC 1. MAINTAINING THE MILITARY VALUE OF DEFENSE INSTALLATIONS AND COMMUNITIES

Interim Charge #1

Explore how encroachment (environmental, technological, and architectural) impacts the vital missions of our military bases in Texas and which policies can be put into place while retaining respect for private property rights, economic growth, and the operation of military facilities.

Interim Charge #2

Explore adding notifications to the Texas Real Estate Commission Seller Disclosure Form, as well as a notification to buyers of new home construction, in order to inform buyers that a property may be located near a military installation or a military airport and could be affected by high noise or its air installation compatible use zones, or other operations.

Interim Charge #4

Assess ways the State of Texas can further aid our federal military installations and their communities in order to minimize the negative consequences of a potential forthcoming BRAC round by the federal government.

Interim Charge #5

Assess the continuing effect and the impact of sequestration and federal defense spending on Texas military bases, soldiers and their families, base communities, and Texas defense contractors. Identify solutions to address issues raised by federal policy.

TOPIC 2: EDUCATION AND EMPLOYMENT BARRIERS FOR VETERANS AND SERVICE MEMBERS

Interim Charge #3

Study the long-term viability of the Hazlewood Act, in particular the legacy tuition exemption provision. Review eligibility requirements and recommend changes to ensure that the program can remain solvent. Examine the costs of the program to institutions of higher education, including foregone tuition, additional infrastructure, administrative and instructional support costs, and the financial impact on nonveteran/legacy students. Analyze and report any effect changes to this program would have for veterans and their families. Review current data systems related to this exemption and recommend improvements to ensure quality and accuracy of information. (Joint charge with the House Committee on Higher Education)

Interim Charge #6

Analyze whether unnecessary, redundant or punitive barriers exist for Texas Veterans pursuing educational or occupational careers upon completion of their military service. Study and ensure that appropriate measures are in place to allow veterans to receive the maximum college credit benefit for their service-related training in the armed forces.

TOPIC 3: OVERSIGHT OF LEGISLATION PASSED BY THE HOUSE IN THE 84TH LEGISLATURE WHICH BECAME LAW

Interim Charge #7

Conduct legislative oversight and monitoring of the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 84th Legislature. In conducting this oversight, the committee should:

- a. consider any reforms to state agencies to make them more responsive to Texas taxpayers and citizens;*
- b. identify issues regarding the agency or its governance that may be appropriate to investigate, improve, remedy, or eliminate;*
- c. determine whether an agency is operating in a transparent and efficient manner: and*
- d. identify opportunities to streamline programs and services while maintaining the mission of the agency and its programs.*

TOPIC 1. MAINTAINING THE MILITARY VALUE OF DEFENSE COMMUNITIES AND INSTALLATIONS

HEARINGS

The Committee on Defense and Veterans' Affairs met on 2 June 2016 in El Paso and 24 August 2016 in Wichita Falls for public hearings to investigate the issues of Topic 1: encroachment around military installations, a disclosure form for property sales and new construction located near military installations with air operations, sequestration's impact on the military value of installations in Texas, and BRAC mitigation (Charges 1, 2, 4, and 5).

INTRODUCTION

Military officials believe that a new round of Base Relocations and Closures (BRAC) is necessary and should be forthcoming. The United States Congress has not authorized a BRAC, despite statements from senior Pentagon officials that there is 22% excess capacity across the Department of Defense (DOD)¹. This excess capacity implies that the DOD no longer has a use for the massive amount of infrastructure that requires constant maintenance and repair nor the vital resources necessary to complete all scheduled maintenance.

The most recent BRAC occurred in 2005, during which 6 of the 15 military installations in Texas received a below average score on military value. As a result of this BRAC, Joint Base San Antonio (JBSA) was formed with initial operational capacity coming in 2009 and full operational capacity in 2010, reducing the number of Texas installations from 15 to 13. While this solidified some of the military missions performed in Texas, the current reduction in military numbers due to the United States' withdrawal from full commitment in Iraq and Afghanistan may result in relocation, consolidation, or elimination of training and deployment missions and closure of bases inside the United States.

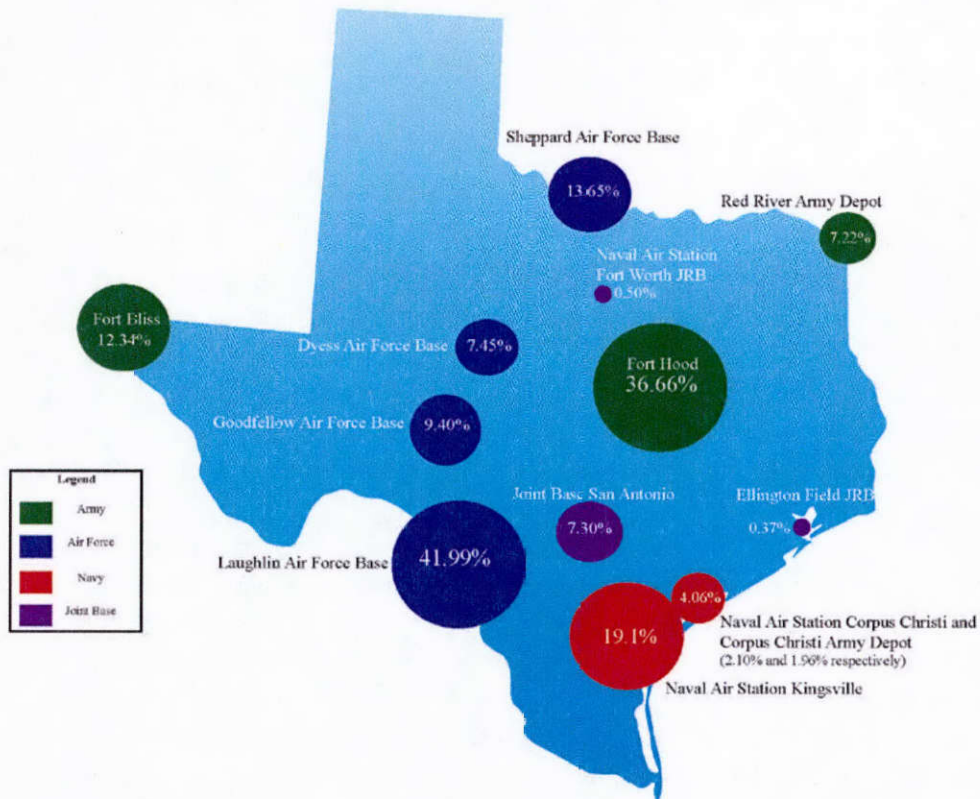
If during another BRAC, any of the installations in Texas score below the national average, the potential for the closing of an installation in Texas or the relocation of a mission to outside of Texas increases. As host to 13 major military installations, Texas faces a higher probability for a reduction in military missions and installations as compared to other states with fewer military assets. The Texas Military Preparedness Commission (TMPC) conducted a detailed report, chaired by Michael McMahan (Brigadier General, USAF, ret.), as a guide to action for the TMPC, the Texas Legislature, and military communities to mitigate a potential BRAC, entitled "2014 Texas Military Value Task Force: Preparing for the Future". The report can be found on the TMPC's [website](#).

Encroachments-- whether architectural, environmental, or technological-- have a deleterious impact on the military value of an installation during BRAC considerations, even more so when they directly hinder a vital mission of the installation. Due to the \$136.6 billion impact these military installations have on the Texas economy, the potential closures or

relocation of bases or missions gravely threatens the economy at the local and statewide level.

The Texas Military Preparedness Commission shared information identifying the potential employment impact that a BRAC would have on different regions in Texas, as displayed in the graphic on the next page from the TMPC's biennial report.²

Base Realignment and Closure (BRAC) Potential Regional Employment Loss



Installation	Direct Jobs	Total Employment in MSA	Share of Total Employment
Corpus Christi Army Depot	4,097	208,860	1.96%
Dyess Air Force Base	5,369	72,076	7.45%
Ellington Field JRB	1,144	3,110,944	0.37%
Fort Bliss	40,844	330,937	12.34%
Fort Hood	60,159	164,081	36.66%
Goodfellow Air Force Base	4,995	53,126	9.40%
Joint Base San Antonio	77,659	1,063,919	7.30%
Laughlin Air Force Base	2,432	5,792*	41.99%
Naval Air Station Corpus Christi	4,386	208,860	2.10%
Naval Air Station Fort Worth JRB	17,466	3,493,282	0.50%
Naval Air Station Kingsville	1,330	6,980*	19.10%
Red River Army Depot	4,472	61,976	7.22%
Sheppard Air Force Base	8,452	61,909	13.65%
Texas Military Installations	232,805	5,731,798	

* When MSA total employment was not available, county total employment was used for the year as reported by the Bureau of Labor Statistics (Dec 2015 Figures)

**2015 data was used as reported by the Texas Comptroller of Public Accounts.

Updated: 05-18-16

Sequestration is the term the Congressional Budget Office (CBO) uses to refer to automatic spending cuts to federal government programs through the withdrawal of funds according to set caps on discretionary funds³. Sequestration originated from the Budget Control Act of 2011, and has been continued through the proceeding continuing resolutions. This

withdrawal of funds from defense budgets has been applied in years past, and resulted in fewer resources available for new military construction or maintenance of current infrastructure, negatively affecting the military value of some installations. The CBO has stated that so far, discretionary funding for 2016 has not reached the spending caps which would trigger sequestration.

In the 84th Legislative session, the Committee sent to the floor House Bill (HB) 1639, which passed the House but not the Senate. The legislation would have inserted into the Seller's Disclosure Notice in Texas Local Government Code Chapter 397 a notice that the property may be located near a military installation and may be affected by noise. This would effectively be a notice for the potential buyer to be conscious of the property's proximity to a military installation and investigate whether the noise level is acceptable before deciding to invest.

TESTIMONY

2 JUNE 2016- EL PASO

BRIGADIER GENERAL TRACY NORRIS, Assistant Deputy Adjutant General of the Texas Military Department (TMD), delivered testimony in regards to encroachment. The principle training site for the TMD is located at Camp Swift in Bastrop County. Bastrop County is among the top 10 fastest growing counties in Texas, with a population increase of around 267% over the past few years. As the principal training site for TMD, Camp Swift provides both institutional and pre-mobilization training for soldiers. To ensure the future viability of Camp Swift, the Texas Army National Guard has implemented an Army Compatible Use Buffer (ACUB) program, which is a tool used to address encroachment and compatible land use issues that can limit or prevent military training by creating a buffer around a military installation. This buffer protects and strengthens military value by ensuring the use of all land available within Camp Swift's boundaries for vital training, and helps to avoid land use conflicts on or near these boundaries.

National Guard units and capabilities are also expanded and reduced in response to the needs of the Pentagon, so encroachment affecting the missions of the TMD should be proactively mitigated to protect the readiness of the TMD, who in addition to responding to the call from the President, respond to the Governor of Texas during natural disasters and security actions. Maintaining the operational capability and response readiness of the TMD is vital to the security of Texas and the ability of State government to respond to disasters as necessary.

COLONEL MIKE HESTER, Garrison Commander of Fort Bliss, testified that the BRAC evaluation of 2005 ranked Fort Bliss as first in military value for the DOD. Between 2005-2012 Fort Bliss more than doubled its infrastructure to well over 31 million square feet, with an increase in military population by 300%, growing from 9,000 to 32,000 soldiers. On the foundation of this multi-year, more than six billion dollar expansion, Fort Bliss transformed from a TRADOC Air Defense Artillery School to a FORSCOM state-of-the-art force projection platform and one of two Army Mobilization Force Generating Installations (MFGI). The growth of the base, its high military value, and integration with the community display how

important it is to El Paso.

CHUCK HARRE, Vice President of the KBRwyle's CAS Group which provides engineering, scientific, and technical services to the DOD, testified regarding the continuing impact of sequestration and federal defense spending on Texas military bases, soldiers, and their families. He urged that Texas be a more vocal advocate for the removal of budget caps at the federal level, noting that DOD investments drive local and regional economies in Texas. He questioned why Fort Bliss, currently rated #1 in military value, would have budget cuts imposed upon it at a time when it is providing such value to the local community, in addition to the first class training being provided at the post. According to Mr. Harre, "Fiscal responsibility is important, but using military spending as the primary vehicle for doing so puts our nation at risk and our communities at risk."

JON SAWYER, representative from the Science Applications International Corporation (SAIC), testified on the impact that sequestration has had upon defense contractors such as SAIC. The Firm currently has three major contracts within the El Paso area, two of which are devoted to updating the Mine-Resistant Ambush Protected (MRAP) vehicle. Due to changes in the way defense funds are allocated, 160 El Paso employees of SAIC lost employment who were associated with this project. Sawyer also spoke in regards to the impact that the proposal process for submitting bids on military contracts has upon small businesses. Sawyer recommended that the Committee work on developing a mechanism by which Texas research universities and military contractors within the state can create more coordination with each other for the purposes of attaining research and development grants being offered by the Department of Defense.

GUS RODRIGUEZ, Executive Vice President of the Association of the United States Army (AUSA) 4th Region, provided testimony in regards to maintaining military value, the negative effects of sequestration, and an overview of some of the projects Fort Bliss has recently completed in partnership with the local community. Mr. Rodriguez noted that sequestration, for the Army, has meant a significant cut to facilities maintenance, a severe cut in contract services provided on installations, and a reduction in soldier training and readiness. According to Rodriguez, "with cuts to the budget for Installation Management Command, or IMCOM, which provides utilities, airfield services, public works, law enforcement, access control, fire and emergency services, and family services to some 75 installations across the world, life on an Army base could get difficult for those who live there."

Mr. Rodriguez testified about one of the partnerships that the Army is engaging in, called the Army Community Partnership Program, established in the 2013 National Defense Authorization Act (NDAA). This program is a Public-Public Partnership aimed at reducing costs to Army Installations through identifying and implementing efficient practices, maximizing available resources to save costs, and strengthen ties with the communities. The process begins with meetings between the installation and public authority, then a discussion of the needs of the stakeholders, followed by analyzing issues and developing concepts, resulting in finalized agreements between the installation and community.

COLONEL BURKE BEAUMONT III, Commander of the 82nd Mission Support Group

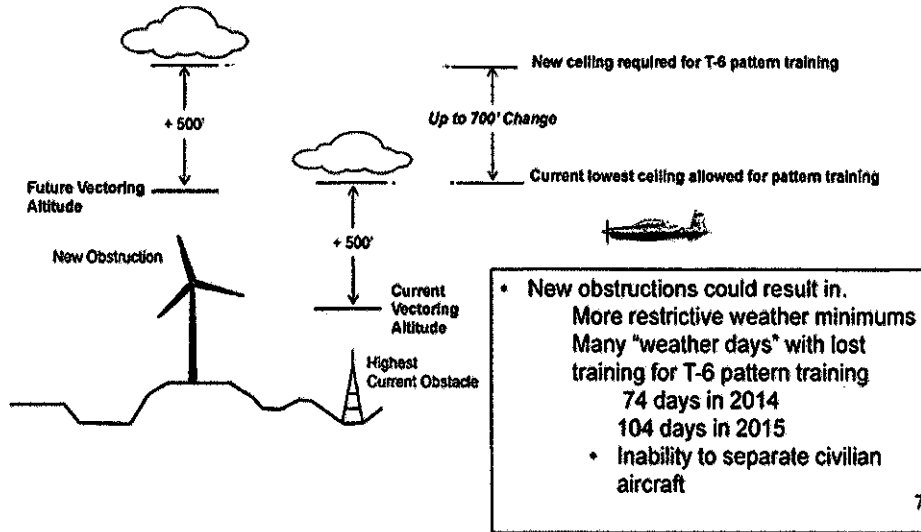


Vectoring Altitude Changes



Strengthen Partnerships; Train NATO Fighter Pilots

- **Wind Turbines near Sheppard AFB could raise vectoring altitudes and weather requirements as much as 700' higher**



at Sheppard Air Force Base (SAFB), testified regarding SAFB's issues concerning the impact wind farm encroachment has upon the vital missions of the base, specifically to flight training for domestic and international student pilots. Wind turbines within 25 miles of Sheppard Air Base can have a significant impact on training by negatively affecting

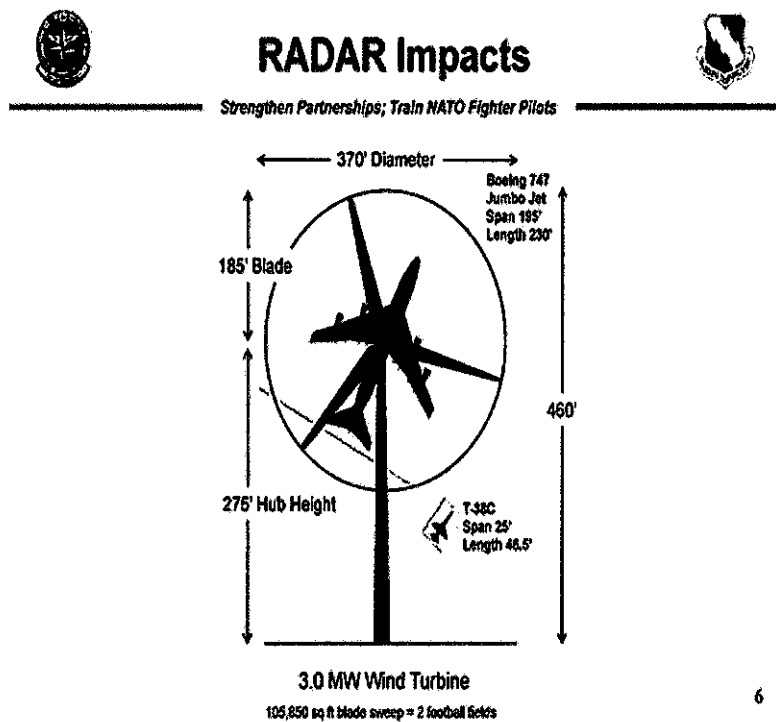
radar, vectoring altitudes, and instrument approaches. Turbines within 12 miles can have a critical impact on training, cluttering and obscuring controllers' radar picture, putting civilian and military aircraft separation at risk, and degrading pilot training capability.

Due to training aircraft's need to maintain a safe ceiling, new obstructions such as wind farms within the flight area could raise vectoring altitudes and weather requirements as much as 700' or higher. New obstructions could result in more restrictive weather minimums resulting in valuable lost training hours for T-6 pattern training due to weather concerns, and an inability to separate civilian aircraft from military training aircraft on radar. Members of the Committee asked Col. Beaumont whether or not technology existed to see past the windmill's blades and eliminate interference. Col. Beaumont replied that he was not currently aware of any such technology, and stated that such technology, if developed, would still not eliminate the negative impacts wind farms have on vectoring altitudes necessary for pilot training.

JUAN AYALA (Major General, USMC, ret.), Director of Military Affairs for the City of San Antonio, testified before the Committee in El Paso regarding the positive impact Defense Economic Adjustment Assistance Grant (DEAAG) funding has had upon the city of San Antonio. Gen. Ayala also testified in regards to the critical impact that Joint Base San Antonio (JBSA) has upon the local community. In regards to the issue of encroachment, he stated that the San Antonio city council is working to craft policies and ordinances that work to preemptively address encroachment and local land use issues. He stressed the importance of JBSA to the economy and the devastation a loss of mission or closure of any part of JBSA would have on the local economy, and urged the State to continue working to prevent this in Texas.

JUNGUS JORDAN (Lieutenant Colonel, USAF, ret.), Chair of the Texas Mayors of Military Communities (TMMC), testified that in 2014 the Texas Mayors of Military Communities identified \$150 million in need at military installations around the state, and applauded the \$30 million investment by the 84th Legislature to meet these identified needs through DEAG awards. Col. Jordan pointed out that other states, with less at stake in terms of the economic impact, have made significant investments to protect their installations in the last year, with states such as Massachusetts investing \$190M and Florida investing \$67.5M. The TMMC is currently in the process of identifying future needs for DEAG awards, and looks forward to working with the 85th Legislature in order to address these needs.

Col. Jordan, also a Councilmember for the City of Fort Worth, testified that the City of Fort Worth had created a Joint Land Use Study over 10 years ago in order to identify future issues around military installations in that area, and urged other communities to do likewise.



The efforts by the TMMC underscore the incredible impact that defense installations have on the communities surrounding them, to the extent that local municipalities are actively working to protect the installations from anything that may lower their military value and leave them vulnerable to a BRAC.

24 AUGUST 2016- WICHITA FALLS

LIEUTENANT COLONEL MATTHEW MANNING of Sheppard Air Force Base testified regarding the impact of wind turbines upon radar and flight training operations at Sheppard. Lt. Col. Manning informed the

Committee of two wind farms being proposed near SAFB, with one just 12 miles south of Sheppard, and another 21 miles away. Due to the way in which radar detects movement 500' above ground level, representatives from Sheppard are concerned about wind farm interference with radar operations, particularly within the 25-mile radius surrounding the base, which includes both of the newly proposed wind farms. According to Lt. Col. Manning, radar is the only effective tool for identifying aircrafts in flight from each other, specifically important near Highway 79, which civilian aircraft often follow along on a flight path toward Oklahoma. As the proposed site of a future wind farm, this Hwy 79 flight path will be impacted due to the proposed wind farm's potential to create a blind spot in which Sheppard-based air controllers cannot differentiate between the wind turbines and aircraft. Due to this potential blind spot, Sheppard personnel would be unable to provide the critical separation from military and civilian aircraft or provide air control to aircraft vectoring toward the base.

Lt. Col. Manning continued, stating that Kingsville Naval Air Station has experienced similar issues with encroachment, and so far has been unable to protect their airspace from wind farm interference. As a result, their radar systems face significant interference from wind farms, leading to an inability to provide accurate air control guidance. Radar interference from wind farms can be attributed to the very large spinning blades on the turbine. Radar systems see the large spinning blades and interpret them as being aircraft. These spinning blades move as fast as a low flying small plane or helicopter and hide those aircraft signatures when they are in close proximity to the turbine. This blade movement obscures aircraft flying above, below, or beside the turbine.

Wind farms also have a negative impact upon vectoring altitudes. Vectoring altitude is the lowest altitude controllers can allow an aircraft to descend while still providing control from the ground and avoiding obstructions above-ground. Wind farms can raise the vectoring level above that which is optimum for air operations at Sheppard. Lt. Col. Manning testified that the "bottom line" was "wind farms within 25 miles of Sheppard have a significant impact on flight operations, and inside 12 miles have a critical impact that puts military and civilian aircraft at risk."

COLONEL BEAUMONT also testified in Wichita Falls as a representative of the Texas Commanders Council (TCC), whose role it is to facilitate inter-governmental dialogue with the different military branches and the State of Texas in a cooperative and coordinated exchange of information. Col. Beaumont stated that TCC acknowledges and applauds efforts from local Texas communities to ensure the success of all military installations in Texas in navigating future compatibility challenges that may impact airspace and land use. These challenges manifest in many ways: vertical obstructions, cell towers, buildings, wind turbines, and anything that impacts flight space and public safety.

WARREN LASHER, Director of Systems Planning at the Electrical Reliability Council of Texas (ERCOT), delivered testimony before the Committee concerning his agency and its role in supporting topic 1. ERCOT is a not-for-profit corporation, established by the Texas Legislature, with a budget overseen by the Public Utility Commission (PUC) of Texas⁴ ERCOT's mission is to ensure reliable grid operations, and to facilitate wholesale and retail markets for energy generation. ERCOT's operating region encompasses most of the state of Texas, but excludes areas such as El Paso (and therefore areas around Fort Bliss), Beaumont, and the region North of Lubbock in the Texas Panhandle. Energy development within ERCOT is done by outside investors who are seeking to maximize profits. Neither the PUC nor ERCOT have the ability to control or limit where generation is sited within its operating region.

ERCOT has approved a new market rule change at the request of the Governor. Currently, generation developers must perform engineering studies before new construction in order to ensure grid reliability. The new rule requires submission of an affidavit from the Department of Defense (DOD) that those planning new generation projects have communicated and coordinated clearly with the DOD Siting Clearinghouse (SCH). The proposed rule change was reviewed by 3 stakeholder committees, all voting to pass the rule, which will take affect 1 November 2016.

In a response to a question from the Committee, Mr. Lasher clarified that generation developers are those who submit affidavits concerning construction to ERCOT, and that ERCOT's main focus is on grid reliability, and not siting. Asked whether "everyone reviewing the rule change was a part of ERCOT," Lasher answered that everyone who participates in ERCOT is represented on the stakeholder committees.

JOHN BURRUS, Director of Aviation, Traffic, and Transportation for the City of Wichita Falls, testified concerning the viability of the Wichita Falls Regional Airport and its reliance on Sheppard Air Force Base. Burrus testified that Wichita Falls Regional Airport's long-term health and viability depends on the continued maintenance and future growth of Sheppard Air Force Base, and that wind farms' potential to negatively impact and limit Sheppard's mission capability would adversely affect local commercial aviation and therefore the economy of the region.

Mr. Burrus detailed the way in which the air traffic from SAFB and the Wichita Falls airspace region represents a "very unique and complex air traffic mix within the immediate region", due to the amount of ongoing commercial and military flights. According to Burrus, "There are many studies that support the fact that wind farms negatively impact radar and the ability of air traffic control to monitor aircraft in the area of their installation. Given the air traffic mix, the density of air traffic in the immediate area, and the safety risk factors associated with reduced identification of that air traffic mix, the City of Wichita Falls adamantly opposes any wind farm facilities within 25 nautical miles of Sheppard and Wichita Falls Regional Airport." He also stated that "a permanent, regulatory solution needs to be provided to limit wind farm development and scope within this critical departure and approach window."

Currently, Sheppard contributes 60% of the passenger mix at the Regional Airport. According to Burrus, it is imperative that this community and region protect Sheppard's missions as it exists today. Without this influx of passengers into the regional traveling mix, the region would not be able to support commercial air service. As a result, any air carrier would be financially hard-pressed to provide direct service from Wichita Falls to the nation's commercial air system. The profitability of air carrier operations in the region would cease. In effect, Wichita Falls would become the largest metropolitan area in the State of Texas without commercial air service within 100 miles of its city limits if it were to lose Sheppard or reduce its participation in the local economy. The elimination of commercial air service in the local region would further complicate the City of Wichita Falls' ability to attract and retain business. A viable, successful, and profitable (for both the City and air carrier) commercial airport operation would not be possible without Sheppard's participation, in Burrus' estimation.

HENRY FLORSHEIM, President and CEO of the Wichita Falls Chamber of Commerce, testified regarding the positive impact that Sheppard Air Force Base has upon the local economy. According to Florsheim, "Sheppard Air Force Base provides the single largest economic impact not only to Wichita Falls, but to the entire region. With well over 10,000 airmen and civilians assigned to the base at any given time, Sheppard is clearly the top employer in the region."

Mr. Florsheim testified that the Chamber's role in the local community is not only focused on expanding economic development, but also on protecting those industries which are already present in the region and helping to evaluate and mitigate any future negative impacts to these already present industries. As economic developers, he found it highly important that they work to protect operations at Sheppard Air Force Base due to the high impact the base has upon the regional economy. According to Florsheim, "One of the primary reasons Sheppard Air Force Base located in Wichita Falls and has flourished here is due to the ample area in which planes can fly their training missions; unfortunately, a threat to that freedom has emerged. Wind farms are becoming more and more prevalent in north Texas, but have not until recently been an issue near Wichita Falls. A proposed wind farm development in a neighboring county could potentially disrupt operations at Sheppard, due to the height of the proposed turbines and radar disruption."

When asked the nature of communication between the Wichita Falls Chamber of Commerce and any of the developers of the newly proposed wind farms in the nearby region, Florsheim responded that he has not had any communication with the developers themselves, but has had many conversations with local land owners and has attended every public hearing regarding this issue in the recent past in order to express his organization's viewpoint. Mr. Florsheim testified that his constituents had overwhelmingly requested that his group do everything it can to protect Sheppard and the economic impact on the region. A question from the Committee as to whether the Chamber had considered paying landowners not to develop proposed wind farm sites was answered by Florsheim responding he was unsure where funding for such a measure would come from, and also that such a measure would be a "slippery slope" for similar issues in the future.

JON LARVICK (Colonel, USAF, ret.), President of the Sheppard Military Affairs Committee (SMAC), testified in regards to the economic impact BRAC would have on Sheppard and the local community in both El Paso and Wichita Falls. He requested that the Committee consider the long term economic stability that military installations like SAFB provide to local communities and the state of Texas. According to Larvick, despite the inaction from Congress, the risk of a BRAC is still very real. Since June, the chatter about a potential BRAC has been getting steadier, and for an example, he pointed to the House Armed Services Committee (HASC). Congressman Smith, the top Democrat on the HASC introduced H.R.5540 -the Military Infrastructure Consolidation and Efficiency Act of 2016- which he stated would establish a fair and transparent process that will result in the timely consolidation, closure, and realignment of military installations inside the United States and will realize improved efficiencies in the cost and management of military installations. While this bill is stalled in committee, it did bring additional attention to a potential future BRAC process.

Many predict that support will grow as resources continue to be constrained, and a BRAC round could potentially occur as early as 2019, according to Larvick. He then noted the positive impact of the recent award of a Defense Economic Adjustment Assistance Grant (DEAAG) to the City of Wichita Falls that financed the construction of a new front gate project at Sheppard Air Force Base and encouraged the Committee to make additional grants available for more projects in the future. Larvick stated that the work of ERCOT and other organizations in seeking to develop additional types of advance notification is vital, and implored the

Committee to consider something similar to the Oklahoma Aircraft Pilot and Passenger Protection Act (APPPA), which introduced the character of flying operations as one of a number of criteria for new development approval.

Mr. Larvick also asked the Committee to explore adding the notification to the Texas Real Estate Commission Seller Disclosure Form proposed in the 84th Legislatures HB 1639, as well as a notification prior to approval of new construction, in order to inform buyers and developers that a property may be located near a military installation or a military airport and could be affected by high noise or its air installation compatible use zones or other operations. According to Larvick, "enhanced legislation would increase coordination on safety aspects; increase enforceability for airport zoning regulations, and limit incompatible development that could impact military missions in areas around Sheppard Air Force Base."

JOHN GREER, representing Clay County Against Wind Farms, testified in regards to the wind energy development and its potential impact on military operations and land values before the Committee in Wichita Falls. Greer testified that he is a land owner in Clay County, and his organization was formed several years ago in response to increasing wind farm development within his county. According to Greer, Clay County has a large number of people involved with and employed at Sheppard Air Force Base whose jobs have the potential to be negatively impacted by any issues which decrease the military value of the base. Greer asserted that he takes private property rights very seriously, and that his organization's top concern is the potential for wind farm development to negatively impact the land value of residents in Clay County.

Mr. Greer encouraged the Committee to seek to eliminate tax incentives and subsidies for wind generation. Greer stated that, unlike the negative impacts that wind farms have on radar systems, the negative impacts wind farms have upon vectoring altitudes cannot be mitigated with technology, and will only continue to become more serious in the future due to the increasing heights at which wind turbines are constructed. He expressed support for the proposed 25-mile buffer zone preventing wind farm construction surrounding military installations in Texas.

TIMOTHY INGLE (Lieutenant Colonel, USAF, ret.), City Councilmember for the City of Wichita Falls, testified on the need to preserve pilot training at Sheppard Air Force Base. Ingle testified that Sheppard provides training not only to USAF pilots, but also to many NATO member pilots, and stated that the relationships built as a result of joint training between NATO members and US allies go beyond local economic concerns, and are of critical importance to national security, and that this represents a further reason to protect the training mission at Sheppard Air Force Base.

JOHN WILSON, Executive Vice-President of the Wichita Falls Association of Realtors (WFAR), testified in regards to the issues of real estate notification. He stated that he had worked on a notification for the disclosure form before, and the Texas Real Estate Commission (TREC) supported it. While discussing whether local areas affected by the potential noise or distraction of air operations from a military installation should develop their own disclosure notifications, Wilson said "unless TREC or Texas Association of Realtors promulgates a

mandatory disclosure, the local implementation of a voluntary disclosure form would be very difficult to enforce."

NELDA MARTINEZ, Mayor of the City of Corpus Christi, spoke about encroachment, particularly that caused by wind farms in her area. She testified that wind farms represent a significant threat to safe flight and radar operations within the Corpus Christi region. According to Mayor Martinez:

"Corpus Christi and the Coastal Bend are deeply concerned about the threats presented by wind farm developments encroaching on the flight training missions, especially aviator safety at Naval Air Station Corpus Christi, Naval Air Station Kingsville, and the helicopter repair activities at the Corpus Christi Army Depot. Military cities have very little authority in the Texas Local Government Code to effectively regulate the prospects of wind farm developments. It is frustrating to go through years of investing in buffer zones and infrastructure projects, working with school districts and higher education institutions to train reliable civilian employees and go through significant multi-jurisdictional planning efforts over several years to produce a well-constructed Joint Land Use Study only to have wind farm developers plant hundreds of turbines in the extraterritorial jurisdiction making all of these efforts pointless and powerless."

Mayor Martinez stated she has requested that local military authorities study the cumulative effect that wind farms and further wind farm construction will have on air operations in the Corpus Christi region. She asserted that wind farm construction cannot be allowed to impact the safety of flight and military operations. She implored the Committee Members to encourage the 85th Legislature to take the following actions under consideration: prohibit construction of any wind turbines within a reasonable distance of navigational radar, military facilities, commercial airports, and radar facilities that support weather forecasting activities; petition the federal government to adopt a national policy supporting responsible wind turbine development based on the Texas model; prohibit school districts from considering Chapter 3-13 agreements within a certain radius of navigational radar or military installation; require wind farm developers to provide funding up front before construction begins for feasible, workable, long-term mitigation actions to protect the safety of pilots and the general public; and require wind developers to give advance notification to local governments and military installations when they file with the DOD Siting Clearinghouse (SCH).

Noting the large volume of wind farm projects currently being proposed in the area, the Committee queried Mayor Martinez about the relationship her office has with those wind farm owners and developers already operating in the area. The Mayor replied that the wind turbine operators have not operated in good faith, and the relationship had not been going well. She noted that there have been numerous conversations and proposals by various stakeholders in the region made in coordination with wind energy developers, and all of them have fallen through with no actions taken as a result. She stated a lack of oversight of wind turbine construction both at the federal and state level, including the Federal Aviation Authority (FAA).

TOM TAGLIABUE, Director of Intergovernmental Relations for the City of Corpus

Christi, testified on the issues of encroachment caused by wind farm developers in the Corpus Christi area. Mr. Tagliabue testified that, since the creation of NAS Corpus Christi and the Corpus Christi Army Depot, the City has worked to protect the critical national security mission of these installations. The City has been providing land and support for these installations to the federal government since the 1940s. In order to prevent potential encroachment issues and incompatible development, the City has been purchasing the land adjacent to these installations and their outlying fields for the past 20 years.

In 2013, the City of Corpus Christi passed and implemented a Joint Land Use Study (JLUS), in which the City worked as a team with local military installations to prevent encroachment issues associated with military installations and particularly pilot training and future local growth, with a focus on safety and vertical obstruction issues. Wind farm development outside the Corpus Christi city limits is not subject to those same protections. Mr. Tagliabue testified that none of the political subdivisions within the State have the authority to prevent new wind farm construction or to require alterations or mitigation.

In 2014, the City used a state military value loan from the TMPC to fund a new truck entrance at the base and improved base security by building a new perimeter fence. Currently, the City is using that same loan to purchase tax foreclosed properties in the accident possibility zone outside Naval Air Station Corpus Christi. Mr. Tagliabue further testified that he believes all of these protective actions, investments, and policy partnerships will be negated if the wind industry is allowed to operate unchecked with no oversight or control at the local or state level. Tagliabue strongly encouraged the state legislature to enact some reasonable limitations on the wind farm industry in order to prevent them from putting at risk billions of dollars in taxpayer investments in national security, infrastructure, jobs, assets, and the economic stability of military communities.

COLONEL WISTARIA J. JOSEPH, Commander of the 7th Mission Support Group at Dyess Air Force Base, testified before the Committee at the Wichita Falls hearing concerning the current missions at Dyess Air Force Base and encroachment issues which affect them. According to Col. Joseph:

"Encroachment, both current and potential, is very important to the Air Force. (The Air Force defines encroachment as any deliberate action that does or is likely to inhibit, curtail or impede current or future military activities.) Encroachment is important because in this era of limited resources, we must preserve the investment made in our existing bases, both for our current and our future missions. The process of physical development; be it for wind energy, shopping districts or housing is a slow one. Military leadership rotates through an installation every two to three years hindering our ability to concentrate on issues that may be a decade in the making. It is, therefore, essential that we institute processes that require long-term planning and review. Wind energy development in West Texas is mature, but continuing with turbines getting taller. The new turbines are 500 feet tall. As already mentioned effective B-1 and C-130 training is dependent on low-level airspace. We have been able to work with developers to keep the turbines from hindering our ability to train, but the development

continues and turbines constructed under a low level route will degrade the training utility of that route. As you may surmise, there are few foreseeable scenarios that, in and of themselves, would make a training area completely useless. Over time however, the small degradations add up. With so much of our installation and training areas either adjacent to or over unincorporated lands, we would welcome state-wide land-use planning with mechanisms to evaluate effects on military installations. In unincorporated areas there is no governmental authority to say no to developments that could degrade our ability to train.”

Col. Joseph's testimony also touched upon real estate notification and BRAC. According to Col. Joseph:

"Every new mission questionnaire from corporate Air Force includes questions on current land use compatibility and local regulations to ensure land use compatibility. In the competition for new missions, encroachment and the local controls that would prohibit it are evaluated. The B-1B with four turbofan engines, each producing 30,000 pounds of thrust, is a little noisy on take-off. However, with deployments, maintenance schedules, runway usage due to the prevailing winds of the season, and weekend down days, it is possible to buy a home without truly appreciating how busy and noisy an environment our operations can produce. For this reason we believe it would be reasonable to require the disclosure of our noise zones and accident potential zones to purchasers of existing homes, new construction and subdivided rural real estate. Such notification should also stress that the purchase is near an established military air installation whose impact on the noise environment may change in response to mission requirements."

JUNGUS JORDAN (Lieutenant Colonel, USAF, ret.), Chair of the Texas Mayors of Military Communities (TMMC), testified on the creation of his organization in response to issues of encroachment and the need to maintain the military value of defense installations in Texas. Col. Jordan testified that in 2014 he and other civic leaders around the State recognized that cities had been working individually to improve military installations in their local areas. The TMMC was created in order to coordinate and collaborate with other communities in Texas who were working on similar issues.

KEN COX (Major General, USA, ret.), Executive Director of the Heart of Texas Defense Alliance (HOTDA), testified before the Committee in Wichita Falls concerning preserving the military value of Fort Hood. Gen. Cox testified that a Joint Land Use Study (JLUS)⁵ was recently started at Fort Hood to work on issues such as encroachment and real estate notification. Gen. Cox noted that Fort Hood also conducts flight operations with helicopters, which have the potential to be impacted by wind farm encroachment.

Currently, Fort Hood is engaged in a joint power generation agreement and seeking to develop wind and solar energy at the base. Gen. Cox predicts that this proposed development will have zero impact on training and capabilities at Fort Hood because of the placement, and will result in greater reliable energy production, raising Fort Hood's military value. Gen. Cox

further testified, however, that the western training area of Fort Hood, which extends outward toward Brownwood and San Saba, is currently within the path of proposed wind farm developments which could hinder the extent of training available to soldiers on Fort Hood. In response, Fort Hood officials have engaged with city leaders in Brownwood and other cities, and these leaders have agreed to defer to the guidance of Fort Hood in regards to whether or not proposed wind farm developments will impact training and mission readiness in the western training area.

Gen. Cox encouraged the Committee to continue holding hearings on the issues discussed in order to help identify stakeholders and facilitate communication and collaboration between the parties involved in proposed developments. He also encouraged the Committee to help build awareness of the wind farm construction approval process. Gen. Cox further discussed a new real estate disclosure form being proposed to the Fort Hood Regional Real Estate Association, which seeks to inform potential buyers in the Fort Hood area about noise pollution related to military training. He informed the Committee that over half of the real estate providers in the region already utilize a notification form such as the one being proposed.

Gen. Cox provided information from the emerging results of both the Fort Hood Joint Land Use Study and the Fort Hood Force Reduction Assessment⁶. Over the course of 2016, Fort Hood has contracted with Benchmark Planning to perform a JLUS intended to identify potential civilian land development compatibility and encroachment issues in the central Texas area that may negatively impact military operations, testing, training, and power projection activities at Fort Hood. According to the materials, the purpose of the JLUS is to "ensure land use compatibility [at Fort Hood] for the next 20 years." The study is intended to examine "not how Fort Hood affects the surrounding communities, but rather how the surrounding communities will impact Fort Hood and military training in the future."

The JLUS is expected to be concluded in December 2016. In December 2015, Benchmark Planning employees met with representatives from all relevant entities concerned with land use and compatibility issues at Fort Hood and the surrounding communities. The JLUS will be submitted as non-binding recommendations and the City of Killeen is now beginning to engage government committees, military mayors, and the legislature in order to keep these entities up to date with the process and recommendations offered. To date, some emerging findings have been presented concerning wind farms and light pollution.

In regards to wind farms, Gen. Cox explained how the JLUS is examining any potential impact on air operations in the Fort Hood area. "The State of Texas limits county and local government involvement in development around military communities" resulting in potential complications with the development of future wind farms near Fort Hood. Regarding the issue of light pollution, the JLUS is examining how development along Highway 116 may potentially impact night operations training at Fort Hood. According to Gen. Cox, Fort Hood is currently utilizing the ACUB program to pay landowners not to develop land close to Hood that may impact training in the future. However, the testimony notes that as the area becomes more developed, the economic value of this undeveloped property will increase to a point beyond which the ACUB program can afford to pay.

Gen. Cox also discussed the Fort Hood Force Reduction Assessment completed in response to the permanent change of location for several units at Fort Hood, which caused the population of Service Members at the base to decline from 53,000 to 37,000. This population decline has had an impact on the Killeen ISD, the Copperas Cove ISD, and the Killeen-Fort Hood Regional Airport. Because the DOD provides funding to school districts based on their population of military dependents attending school, drops in the Service Member population at Fort Hood result in a decline of revenue along with student population for the school districts that service the base. Copperas Cove ISD is already being affected by this decline in dependent attendance with the population of dependent students already below 35%. Killeen ISD has not fallen below this threshold, but may be impacted in the near future. According to Gen. Cox, even a stagnant population of military personnel can result in a decline in revenue for Killeen ISD if the surrounding non-military population grows as it is expected to. The decline in the military population at Fort Hood has also resulted in a \$160,000 yearly decrease in revenue for the Killeen-Fort Hood Regional Airport, and a drop in the number of people taking flights to and from Fort Hood. Further information on the current status and emerging findings from both the JLUS and Fort Hood FRA can be found at the City of Killeen [website](#).

JEFFREY CLARK, Executive Director of The Wind Coalition, testified before the Committee as a representative of wind industry generation participants. He testified concerning the efforts of the wind energy industry to address concerns raised about encroachment and the industry's impact on air safety. The Wind Coalition is a regional organization which represents wind energy manufacturers, developers, and customers in an area which extends from the Texas-Mexico border to Canada. Texas is a national leader in wind energy generation, which provides 10% of the power generated in the state. Clark testified that wind energy is saving customers in Texas \$950 million per year and is making the state more energy independent. According to Clark, the wind energy industry is working toward building an energy grid and generation system that is "cheaper, greener, and made in Texas"

Although Mr. Clark stated that "there are issues" related to the impact wind turbines have upon radar and military installations, he stated that "not a lot said [in the testimony prior] has been accurate" He asserted that there is a very robust oversight system of wind energy development at the federal level. According to Clark, the 2016 NDAA contains new provisions which enable the FAA to decline construction space based on national security needs. Clark referenced the efforts of ERCOT to create a military notification system, and noted that The Wind Coalition had not opposed these efforts because they believe that it is important to get military approval for wind energy development projects as early as possible.

Mr. Clark also included in his testimony to the Committee written testimony from the wind energy developer considering projects near Sheppard Air Force Base. According to the written testimony provided, Alterra Power Corporation has held initial meetings with the DOD in order to discuss appropriate procedures in determining whether the development under consideration has any impact upon Sheppard. Based on feedback from these meetings, Clark stated that Alterra has begun the FAA review process. Under this process, all civilian and military shareholders in the potential development area are consulted, and additional studies concerning wind turbine impacts on radar may be undertaken. Clark stated that Alterra is conducting studies on radar and air traffic impacts from wind farms, and is reviewing and

discussing the results with Sheppard personnel as part of their FAA review process. Clark relayed that he believes the FAA review process is robust, works, and, in the event that potential impacts upon operations at Sheppard cannot be mitigated, Clark stated that Alterra would not proceed with the project.

Mr. Clark also stated that according to SCH records, of the 10,000 proposed projects, only 2009 were proposed wind farm developments. Of these, 39 went to a mitigation response team, and, out of those, 11 Memorandums of Agreement (MOA) were signed. Clark stated that none of these proposed wind farm developments escaped notice of the DOD. Clark further stated that the number of proposed wind farms rejected by the SCH does not reflect the number of projects abandoned by the developers due to potential encroachment issues raised during the planning process. Clark posited that wind energy developers typically do not take a proposal all the way to a decision if there are potentials for disputes and that they will walk away from projects if necessary. Clark cited a "failure to communicate" to explain some of the conflicts now arising between military communities and wind energy developers, and stated that, "in the absence of communication, fear and the desire to stop all wind farm construction begins to develop" He also noted that examinations of the cumulative impact of wind energy projects on military installations are conducted as part of the SCH process.

Concerning whether wind energy development is subject to any local oversight rather than exclusively federal, Clark stated that although the FAA and SCH approval process is conducted at a higher level, it is still done in coordination with local communities and stakeholders. Clark stated that he recognizes that there is an impact from wind turbines on radar systems, but stated that the impacts could be mitigated. He said that 25 miles around a military installation is "a large area", and that 28% of wind farms in the state of Texas fall within this zone, and contended that these wind farms are not creating the types of problems described by other presenters in earlier testimony. However, he reiterated his assertion that, if potential impacts on military missions from a proposed wind energy development cannot be mitigated, the developer will not proceed with the project.

KARLISS POVISILS, Vice-President of Development at Apex Clean Energy, testified concerning the process by which wind energy developers work to examine and mitigate potential encroachment issues with military installations. According to Mr. Povisils:

"In Texas, Apex is developing over 2,000 Megawatts (MW) in wind and solar projects, which will represent an investment of approximately \$3.5 billion once fully constructed. Apex's wind projects are located in the Texas Panhandle and on the Gulf Coast. Apex completed construction of the 165 MW Cameron Wind facility, the first project constructed by Apex in Texas, in 2015. Apex broke ground earlier this year on a 65 MW hybrid wind-solar project with the U. S. Army at Fort Hood. At the time construction began, this project was the largest renewable energy project initiated by the U. S. Army, and when complete, it will provide Fort Hood with \$168 million in electricity cost savings over a 28 year period, allowing Fort Hood to dedicate more financial resources to its mission and personnel. Apex aims to have all of its currently planned Texas renewable energy capacity installed and operating by the close of 2019. The Apex Clean Energy

team includes numerous skilled servicemen and women who previously served the nation in the U. S. Army, Navy, Marine Corps, Air Force, and NOAA Commissioned Corps, including the president and chief operating officer. Apex also works with veteran-owned companies during project development and operations. To ensure Apex works efficiently and effectively with DOD, Apex is advised by former military officials, including pilots and a former USAF base commander, as well as officials responsible for creating and managing the DOD SCH, which is the regulatory process for approving wind projects near military facilities. In Texas, Apex is presently developing three projects near military facilities. Two of these projects – Chapman Ranch Wind (250 MW) and Patriot Wind (178 MW) – have each secured a Memorandum of Agreement (MOA) with the DOD through its Siting Clearinghouse process. The third project – Midway Wind (160 MW) – is moving through the final stages of the process. These projects are expected to commence construction in 2016."

Mr. Povisils went on to state that whenever a proposed development has a negative impact upon military operations in a way that cannot be mitigated, his company will walk away from the project. He cited a 2013 project in Maryland that was not pursued by his company as an example of such an action. He continued to state:

"Early in the development of a wind power project, Apex identifies all nearby military facilities. If there is a military base in the vicinity of the project, it is Apex's policy to initiate a meeting with the base to introduce our company and the project. After initial consultation with the base, Apex submits the project for a comprehensive mission compatibility review with the DOD Siting Clearinghouse to ensure that all military stakeholders have the opportunity to research any potential impacts from the project and to identify potential mitigation. In the vast majority of cases, the approval process is complete after the compatibility review. If mitigation efforts are required, Apex collaborates with the DOD to develop an appropriate, site-specific mitigation plan for the project, at which point a project MOA is drafted and executed. The DOD, including the local base commander, has significant leverage to protect its mission in these negotiations. If the developer fails to reach an agreement with the military, the DOD can formally object to the project during the FAA's obstacle evaluation process. A 'Determination of No Hazard' from the FAA is necessary to obtain project financing, so it is imperative that FAA clearance (and military clearance) be secured before the project can progress."

Mr. Povisils' testimony also concerned recent proposals to enact buffer zones around military facilities to prevent wind energy development in these areas.

"Several recent proposals floated by members of the Texas Legislature represent severe policy overreaches. These proposals, respectively, suggest completely banning the development of wind power within 25 miles of a military facility, and disallowing tax incentives for wind power within 25 miles of a military base. These buffer zone policies have no scientific basis, are arbitrary in nature, and

ignore the fact that wind projects already safely exist within 25 miles of military facilities across Texas. In fact, if a 25 mile buffer zone were already law, over 28% (5,067 MW) of Texas's wind power would have never been developed. Today, these wind projects are operating near military bases in a compatible manner. Buffer zone proposals ignore the facts on the ground and fail to recognize that technological solutions exist and have been proven successful. Each military facility and wind power project has unique, site-specific needs and qualities. In fact, DOD itself has stated, 'due to the wide variety of missions and the variability of impacts on different types of obstructions, it is not possible to apply a one-size-fits-all standoff distance between DOD military readiness activities and development projects' A direct or indirect buffer zone would replace the DOD's rigorous, project-specific analysis with a blunt, one-size-fits-all prohibition. In short, buffer zones are unnecessary and would significantly reduce Texas's opportunity to take advantage of the many economic and environmental benefits of wind energy without creating any new safety benefits or guarantee any BRAC protection."

In response to a question from the Committee regarding whether or not Povich believed that earlier testimony expressing concerns over wind farm development and encroachment was unfounded, Povich responded that these issues should be examined on a case-by-case basis. He stated that studies have not been done yet to fully examine wind farm impacts in many of the cases cited in earlier testimony, and expressed that the developers of the wind energy projects near Sheppard should have communicated with base officials to mitigate risks from development earlier in the process.

In response to a question from the Committee regarding whether or not Povich believed that buffer zones should be individualized, he asserted that it would be best to do just that, and examine each case individually to determine if nearby wind farms represented an obstacle to military missions. Povich was further questioned by the Committee concerning the process to initiate a wind generation shutdown. Povich informed the Committee that his company has a shutdown process in place with 2 military installations, and stated that the process is strongly tilted in favor of the Navy's interest. He testified that the installations engaged in this shutdown agreement have the ability to request a shutdown of operations which will be honored provided they are given a rational basis for doing so such as negative impact on a training mission.

KEN BECKER, Executive Director of Sweetwater Economic Development, testified concerning the positive economic impact that wind farms have had in Nolan County in west Texas. Nolan County has no military installations, but Dyess Air Force Base resides in neighboring Taylor County where it conducts air operations and training. Becker described his testimony as primarily centered upon the pros and cons of wind energy development, and the economic impact that this development has had upon Nolan County. Becker testified that Nolan County is home to around 1,300 wind turbines, which represents 12% of the total number of wind turbines in the State of Texas, and also has the highest concentration of wind turbines of anywhere in the world. Concerning the cons of wind farm development, Becker cited the visual pollution of scenic venues, potential noise pollution near residences, the up and down nature of the electrical load output of wind generation placing stress upon regulatory agencies such as

ERCOT, and the issue of people who support green energy but do not want development to occur in their neighborhood.

According to Mr. Becker, Nolan County has seen a progressive increase in the taxable value within the county since the introduction of wind farms in 1999. Prior to the introduction of wind farms in 1999, Nolan County had a taxable value within the county of about \$500 million. Several years later in 2006, taxable value in Nolan County had risen to \$830 million, with wind farms contributing a value of \$74 million to this number. In 2014, Nolan County contained a taxable value of \$2.4 billion, with wind farms making up \$828 million of that value. Becker stated that this increase in taxable value from the wind energy sector had afforded tremendous economic opportunity for their county, and that they are very fortunate to be a home to this industry.

SUBMITTED WRITTEN TESTIMONY, PERSONS NOT PRESENT

Although they were unable to send physical representation, the DOD Siting Clearing House (SCH) sent a letter to the Committee from the Executive Director, Ron Tickle. The full text of the letter is included in the Appendix, where Mr. Tickle puts down a brief description of the SCH process for analyzing energy project proposals near military installations. The SCH does this due to an acknowledgement that the “projects may affect unique DOD radars, military air traffic control radars, activities, and military readiness” The SCH was established in 2011 so that the “DOD may only oppose development of an energy project when impacts cannot be feasibly and affordably mitigated and pose an unacceptable risk to the national security of the United States.” Mr. Tickle recommends that communication be increased between state and local government and energy developers, since the most effective solution to mitigate negative effects of wind farms is to change the proposed site of the turbines. He appreciates the rule that ERCOT is implementing 1 November 2016 (Planning Guide Revision Request (PGRR) 47, see Appendix) requiring earlier notification to SCH when a proposal for power generation near a military installation is first made, as well as supports the idea of land use planning.

In addition, Stephen H. Bonner, the Chief of Staff in the founding of the DOD Siting Clearinghouse with extensive experience in this arena going back to being the Operations Officer for the United States Air Force for the BRAC in 1988, co-authored a paper he sent to the Committee, entitled “The Base Of The Future: A Call for Action by States and Communities”⁷ in which he and his colleagues strongly suggest that military bases need to be “treated as assets and part of the overall public infrastructure of a community, and incorporated into planning and development efforts” Mr. Bonner also sent a letter to the Committee with these suggestions:

- First, create effective, common sense communications channels that ensure close coordination and cooperation at all levels of state and local government and military agencies. This should begin with supporting and encouraging the Commander’s Council that the Texas Military Preparedness Commission supports, but should reach down into TXDOT Area Engineer Offices, Texas Parks & Wildlife regional and local offices, Department of State Health Services, and every other state agency to develop the relationships between counterparts

that are the underpinning of all collaboration.

- Second, fund proactive investment in infrastructure that will protect and enhance military value while creating economic activity in communities around the state. This starts with TXDOT, but should also include actions like investments in microgrid technologies to improve energy resilience both on and off base, as is currently underway in Connecticut; water projects that assure a safe and abundant water supply for military bases and all citizens as the San Antonio Water System is currently doing with a TMPC grant; engaging with the Federal Aviation Administration to expand special use airspace over key test and training ranges in close cooperation with military planners as the State of New Mexico did for Cannon AFB; and other infrastructure development activities.

- Third, foster research and public-private partnership to develop and deploy new technologies that solve the emerging issues created by the boom in the renewable energy industry and demands on the limited bandwidth of electromagnetic spectrum created by the revolution in communications technologies. The problems of interference with air traffic control and weather radars caused by wind turbines are as much a function of the fact that we have outdated and outmoded radar equipment using technologies that are over 50 years old as they are a function of the proximity of wind turbines to airfields. Research and development is moving quickly, and the private sector is constantly fielding new technologies that promise to solve these problems. Texas is actually missing an opportunity by not focusing the efforts of some of our outstanding research universities on these issues.

- And finally continue to fund and expand the Texas Military Preparedness Commission. Remember, there will be a BRAC. The nation simply cannot afford, and thanks to improved military technologies doesn't need, the excess capacity of all our military assets. You won't be able to stop the next BRAC through political maneuvers in Washington, but you can make sure that the next BRAC is a positive one for Texas by planning and investing now, and coordinating your efforts through a single, high level office whose very mission is to improve communication, foster collaboration, and focus investment where it is needed most.

TOPIC 2: EDUCATION AND EMPLOYMENT BARRIERS FOR VETERANS AND SERVICE MEMBERS

HEARINGS

The Committee met for a hearing in El Paso on 2 June 2016 with Interim Charge #6 on the agenda. Pursuant to the Speaker's joint hearing charge the Defense and Veterans' Affairs Committee met with the House Committee on Higher Education in Austin on 13 September 2016 solely to investigate Interim Charge 3, dealing with the long-term viability of the Hazlewood Act and its Legacy provision.

TESTIMONY

2 JUNE 2016- EL PASO

In an effort to increase the ease of transition from Service Member to employed civilian, the military has been focused on developing programs like the Army's Soldier for Life-Transition Assistance Program (SFL-TAP). COLONEL HESTER testified on this topic. The process begins no later than 18 months prior to transition date and involves a comprehensive end-of-service counseling to all transitioning Service Members by synchronizing, integrating, and expanding the delivery of the Veterans Administration (VA), Department of Defense (DOD), and Department of Labor (DOL) courses on employment, education, technical training, and entrepreneurship. Service Members and their family face numerous challenges as they transition from military service. This is also true for demobilizing Reserve and National Guard Service Members. In an effort to provide maximum support to transitioning Service Members, Family Members, Veterans, and Reserve Component Service Members, the Fort Bliss SFL-TAP hosts an annual National Transition Summit, to connect transitioning Service Members of the Military Community with opportunities and resources. The summit is open to all Veterans, regardless of ID card status.

In reference to education, Col. Hester testified that the Army Continuing Education System (ACES) has been hit with both funding and manpower cuts, and that the most significant barrier to the program is the shortage of manpower. Academic and vocational counseling services are central to all ACES programs/services and there are currently eleven (11) authorizations and seven (7) on-board Department of the Army (DA) Civilians. Through fiscal year 2019 there are two (2) planned reductions in manpower, leaving four (4) guidance counselors to service over 40,000 plus Service Members, Family Members, deploying Service Members, Retirees, and Veterans. Also, once a week one ACES staff member is at White Sands Missile Range (WSMR) providing Educational Services support. Supporting WSMR is an enduring mission and affects work load.

According to Col. Hester, a major barrier to this program is funding. The current annual budget is \$40,000. Col. Hester projects that they will need an annual budget of \$100,000 to effectively maintain Educational Services in the outlying years. Overall, Col. Hester believes the right programs are in place to provide quality Educational Services. With the appropriate

balance of personnel and funding, Col. Hester believes ACES will continue to provide professional Educational Services.

CARLA MILLER with the US Chamber of Commerce informed the Committee via written testimony about issues Veterans deal with when pursuing higher education. One of the biggest barriers to a successful pursuit of higher education comes from a lack of knowledge concerning accredited institutions. Often for-profit institutions target Service Members and Veterans for their educational benefits, and provide courses which are not accredited and therefore do not transfer to a nationally recognized Institution of Higher Learning (IHL). The Veteran or Service Member often does not graduate or receive the promised certification.

She also stressed the need for IHL's to work with the military and accept more transfer credits found on the Service Member's Joint Service Transcript (JST). The more credits that are accepted by IHL's, the less time the Veteran or Service Member needs to spend at in school and the faster she is able to join the workforce as a highly trained and well educated member of the civilian population.

Miller also discussed issues with Veterans seeking technical and hands-on certifications required by the civilian sector. Despite the Veteran having been in the field in the military, such as truck driver, machinist, or corpsman, many discover they must go through redundant training in order to receive a recognized civilian certification. Her suggestion was that the Armed Forces should consider ensuring that the exemplary training Service Members receive also contains the equivalent state requirements for the civilian license, so that the transition to a working civilian can be as quick and streamlined as possible.

BILL SPARKS (CWO, USA, ret.), President and Executive Director of the Veterans Business Association, testified regarding the transferability of military skills into civilian career skills and certifications. Mr. Sparks advised the Committee to continue its efforts in encouraging Texas state agencies to increase the transferability of military skills in lieu of civilian education for certification and licenses, and to enhance their ability to identify military skills with convertibility to civilian jobs. Mr. Sparks also touched upon the need to provide more financial and career counseling in the time period when a Service Member is preparing to leave military service.

WILLIAM SERRATA, Ph.D., President of El Paso Community College (EPCC), said that he has observed that Veterans often have difficulty finding a job or career that matches their qualifications and interest as well as translating their skills and experience into language that civilian employers can understand and apply to their company's needs. In addition, Veterans with disabilities often undergo a more complicated and challenging reintegration process, especially starting a new job or school. He recommended faculty training programs, orientations specifically for student Veterans, peer-mentoring programs, one-stop shops for Veterans, and community outreach to overcome these barriers.

President Serrata also stated that there has been an overall decrease in the tuition, general use fee, lab fees, and distance education fees covered by the Hazelwood enrollment fees compared to previous fiscal years. At the same time, EPCC has had increased costs in

providing opportunities to military students. President Serrata testified that in the past five years, foregone tuition due to Hazelwood exemptions has cost EPCC \$5,928,634; while EPCC has only been reimbursed \$160,865, less than 3%, of what was spent.

BRIGADIER GENERAL NORRIS with the TMD also touched upon Charge #6, providing information on utilization of the State Tuition Reimbursement Program (STRP), a state-funded tuition assistance program for active drilling members of the Texas Army National Guard, the Texas Air National Guard, and the Texas State Guard. The benefit provides an award payment for up to 6 credit hours and associated mandatory fees with a maximum payout of \$2,250 per semester. This program requires all federal and state tuition benefits including grants, the GI Bill, and the Hazlewood exemption, to be used before the STRP. Since 2012, there has been a 63% growth in utilization of this program.

JON LARVICK, Sheppard Military Affairs Committee President, testified about the benefits of the Interstate Compact on Educational Opportunity for Military Children, citing it as a very successful program. He implored the Committee to continue to explore ways in which military Service Members, Veterans, and their families can receive exemptions and waivers for trade certifications and occupational licensing in the State of Texas.

BOB GEAR, Director of the Texas Veterans Leadership Project (TVLP) with the Texas Workforce Commission, provided testimony on efforts regarding Charge #6, with a particular focus on initiatives that seek to translate military skills and MOS specialties into their corresponding civilian skills and education, which can then be utilized for resume writing and job matching services.

HISTORY OF HAZLEWOOD

As part of the State of Texas's long history of supporting military Veterans and their families, the Hazelwood Act has offered qualified military Veterans the opportunity to attend public colleges and universities within the state with an exemption of tuition and up to 150 credit hours of coursework. The origins of this program date back to 1923, when the state first began to offer exemptions for tuition and fees for returning Veterans and nurses who served during World War I. In 1943, the program was updated to include World War II Veterans, in an effort led by Texas Senator Grady Hazlewood, for whom the legislation was named. A history of the changes in the Hazelwood Act is delineated below⁸

- **1923:** 38th Texas Legislature directs public Institutions of Higher Learning in Texas to exempt tuition and fees charged to WWI veterans and nurses who were citizens of Texas
- **1929:** Veterans and Nurses from the Spanish-American War added to the list of eligible recipients
- **1943:** SB 81 by Senator Grady Hazlewood and Senator George Moffett amends the Hazelwood Act to include members of the Women's Army Auxiliary Corps, Women's Auxiliary Volunteer Emergency Service, and Veterans of World War II. Hazlewood was

also amended to include, for the first time, children of Service Members killed in action or deceased while performing service.

- **1953:** Korean War Veterans were included as beneficiaries of the Hazlewood Act by the 53rd Texas Legislature
- **1959:** Residency requirements for utilization of Hazlewood Act benefits were instituted. Veterans using the benefit are required to have been a "bona fide legal resident of this state at the time of entering service."
- **1965:** Hazlewood was amended by the 59th Texas Legislature to include children of Service Members of the Texas National Guard and Texas Air National Guard killed on active duty since January 1, 1946
- **1967:** The 60th Texas Legislature made Hazlewood Act benefits applicable to Veterans who served on active duty, other than training, for more than 180 days during the Cold War, and to the children of Service Members killed in action or who died in service during the Cold War. The act was also amended to include members of the Texas National Guard and Reservists who served at least 180 days on Federal active duty
- **1993:** A provision requiring that persons using the Hazlewood Act benefits demonstrate financial need was enacted by the 73rd Legislature
- **1995:** The financial need requirement enacted during the 73rd Texas Legislature was repealed, and the 74th Legislature included Veterans of military service in Vietnam, Grenada, Lebanon, Panama, Persian Gulf, and any future national emergency as beneficiaries of Hazlewood Act benefits. Hazlewood Act benefits are capped at 150 hours, and Veterans receiving the benefit are required to have exhausted their federal education benefits
- **2009:** SB 93 by the 81st Legislature clarified the Hazlewood Act's eligibility requirements for Veterans and their spouses by aligning residency requirements with those established by the GI Bill. The Legacy Act portion of the Hazlewood benefit is also included at this time, and permits eligible Veterans to assign their unutilized benefits to their children who are under the age of 26.
- **2013:** The Permanent Fund Supporting Military and Veterans Exemptions (MVE) is created by SB 1158 in the 83rd Legislature to reimburse Texas Institutions of Higher Education for those students utilizing the Legacy benefit of the Hazlewood Act.

HAZLEWOOD ELIGIBILITY REQUIREMENTS

In order to qualify for the educational benefits provided by the Hazlewood Act, a veteran must⁹.

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- At the time of entry into active duty in the United States Armed Forces, designate Texas as Home of Record, or entered the service in Texas, or was a Texas resident;
 - Have received an honorable discharge or separation or a general discharge under honorable conditions as indicated on the Veteran's Certificate of Release or Discharge from Active Duty (DD Form 214);
 - Served at least 181 days of active duty service (excluding training);
 - Have no federal Veteran's education benefits, or have no federal Veterans education benefits dedicated to the payment of tuition and fees only (such as Chapter 33 or 31) for each term or semester enrolled that do not exceed the value of Hazlewood benefits;
 - Not be in default on a student loan made or guaranteed by the State of Texas;
 - Enroll in classes for which the college receives tax support (i.e., a course that does not depend solely on student tuition and fees to cover its cost), unless the college's governing board has ruled to let Veterans receive the benefit while taking non-funded courses; and
 - Meet the GPA requirement of the institution's satisfactory academic progress policy in a degree or certificate program as determined by the institution's financial aid policy and, as an undergraduate student, not be considered to have attempted an excessive amount of credit hours.
 - Veterans who are granted their first Hazlewood Act exemption beginning fall, 2011 must reside in Texas during the semester or term for which the exemption is claimed. This requirement does not apply to the Veterans who either received the exemption prior to the 2011-2012 academic year, have re-enlisted into active duty, or reside with a spouse who is on active duty.

HAZLEWOOD LEGACY ELIGIBILITY REQUIREMENTS

In order to qualify for the Legacy Act exemptions provided by Hazlewood, recipients must:

- Be classified by the institution as a Texas resident;
- Be the biological child, stepchild, adopted child, or claimed as a dependent in the current or previous tax year;
- Be 25 years old or younger on the first day of the semester or term for which the exemption is claimed (unless granted an extension due to a qualifying illness or debilitating condition); and

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- Meet the GPA requirement of the institution's satisfactory academic progress policy in a degree or certificate program as determined by the institution's financial aid policy and, as an undergraduate student, not be considered to have attempted an excessive amount of credit hours.

TESTIMONY

13 SEPTEMBER 2016- AUSTIN

At the joint hearing with the House Higher Education Committee, BRANTLEY STARR, Deputy First Assistant Attorney General of the Attorney General's Office, gave testimony concerning the recent resolution of the Hazlewood lawsuit, which concerned the residency requirements of the Hazelwood Act. In January 2015, Keith Harris, a University of Houston law student, filed a suit (*Harris v. Cantu*) against several state officials, arguing that the Hazlewood Act's requirement that a Veteran must have entered service in the State of Texas or have designated Texas as their home of record violated his equal protection rights under the US Constitution. Starr noted that the District Court initially ruled against the State of Texas, but the ruling was overturned on appeal at the 5th Circuit Court of Appeals. The Appeals Court found that Texas had a rational basis for establishing a residency requirement for its goals of educating Veterans and encouraging them to reside in Texas, and that Texas's mechanism for doing so was constitutional. In examining whether or not Texas had a rational basis for the establishment of Hazlewood's residency requirement, the Court noted that there did not have to be a perfect fit between the ends the State seeks to achieve with the requirement and the means it uses to do so. As a result the Act was allowed to continue to incentivize enlistment and commissioning of Texans into the United States Military.

In the case of Hazlewood, the end result sought is to ensure that Texas Veterans enlist from the state, but return to stay in the state after their enlistment. Mr. Starr testified that the means for doing so is the Hazlewood residency requirement, which was found to have passed a rational basis review by the Appeals Court. The plaintiff asked for the 5th Circuit Court of Appeals to hear the case en banc, but was denied. Currently, the only recourse for the plaintiff in the *Harris v. Cantu* case is to appeal the 5th Circuit Court's decision to the US Supreme Court. Mr. Starr currently has no further information regarding the plaintiff's intention, but noted that their cert petition was due to the court by October 24th. The cert has been delivered to the Court, but as of the writing of this report, the Court has not yet acted on it. In response to a question from the Committee regarding whether or not the State of Texas could be sued again if new and different residency requirements were added to Hazlewood, Starr replied in the affirmative, and noted that the Hazlewood residency requirement is currently one of the strictest in the nation to have passed constitutional muster.

In response to the *Harris v. Cantu* lawsuit, the Texas Veterans Commission proposed several amendments and new agency rules to Title 40, Texas Administrative Code, Chapter 461, Veterans Education, Subchapter A - Exemption Program for Veterans and their Dependents (The Hazlewood Act). These new amendments and rule changes sought to ensure that the rules reflected current procedures and provided clarification where needed regarding

administration of the Hazlewood Act.

As a result of both the expansion of the Hazlewood Act due to the Legacy program and the increase in GWOT Service Members separating from military service, the number of beneficiaries utilizing the Hazlewood exemption has sharply increased over the past 7 years, from 9,882 in 2009 to 38,946 in 2014, according to the Legislative Budget Board. The increased popularity of this program has led directly to an increase in the amount of tuition exempted and burden placed on the public university system. According to a 2016 report by the Texas Comptroller of Public Accounts¹⁰, between fiscal years 2009 and 2015, the value of tuition forgone due to Hazlewood exemptions rose by 621%, from about \$25 million to \$178 million. The Legislative Budget Board (LBB) has estimated that this figure will increase to \$286 million by 2017¹¹

The increased utilization of Hazlewood Act tuition exemptions is significant because Texas public colleges and universities receive state appropriations to cover only a small percentage of these costs. As a result of these increased use, universities and colleges may seek to raise tuition rates in order to make up the lost revenue. "Hazlewood is effectively funded primarily by other paying students," says EUGENE BOURGEOIS, Ph.D., Provost and Vice President for Academic Affairs at Texas State University. "We estimate at least \$500 of the annual tuition paid by full-time, non-Hazlewood students goes to replace the revenue lost as a result of the act."¹²

MICHAEL CLINE, Ph.D., Associate Director of the Hobby Center for the Study of Texas at Rice University, gave testimony concerning a recent analysis of the Hazlewood Act and future demographic changes to the Veteran population in Texas performed by the Hobby Center¹³ The Hobby Center released its analysis on August 15, 2015, and this analysis examined several aspects of the Veteran population such as how the demographics of the

**Hazlewood Exemptions by Type and Year, 2012 – 2014
and Projected 2015 to 2025 by the Hobby Center for the Study of Texas**

Type	2012*	2013*	2014*	2015	2016	2017	2018	2019
Veteran	14,706	16,057	16,297	15,757	15,805	15,615	15,551	15,376
Legacy	11,477	16,037	18,599	19,816	23,192	25,219	27,064	28,729
Spouse & Dependent	956	1,404	1,851	2,276	2,690	3,086	3,469	3,835
Total	27,139	33,498	36,747	37,849	41,687	43,920	46,084	47,940

*Historical estimates as of January 26, 2015.

Type	2020	2021	2022	2023	2024	2025
Veteran	15,265	15,118	15,008	14,879	14,767	14,644
Legacy	30,216	31,984	33,993	36,205	38,590	41,123
Spouse & Dependent	4,186	4,527	4,880	5,183	5,497	5,800
Total	49,667	51,629	53,881	56,267	58,854	61,567

Source: Texas Higher Education Coordinating Board (2012-2014); Hobby Center for the Study of Texas (2015-2025).

Veteran population can be expected to change in the future, the impacts of proposed changes to Hazlewood on both costs of the program and number of beneficiaries, and projected future costs if the program is changed. Dr. Cline illustrated this information in several graphs shown to the Committee.

In response to a question regarding whether or not the Hobby Center had a way of determining how many Veterans who served for a total of three years or less are eligible for Hazlewood and how that would affect the Hazlewood Legacy Program (HLP), Dr. Cline replied in the affirmative, and stated that the Hobby Center was able to gather this information

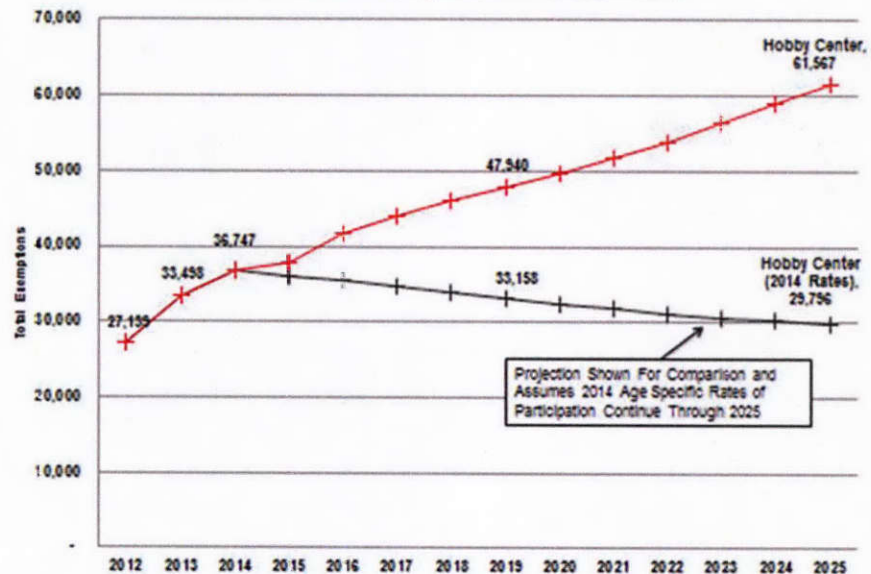
Alternative Projections of Legacy Exemptions

Year	Base Projection	Legacy Length of Service Alternative		
	Legacy	4 Years	6 Years	10 Years
2014	18,599	18,599	18,599	18,599
2019	28,729	16,979	8,963	4,798
2025	41,123	24,304	12,830	6,868

Change in Legacy Exemptions 2014-2025				
Numeric	22,524	5,705	-5,769	-11,731
Percent	121.1	30.7	-31.0	-63.1

from estimates based on census data, and estimate the effect of changing the time-in-rate requirement on eligibility. In response to a question regarding whether or not a decrease in Hazlewood utilization should be expected due to an aging Veteran population, Dr. Cline noted that, if the analysis was just considering Veterans who utilize Hazlewood, the participation rates would be expected to decline. However, Dr. Cline said that with the addition of the Hazlewood Legacy Provision, participation rates in the program were going up, and

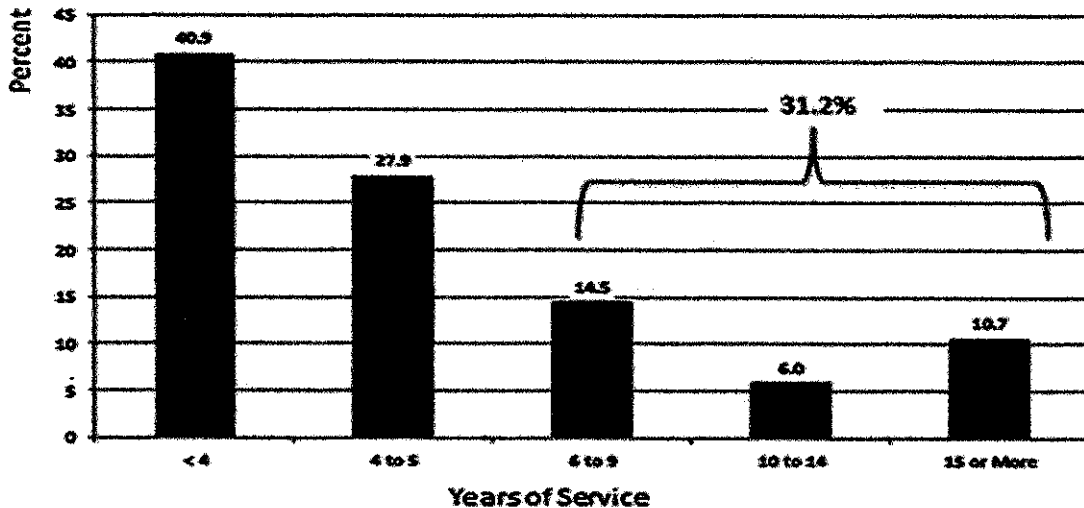
Comparison of Hazlewood Exemption Recipients by Year, 2012 - 2014 and Projected for 2015 - 2025



additional data on this subject would need to be gathered. Dr. Cline also stated that some leveling off of Hazlewood participation rates could be expected in the future.

In response to a question regarding what concerns Dr. Cline may have with the Legislative Budget Board's methodology for examining Hazlewood growth, Dr. Cline noted that the LBB used a limited data set by which to base projections on, whereas the Hobby Center utilized a larger data sample with demographic data and participation rates. He also noted that

Length of Military Service of Veterans in the United States Who Were Less Than 65 Years Old in 2012



the LBB used a straight line projection based on the most recent data it had available that did not account for changes to the underlying demographics within the Veteran population. Dr. Cline noted that the LBB analysis is not inaccurate, per se; rather it relies on a different set of assumptions to make its projections than the Hobby study.

LIEUTENANT COLONEL JIM CARNEY, Commander of the Texas Army National Guard Recruiting and Retention Command, provided testimony regarding the use of the Hazlewood Act and other educational incentives in recruiting. Lt. Col. Carney testified that educational incentives such as Hazlewood serve a key role in assisting Veterans as they transition to civilian life, and such programs compensate them for their sacrifice. He further testified that educational incentives perform an important function in recruiting civilians to volunteer for military service. Carney stated that Hazlewood remains a strong benefit in the National Guard's recruiting process and in ensuring that the military retains its necessary end strength. According to Carney, in 2014, 74% of soldiers listed educational incentives as a primary reason for enlisting in the military.

Lt. Col. Carney noted that, as a result of their multi-faceted service, Veterans often struggle to complete their degrees and can exhaust their GI Bill benefits before being able to do so. Hazlewood provides these Veterans with an additional opportunity to complete their degree or to obtain a post graduate degree to pursue a professional career. When asked the primary

socioeconomic background of the types of people recruited for military service, Carney testified that many recruits are from the lower end of the economic scale, with fewer recruits coming from families who can afford to fully fund their education. In response to a question regarding whether or not serious cuts to Hazlewood eligibility would have a negative impact on recruiting, Carney replied in the affirmative, and further emphasized the importance that educational incentives play in recruiting people to military service.

RAYMUND PAREDES, Ph.D., Commissioner of the Texas Higher Education Coordinating Board (HECB), testified in regards to the long term viability of the Hazlewood Act. Comm. Paredes testified that, according to the data collected by the HECB, the total dollar amount for waivers of tuition and fees under the Hazlewood act has increased from \$24.7 million in 2009 to \$184 million in fiscal year 2015, with 39,000 students being served in the past year. Comm. Paredes further testified that there has been a steady increase in the number of students utilizing Hazlewood benefits since the Legacy portion of the law was passed in 2009.

Comm. Paredes stated that the Hazlewood Act was created when there were very few educational benefits provided to Veterans. Since that time, Veteran educational benefits have increased substantially, especially when considering the Post-9/11 GI Bill, which Comm. Paredes characterized as being "much more generous" than past benefits such as Hazelwood. Of the current \$184 million in tuition and fees waived in FY 2015, only 31% of that number serviced Veterans using Hazlewood, at a cost of \$57 million. Hazlewood Legacy beneficiaries made up 62% of the amount of tuition and fees waived.

Because of the increasing costs of providing Hazlewood benefits, Comm. Paredes stated that the State is now reaching a point where the costs of providing Hazlewood benefits are being passed on to other students. The costs from forgone tuition and fees in terms of higher tuition costs for other students varies from institution to institution, with a \$315 average increased tuition cost at the University of Texas- El Paso, and \$508 at Texas State University. Comm. Paredes noted that this burden of increased tuition costs can be expected to grow, as 60% of students in the K-12 pipeline in Texas are classified as being lower income students. Comm. Paredes urged the Committee to examine some of the potential remedies that have recently been proposed to modify the Hazlewood Act and control its costs for institutions of higher learning.

In response to a question regarding whether or not Hazlewood benefits were functionally different in any way for tuition set-asides, Comm. Paredes responded that the two essentially function the same way; spreading costs across all students in order to help a select group, such as lower income students or Veterans. In response to a question regarding whether or not the Texas Higher Education Coordinating Board had current time-in-service data of Hazlewood beneficiaries or their parents, Comm. Paredes responded in the negative. In response to a question concerning what costs Hazelwood does not cover and for which the beneficiary must pay, Dr. Paredes stated that Hazlewood beneficiaries must pay for non-mandatory fees, costs of attendance, room and board, and books.

The HONORABLE LETICIA VAN DE PUTTE, former State Senator and author of

Senate Bill (SB) 93 in the 81st (R) Legislature which established the Hazlewood Legacy Provision, provided testimony touching on the history of the Hazlewood Act, its various alterations, and the motivation behind the addition of the HLP in 2009. She noted that considerations to enlist and reenlist are often family decisions and that because of this, legislators sought to improve the Hazlewood Act in order to offer more incentives for Texas Veterans to remain in the State and thank them for their service and their families for their support.

According to Sen. Van de Putte, concerns about the next BRAC round were also a motivator in expanding the Hazlewood Act. Although Texas had been a relative winner in the previous BRAC round in 2005, the legislature desired to both provide Veterans and their families with a good quality of life and to demonstrate a state-level support for military service to the Department of Defense. Due to the massive economic benefits that the military provides to the State of Texas, legislators were concerned with doing everything possible to preserve this military presence in the state. According to Sen. Van de Putte, all of these previously mentioned circumstances informed the thinking of the Legislature when it sought to expand Hazlewood with the HLP in 2009.

However, Sen. Van de Putte noted that no one anticipated the economic recession which also occurred after the time of Hazlewood's expansion. Sen. Van de Putte also testified that, at the time of Hazlewood's expansion in 2009, the State had not yet developed a standardization of data concerning student demographics. As to why future fiscal problems with Hazlewood weren't identified in 2009 when the Legacy portion was passed, Sen. Van de Putte testified that the Institutions of Higher Learning (IHL) in Texas did not anticipate funding cuts of over a billion dollars just two years after the passage of SB 93 in 2009. Asked what changes should be made to Hazlewood in order to make it more viable, Van de Putte responded that the State should seek to collect more data on the subject before making any cuts to the program and work to fully fund the exemption.

Hazlewood Act Exemption: Waived Tuition and Fees for Fiscal Years 2012 – 2015

In Millions

Fiscal Year	Veterans	Spouses & Dependent Children	Hazlewood Legacy Program	Total	Total Percent Change
2012	\$44.4	\$4.1	\$62.7	\$111.2	N/A
2013	\$50.0	\$5.3	\$90.9	\$146.1	31.4%
2014	\$49.8	\$8.0	\$111.3	\$169.1	15.7%
2015	\$43.1	\$10.8	\$123.8	\$177.8	5.1%

Notes: Totals may not sum due to rounding.
Sources: Texas Higher Education Coordinating Board Hazlewood Database, Texas Veterans Commission Hazlewood Database.

JOHN NEWTON, Higher Education Analyst for the Legislative Budget Board, testified concerning the LBB's analysis of future Hazlewood utilization rates and costs of administering the program¹⁴ Mr. Newton

provided a brief overview of the eligibility requirements for receiving the Hazlewood benefit, as well as an overview of the percent change in utilization rates and costs to the university system from the year 2012-2015. Newton testified that, in 2013, the Texas Legislature established the Permanent Fund Supporting Military and Veterans Exemptions (MVE) to assist public institutions of higher education in recouping some of the cost to institutions of forgone tuition and fee revenue from the Hazlewood Legacy Program (HLP). Texas Education Code, Section 54.3411, authorizes the MVE as a special fund in the treasury (Other Funds) outside the General Revenue Fund; the MVE is composed of money transferred or appropriated to the fund by the Texas Legislature, gifts and grants contributed to the MVE, and the returns received from fund investments.

In 2013, the MVE received a onetime donation of \$248.0 million from the Texas Guaranteed Student Loan Corporation; and there were no additional appropriations into the MVE. For the 2016-17 fiscal years, the Texas Legislature appropriated \$30.8 million in pass-through funds to the General Revenue of the Texas Veterans Commission (TVC) for Hazlewood

administration and reimbursements. Senate Bill 1158, 83rd Legislature, 2013, transferred the administration of the Hazlewood Act Exemption Program from the Texas Higher Education Coordinating Board to TVC. TVC manages the Hazlewood database and coordinates with the Legislative

Hazlewood Legacy Program (HLP) Funding Distributions for Fiscal Years 2014-16

Dollars in Millions

Fiscal Year	HLP Distributions from THECB \$	HLP Distributions from MVE \$	HLP Distributions from TVC \$	Total HLP Distributions	Total Hours Exempted	Total Dollars Waived
2014	\$30.0	N/A	N/A	\$30.0	259,490	\$62.7
2015	N/A	\$11.4	N/A	\$11.4	425,795	\$111.3
2016	N/A	\$11.4	\$15.0	\$26.4	453,197	\$123.8

Notes: Texas Higher Education Coordinating Board (THECB) was appropriated \$30.0 million in FY2013 for HLP which was distributed to eligible institutions in FY2014. Distribution of HLP funding for FY2014 was based on FY2012 data. FY2015 distribution was based on FY2014 data, and FY2016 distribution was based on FY2015 data. The estimated HLP appropriations for FY2017 total \$26.9 million (\$15.0 million from TVC and \$11.9 million from MVE). Sources: Legislative Budget Board, Texas Higher Education Coordinating Board Hazlewood Database, Texas Veterans Commission Hazlewood Database.

Budget Board and the Comptroller's Office on the distribution of appropriated General Revenue Funds for Hazlewood Reimbursements. For the 2016-17 fiscal years, \$15 million in General Revenue per fiscal year is appropriated to TVC for the sole purpose of the Hazlewood Legacy Program. Per TVC Rider 13, the distribution of this funding must be consistent with the annual distribution of the MVE as determined by the Legislative Budget Board.

ROBERT WOOD, Associate Deputy Comptroller for the Texas Comptroller of Public Accounts Office, testified concerning the August edition of Fiscal Notes, which discussed the costs of administering the Hazlewood Act¹⁵. In response to a question from the Committee regarding how the Comptroller's office makes the correct decision in funding programs like

Hazlewood without access to the most accurate data, Mr. Wood responded that the statute charges the Texas Veterans Commission with administering the Hazlewood program, and that the TVC works closely with the governing board and IHL's in order to gather and request the best data. Wood noted that although the statute lays out broad requirements for data collection, the TVC can decide internally to request additional data by a committee decision. The TVC can then set this new data collection as a requirement of the Hazlewood program.

In response to a question regarding what data the Comptroller's Office is using to estimate the \$178 million figure of losses to institution of higher learning from forgone tuition and fees, Mr. Wood responded that this figure was based upon data provided by each IHL. The Comptroller's Office weighs the benefits provided by military communities in the state of Texas versus the losses accrued by providing the Hazlewood benefit as well, and Wood testified that an examination of the value provided by military installations in Texas was upcoming on the Comptroller's schedule.

The HONORABLE BRIAN MCCALL, Ph.D., Chancellor of the Texas State University System, delivered testimony about the costs of providing Hazlewood benefits to students in the Texas State University System. Chancellor McCall testified that as Texas's oldest institution of higher learning and its third largest, Texas State has a long and proud history of being a military-friendly institution. Four institutions within the Texas State University System have the "military-friendly" designation: Lamar University, Lamar University of Technology, Sam Houston State University, and Texas State. Behind the designation of "military-friendly" are extensive services to assist Veterans with their collegiate experience.

Chancellor McCall further testified that the Hazlewood exemption and Legacy provision have had a significant financial impact on institutions of higher education, and will continue to do so unless the program is either fully funded or significant changes to eligibility are made. Chancellor McCall testified that the number of students utilizing the Hazlewood program is not insignificant, with 2,000 students taking 36,000 credit hours of classes during Fiscal Year 2015. The total cost of the Hazlewood program from foregone tuition and fees in the Texas State University System was \$24 million during the FY 2015. This figure is expected to increase in FY 2016 to \$30 million, a 24% increase, with the highest rate of growth occurring within the Legacy portion, which makes up 77% of the total. System-wide, the non-reimbursed cost per student for providing the Hazlewood benefit averaged \$237.

At various institutions in the system this number varies widely, from \$60 at Lamar State College-Port Arthur to \$500 for each student at Texas State. According to Chancellor McCall, "With the passage of the Legacy portion, the Hazlewood program as it exists today is unsustainable [to the Texas State System]." Chancellor McCall further testified that, over the 84th Interim, the Texas Coordinating Council for Veteran Services (TCCVS) gathered a Higher Education Workgroup, organized by the Texas Veterans Commission, and formulated a list of options for the Committee's consideration. Some of these include limiting HLP recipients to a maximum of 60 college credit hours rather than 150, limiting the HLP exemption to undergraduate programs only, requiring HLP recipients to maintain a cumulative GPA of 2.5, or aligning the requirements to pass on the Legacy benefit with the requirements of passing on Post 9-11 GI Bill.

According to Chancellor McCall:

"Reform of how Hazlewood operates is necessary. It should be fully funded by the state and not a subset of students. The costs being passed on to other students in the state are disproportionate. Last year, the system received \$4 million from the state legislature to offset the \$20 million cost to the Texas State system of providing the Hazlewood Legacy benefit. The Texas State system is committed to serving Veterans, but we must find new ways of serving them without burdening other students who may be struggling to afford an education."

WILLIAM MCRAVEN (Admiral, USN, ret.), Chancellor of the University of Texas System, testified regarding the fiscal impact of providing the Hazlewood exemption within the University of Texas System. According to Chancellor McRaven, the UT System is incredibly proud of its support for Veterans, but the Hazlewood program has grown beyond the scope of what was originally planned. As use of the Hazlewood exemption has increased over the past several years due to growth in the Legacy portion, the demand for classroom space, instructors, administrative staff, and teaching equipment has increased, which becomes an additional cost to IHL's. The UT System currently has 4,246 students utilizing the Hazlewood Legacy exemption, and reports a total of \$45.9 million in foregone and tuition and fees from the entire Hazlewood program, 30.9% of which is attributable to the Legacy portion. The Legislative Budget Board projects the UT System will be losing \$95 million annually due to foregone tuition and fees before the Texas Legislature convenes in 2019. Because the Legislature does not fully reimburse IHL's for providing the Hazlewood benefit, other students end up paying the cost in terms of higher tuition and fees. The cost per student of providing the Hazlewood benefit in terms of higher tuition averages \$245 within the UT System, according to Chancellor McRaven.

Chancellor McRaven stated he thought fully funding the Hazlewood program may prove fiscally unsustainable to the State unless significant fiscal or policy changes are made. If the Legislature does not decide to fully fund or limit the costs of the Hazlewood benefit in some way, Chancellor McRaven encouraged the Legislature to consider modifying the program to ensure that Hazlewood benefits are well-coordinated with federal GI Bill benefits, and that students have exhausted all available federal and GI Bill education benefits before utilizing the Hazlewood program. Chancellor McRaven also testified that, because the Legacy portion has seen the highest growth in costs, the Legislature should consider changes to the eligibility qualifications that honor the original intent of the law, but work to limit costs. These potential changes could include requiring that the Veteran serve ten years on active duty before being eligible for the Legacy portion to pass along, considering character of discharge in determining eligibility for the benefit, increased coordination with other state and local aid to which the student may be entitled, and requiring students to complete a Free Application for Federal Student Aid (FAFSA) in order to identify other sources of aid the student can access before utilizing the Hazlewood benefit.

According to Chancellor McRaven, the UT System "would be thrilled" if the Legislature decided to fully fund the Hazlewood program. Chancellor McRaven further testified that, as a Veteran, he personally cannot support a Legacy portion which increases the burdens of college costs on other citizens, especially when he considers the value of selflessness within the

military community.

The HONORABLE JOHN SHARP, Chancellor of the Texas A&M University System, testified in regards to the fiscal impact that the Hazlewood program has upon the Texas A&M University System. According to Chancellor Sharp, the Texas A&M System is committed to maintaining support for military Service Members and their families, however, the current Hazlewood model is a challenge to IHL's. The rising costs of providing the Hazlewood exemption are absorbed by all tuition paying students and their families. The total price of the Hazlewood benefits to the Texas university system in terms of forgone tuition and fees has risen dramatically from \$25 million in 2009 to \$178 million in 2015, an increase of about 600%. According to Chancellor Sharp, because the Hazlewood program provides an exemption for up to 150 college credit hours, the value each student gets from the program, as well as the costs to the institutions of administering the program, varies from institution to institution.

In FY 2016, the Hazlewood exemption is projected to cost the Texas A&M University System \$47.2 million in forgone tuition and fees, Chancellor Sharp said, which would be an increase of \$8.7 million from the prior year. This projection is a difference of \$300,000 from what the system projected to the LBB 2 years ago. According to Chancellor Sharp, less than 25% of Hazlewood benefits are being provided to the Veterans themselves. The over 5,000 Legacy students attending the A&M System compromised 67% of all Hazlewood recipients in the system, and account for 77% of the cost of providing the benefit. Chancellor Sharp further testified that there is a cost for providing Hazlewood benefits to the rest of the students within the A&M System, in terms of both higher tuition and fees, and in reduced services to other students. Chancellor Sharp asked the Committee to consider the equity of the program and how it is funded. While the \$30 million provided to IHL's by the TVC in addition to the interest from the MVE to offset the costs of providing Hazlewood is appreciated, this amount only makes up 21% of the total cost of the Hazlewood exemption to institutions in the State.

Chancellor Sharp requested that the Legislature fully fund the cost of the Hazlewood program, and while he did not endorse any specific changes to the eligibility requirements of the program, he did ask that changes be considered. He further recommended that the Texas Higher Education Coordinating Board be the entity which collects comprehensive Hazlewood and Legacy usage data, rather than the Texas Veterans Commission. Chancellor Sharp closed his remarks by stating that the Texas A&M System honors Veterans, but the current Hazlewood model is unsustainable.

In response to a question regarding what alternatives the speakers might offer to solving the fiscal problems related to Hazlewood, JOSEPH PETTIBON, Associate Vice President for Academic Services at Texas A&M University, suggested making policy changes that would control the costs of the Legacy program in particular. Some changes he suggested included limiting the benefit to those Veterans with a longer required minimum time-in-service, a 15 year expiration date on unused benefits from the end of one's military service, and limiting the benefit to undergraduate programs. In response to a question regarding what would happen to the benefits of a service-member who dies after only one year of service, panel members responded that benefits for survivors of military service-members killed in action have always been a part of the program, and they do not recommend that these be changed in any way. In

response to a question regarding what the cost of Hazlewood is in terms of the Texas A&M University's operating budget, Chancellor Sharp responded that the cost of administering the Hazlewood benefit represents about 1.5% of the System's budget.

In response to a question regarding whether or not the university systems typically have unexpended plant funds that roll over into the next fiscal year, panel members responded in the affirmative, but could not say if these funds were totally state appropriated. In response to a question concerning whether or not these unexpended plant funds, if state appropriated, could be utilized to help offset the cost of providing Hazlewood, Chancellor McRaven responded that the UT System has to meet certain capital requirements in order to maintain their bond credit rating. In response to a question concerning whether or not the UT System could make cuts in other areas, such as the school newspaper or special activities, in order to offset the cost of providing Hazlewood, Chancellor McRaven responded that, when viewed against the totality of the entire UT System, Hazlewood represents a small portion of the total, and, as such, should be fully funded by the Legislature.

In response to a question regarding whether or not increasing the Hazlewood time-in-service requirement to a minimum of four years would boost retention in the US military, Chancellor McRaven responded that, while he has not looked at the statistics on the subject, he does not think there would be significant difficulty in recruiting volunteers for military service as he believes most recruits are motivated for a desire to serve rather than by educational benefits.

The HONORABLE ROBERT DUNCAN, Chancellor of the Texas Tech University System, testified in regards to the fiscal impact that the Hazlewood program has upon the Texas Tech University System. Chancellor Duncan testified that the Legacy portion of Hazlewood is where the Committee should focus its concern, as 75% of the costs from foregone tuition and fees in the Texas Tech System are a result of the Legacy portion. Chancellor Duncan testified that the Committee should take into consideration the fact that budget cycles are very important to the university systems, and they operate on a biannual basis, rather than an annual. He asked that when the Committee examines the funding for the Hazlewood program, context is important concerning the time period for which budgets are formed. Chancellor Duncan asked that the Committee examine how to make the Legacy portion work in a sustainable way, and ensure that benefits are going only to the select groups the state seeks to target with the Hazlewood benefit.

RENU KHATOR, Ph.D., Chancellor of the University of Houston (UH) System and President of the University of Houston, testified concerning the fiscal impact that the Hazlewood program has upon the UH System. Chancellor Khator testified that the University of Houston System is fully committed to helping Veterans attain a degree, and these students represent a vital part of the student community. Chancellor Khator further testified that the cost of providing the Hazlewood exemption has increased greatly in recent years. She testified that since 2007, the costs of providing Hazlewood exemptions has increased by more than \$10.5 million, from \$2.5 million in 2007 to slightly above \$13 million in the past year. Most of these increases, Chancellor Khator said, have been due to the Legacy provision which accounts for 6 in 10 students utilizing the Hazlewood benefit in the UH System.

According to Chancellor Khator, while Veteran utilization of Hazlewood has remained steady over the past several years, utilization of the Legacy portion has grown by 70% over the same time period. Chancellor Khator testified that lost revenue from forgone tuition and fees due to the Hazlewood exemption creates significant challenges for universities, and makes it harder to fund other academic services, such as instruction and student activities. According to Chancellor Khator, students without the Hazlewood benefit are subsidizing those who benefit from the program in terms of higher tuition and fees. Last year, the University of Houston System provided 1,100 Hazlewood exemptions at a cost of \$8.8 million. With only \$1 million of this cost being reimbursed by the State, this could amount to \$186 being passed on to every non-Hazlewood student. Chancellor Khator closed her remarks by encouraging the Legislature to fully fund the cost of the Hazlewood program.

The HONORABLE LEE JACKSON, Chancellor of the University of North Texas (UNT) System, testified concerning the fiscal impact that the Hazlewood program has upon the University of North Texas System. According to Chancellor Jackson, the UNT System consists of three campuses, with 2 of these campuses being listed as "Best Colleges for Veterans" Institutions in the UNT System have also been recognized by both GI Jobs and the Order of the Purple Heart for their welcoming presence for Veterans. Additionally, the UNT System has restructured its Bachelor of Arts and Bachelor of Science programs in order to give college credit hours for military training courses. According to Chancellor Jackson, the UNT System works hard to recruit Veteran students, provides a Veterans Service Office on campus, and currently has 500 students attending UNT that are utilizing the Hazlewood exemption.

Chancellor Jackson testified that Hazlewood students at UNT have 78.5% retention rate, higher than the overall student body. In 2015, the UNT System saw a decline in the number of Veteran students, but saw a significant increase in those utilizing the Legacy provision. Chancellor Jackson recommended that the Legislature require that Hazlewood beneficiaries fill out and provide a FAFSA form in order to maximize student aid and to encourage use of federal education benefits before using the Hazlewood exemption. Chancellor Jackson closed his remarks by encouraging the Legislature to fully fund the cost of the Hazlewood program.

MIKE METKE, Ph.D., President of Tyler Junior College (TJC), testified in regards to the fiscal impact that providing the Hazlewood exemption has on Tyler Junior College. President Metke testified that nearly 17,000 yearly Hazlewood exemptions are provided by community colleges across Texas at a cost of around \$26 million, while 23,000 are provided by universities at a cost of \$140 million, due to their cost of attendance being five times more than community college. President Metke testified that TJC is proud of supporting Veterans, and is recognized as a military-friendly college, serving 652 Veteran and Legacy students using Hazlewood. President Metke also testified that many Veterans are drawn to TJC by its workforce training programs, which tend to be the most expensive programs to administer.

According to President Metke, tuition waivers account for over \$1 million of TJC's \$16.7 million operating budget, and the Hazlewood program makes up the largest portion of these waivers. The total cost of the HLP in terms of foregone tuition and fees at TJC was approximately \$400,000 in the past year. In response to a question regarding whether or not he

had any insight on how Hazlewood costs affect community colleges in the State of Texas and their current fiscal situations, President Metke responded that all community colleges within the State currently have unsustainable financial models, and that, while TJC is currently above recession-level enrollment, funding for higher education in Texas is currently locked in at the low level which prevailed during the Great Recession. According to President Metke, many students during the recession favored expensive workforce programs, which contributed to altering TJC's makeup from a more academic focused institution to a more job-skills focused one. President Metke also testified that while community colleges (especially rural ones) are currently selling land and forgoing programs in order to maintain fiscal solvency, urban colleges and universities have a better tax base than TJC to sustain increased costs and foregone tuition.

The Chancellors of the UNT, UH, and Texas Tech Systems were then asked several questions by the members of the Committee as a panel. In response to a question regarding whether or not considerations regarding BRAC were a part of the thought process concerning the enacting of the 2009 Legacy provision, panel members responded that many things were done to prepare Texas for another BRAC round, and they do not doubt that the Legacy provision was one element of that. In regards to the intent of the Legacy provision, panel agreed on the need to look at both sides of the fiscal ledger for this program. According to the panel, the bill's intent was to fund the Legacy program at the projections of the Legacy's 2009 fiscal note, and that this intent has not been met due to the previously unaccounted for costs of the program.

In response to a question from the Committee regarding the FAFSA form and whether or not universities can require that Veterans use the form to ensure that they have exhausted any other benefits before utilizing the Hazlewood exemption, panel members referenced the 2013 "federal first" policy which was added to the eligibility restrictions of the Hazlewood Act, but noted that the universities, by statute, are not allowed to impose the FAFSA form as a requirement. In response to a question regarding whether or not the panel members could think of any good reason to not require a Veteran to utilize the FAFSA form, panel members responded that the FAFSA is typically associated with means-tested programs, and its use in conjunction with Hazlewood concerned Veterans and Veteran advocacy groups that a means-test might be imposed on the program.

AL CANTU, Chair of the Texas Veterans Commission, testified concerning the history of the Hazlewood Act and TVC's role in administering the program. According to Chair Cantu:

"Since 1927, the mission of Texas Veterans Commission has been to advocate for and provide superior service to Veterans that will significantly improve the quality of life for all Texas Veterans, their families and survivors. In doing so, the Veterans Education Program administers two programs with complementary missions:

- Federal - functions as the State Approving Agency on behalf of the VA and approves programs offered at public and private educational institutions in Texas for those eligible for GI Bill education benefits.

-
- State - oversees the administration of the Hazlewood Exemption Program, manages the statewide Education

In FY 2015, the TVC Veterans Education Program, in its role as the State Approving Agency, approved over 9,000 programs of education and training in Texas for Veterans. In FY 2015, 94,000 Texas Veterans and eligible family members utilized over \$1.35 billion in federal benefits including Texas public and private Institutions of Higher Education whom received over \$438 million."

Chair Cantu further testified that in creating the GI Bill program, the federal government recognized that Veterans may fall behind on educational and job skills during their time in service, and would be forced to come home and compete with those who did not serve and fall behind on these skills. To correct for this, Veterans are given an opportunity to close these educational gaps through the GI Bill. According to Chair Cantu, the Hazlewood Act and GI Bill have evolved over time, with the introduction 2009 Legacy provision being an example of this. Chair Cantu also gave a brief overview of the eligibility requirements for the Legacy provision, and closed his remarks by stating that the TVC stands ready to serve as a resource for the Legislature in determining how Hazlewood changes will affect Veterans and their families.

TOM PALLADINO (Colonel, USA, ret.), Executive Director of the Texas Veterans Commission, provided testimony about TVC's role in administering the Hazlewood program. Col. Palladino testified that, in 2013, the Texas Legislature shifted administration of the Hazlewood program from the Higher Education Board to TVC, and that TVC still works in conjunction with the board to administer the program. TVC also has a statewide education coordinator program where coordinators are sent to all the universities in the State in order to increase services for Veterans on campuses. Col. Palladino further testified that Chapter 54 in the education code, which governs the Hazlewood exemption, requires that Veterans and their dependents must use up all Post-9/11 benefits before utilizing the Hazlewood exemption. A Veteran may use Montgomery GI Bill benefits in conjunction with Hazlewood benefits, but in both cases, Montgomery and Post 9/11, the Veteran must apply their federal education benefits before utilizing the Hazlewood exemption.

In regards to questions concerning how universities know whether or not a student has exhausted their federal education benefits, Col. Palladino testified that there is a standardized form, used across the State, which contains several requirements including the presentation of a VA benefit letter which states whether a Veteran student has any GI Bill benefits left. In order to utilize the Hazlewood exemption, a Veteran or HLP student must present this VA benefit letter as a part of their Hazlewood packet. This benefit letter allows the TVC and institutions to clearly ascertain whether or not a Veteran is currently eligible for Hazlewood based on the federal first requirements.

In 2013, the TVC coordinated its review of the Hazlewood Act rules with the Texas Higher Education Coordinating Board, the Legislative Budget Board, university systems, independent universities, select community colleges and community college systems, and the Texas Coalition of Veterans Organizations. The purpose of the amended and new rules is to

ensure the rules reflect current procedures and to provide clarification where needed regarding administration of the Hazlewood Act including: definitions, mandatory fees, eligibility, applications, reporting, and record retention. In response to a question regarding whether or not the Hazlewood benefit is a tool in recruiting, Col. Palladino stated that recruiters do go over all benefits available to military Service Members with potential recruits. However, Col. Palladino further stated that no one but the Veteran could say for sure if Hazlewood is a deciding factor for these recruits.

Regarding the \$30 million in one-time pass through funds added to TVC's biannual budget in the 84th Legislative session, Col. Palladino testified that TVC had complied with the recent 4% across-the-board cuts for State agencies requested by the Governor by taking the 4% of their budget out of that \$30 million pass through. This protects their baseline budget, but eliminates the small amount of relief TVC is able to give IHL's through some reimbursement for the Hazlewood exemption. He requested that the Legislature find a method other than the one-time pass through to fund Hazlewood.

The HONORABLE JOE FARIAS, a former State Representative, testified concerning the impact alterations to the Hazlewood Act would have on Veterans and their families. Rep. Farias testified that some sacrifices made by military Service Members are not felt until later in life due to service-related illnesses and injuries. According to Rep. Farias, Legislators typically do not look at the human factor of policy decisions and how they affect families; instead they are primarily concerned with money, costs, and potential impacts upon businesses. Rep. Farias urged the Committee to discover ways to keep Hazlewood intact, find the money to fund the program, and uphold the commitments that the State has made to Veterans and their families.

In response to a question regarding whether or not he had had an opinion on modifying the Legacy portion of Hazlewood, Rep. Farias responded that the Legacy program is like a trust, i.e. something that can be passed down to a family member. According to Rep. Farias, the Legacy program is like a "savings" committed to Veterans by the State that they should be allowed to leave to their dependents. In response to a question regarding whether or not he would approve of changes to the length of service requirements of Hazlewood, Rep. Farias responded that, although he had not considered a particular floor for what the time in service requirement should be, a 4-year time in service requirement is a proposal he could work with.

JIM BRENNAN, Legislative Director for the Texas Coalition of Veterans Organizations (TCVO), noted that the fiscal note for SB 93 in the 81st (R) Legislature proved to be a very inaccurate estimation for the cost of the program. He stated that the State had two choices regarding what to do with Hazlewood in the future- fully fund the benefit, or change the requirements for eligibility. He further testified that his organization stands ready to work in partnership with institutions of higher education to solve the issues regarding Hazlewood.

JOHN MCKINNY, Past State Commander of the American Legion (AL), Department of Texas, testified in support of the preservation of the Hazlewood benefit. Commander McKinny testified that the American Legion represents more than 80,000 Veterans in Texas, in addition to the American Legion Auxiliary and the Sons of the American Legion. He stated that the current debate concerning the future of Hazlewood and efforts to fund the program reminded

him of the past debate regarding the Montgomery GI Bill in the US Congress. Cmdr. McKinny stated that the many people who opposed the Montgomery GI Bill out of concerns that it would "break the Treasury" were "dead wrong" According to Cmdr. McKinny, it has been estimated that, for every one dollar spent on the GI Bill, \$7 came back in the form of economic growth and a deeper tax base. Cmdr. McKinny further testified to the critical role that the American Legion played in ensuring the Montgomery GI Bill's passage despite the closeness of the vote on the bill. McKinny noted that the Hazlewood Act has been existence in since the '20s, with the most recent additions to the act being the 2009 Legacy provision. He also noted that, while Veterans are grateful for this benefit and the acknowledgement of their service, the State finds itself struggling to deal with the growth in the program over the past six years.

However, Cmdr. McKinny stated that the current problems with the HLP have developed over a period of several years, and that these problems will not be resolved quickly. He stated that, despite the issues with the current Legacy provision, the State should honor its commitment to Veterans with the provision, and not seek a quick solution which negatively impacts them. Cmdr. McKinny stated that Veteran's issues do not exist in a vacuum, and that Veterans' issues are really family issues. According to Cmdr. McKinny, family decisions about educating their children, where they will attend, and how to fund their tuition are some of the more complex decisions facing every family. This task can be even more complicated for a military family. In addition to the stress related to a transition from military to civilian life, relocation and fiscal decisions have to be planned in advance of separation from service. Frequently, utilizing Hazlewood benefits is central to the decision-making process. According to Cmdr. McKinny, any disruption to the existing Legacy program could cause real hardship for a substantial number of Veterans and their families.

DAN WEST, Past State Commander of the Veterans of Foreign Wars (VFW), Department of Texas, testified about the Legacy provision of the Hazlewood Act. Cmdr. West testified that, as a former recruiter, he knows that Service Members and Veterans are promised educational benefits upon enlistment, and that many of them discuss with friends and family and plan on using the educational benefits they have earned after they separate from service. He noted that, while educational benefits may not always be the deciding factor in convincing a recruit to join the military, they are often a crucial factor in convincing the parents of potential recruits of the benefits of military service. Cmdr. West stated that he also had wished to use his educational benefits upon separation from service, but was precluded by the need to support his family. Cmdr. West currently uses the Legacy provision of the Hazlewood Act to send his daughter to the University of Texas at Austin. He noted that the benefit only provides an exemption for tuition and mandatory fees, and that his family still makes significant contributions to pay for room and board, books, and other fees not covered by the Hazlewood Act.

MARY KELLER, Ed.D., President and CEO of the Military Child Education Coalition (MCEC), provided testimony regarding the impact that educational benefits have on military families. According to Dr. Keller:

"Texas has more military-connected children in our communities and classrooms than any other state. We have children with parents serving in the Active Duty,

National Guard and Reserve Forces in all of our 254 counties. It is imperative that those Service Members stationed in Texas, and those considering remaining here as transitioning Veterans or retirees, must know that their children are valued and well-cared for in our State. Training, programs and services that support military-connected students, and the education professionals who work with them, are vital ways to reinforce that we indeed are a military-friendly state and that Texans truly care. The State of Texas is host to upwards of 26 military installations. This means that Texas schools have the potential with each school year to teach approximately 75,000 Active Duty children and 35,000 students with parents who serve in the National Guard and Reserve. Even less recognized are at least 100,000 students of Post-9/11 Veterans, too many with parents who are wounded, ill or injured. All of these students live with the uncertainties presented by frequent moves, parental deployments, and a host of life transitions that include reintegration and constant change."

Dr. Keller further testified in regards to changes her organization recommends for the Hazlewood Legacy provision. She stated:

"The current legacy system is an unfunded mandate for Texas higher education institutions. This has had the unintended consequence of actually de-incentivizing our public institutions from recruiting military and Veteran-connected students. Why should they when the cost burden of the Hazelwood tuition fee waiver provision is on the institution and ultimately has the potential to impact resources for other support capabilities that might be needed for all students. Left unchecked, the projected cost escalation for the legacy program is unsustainable. The conceptual solution that the MCEC proposes would phase out the current Hazelwood legacy program and restructure it as follows:

- 1) Use the existing Texas Tuition Promise Fund as a proven infrastructure for the backbone. This is a successful, actuarially sound system that the institutions as well as the State are using effectively. The Texas Tuition Promise Fund is designed to help families and individuals prepay for all or some future tuition and required fees at any two- or four-year Texas public college or university. How this works is "Account holders" purchase Tuition Units or "credits," which represent a fixed amount of undergraduate resident tuition plus the required fees charged by Texas public colleges and universities. The number of units needed varies depending on the school, but generally 100 units represent 30 semester hours, which is considered to be one academic year. The beneficiary must be a Texas resident or the child of a parent who is both the Purchaser and a Texas Resident. The Tuition Promise Fund unit value is indexed off of the Texas public institution with the highest cost, which currently is University of Texas at Dallas. The Promise Fund is under the oversight of the Texas Prepaid Higher Education Tuition Board, which has a mandate to invest the funds conservatively. The benefit for the Account holder is that all Texas two-year and four-year public colleges and universities are required by Texas law to accept the Plan as payment for the applicable portion

of tuition and required fees. The current or future value of the Tuition Units to attend Texas public college or university are not affected by market fluctuations.

2. The Hazelwood Legacy 2.0 could be designed in a way that uses the Texas Tuition Promise Fund with the State as the Purchaser of the Tuition Units for the eligible military or Veteran dependent. This would in essence put the funds in escrow for use. This would then allow for reasonable benefits that would be "banked" or guaranteed for eligible students. The plus for the State is that it locks down a predictable contribution. This reasonable system has the potential to even provide for more students in the long run because it fixes the current upside-down system of a well-intended but unsustainable policy.
3. Hazelwood Legacy 2.0 eligibility criteria for participation could be redesigned as follows:
 - Students must be a Texas resident or the child of a military or Veteran parent or guardian who is a Texas resident. There could be a stipulation or exception if student is a current graduate of a Texas high school.
 - The Hazelwood Legacy 2.0 eligibility is contingent upon the receiving student making documented progress toward a degree and/or qualification.
 - The funds are the last dollar in-for example, after any other federal support or state grants or other State-funded support.
 - The Hazelwood Legacy 2.0 would be designed to fill gaps in tuition and required fee costs.
 - There could be an established time limit on the number of semesters that Hazelwood Legacy 2.0 funds can be accessed."

DAN HAMILTON, past President of the Student Veteran Association (SVA) at the University of Texas at Austin, testified concerning the impact that educational benefits have on student Veterans. As a 5 year Veteran of the United States Marine Corps who had deployed to both Afghanistan and Iraq, Mr. Hamilton testified that Veteran education benefits such as the GI Bill and Hazlewood Act are what have enabled him pursue higher education and successfully transition from military service to civilian life. He urged the Committee to recognize the critical impact that both educational benefits and community support have upon a Veteran's transition to student and civilian life. In response to a question regarding whether or not Hazlewood should be fully funded by the State, Mr. Hamilton responded in the affirmative, and stated that student Veterans are an asset to their university and college communities.

TOPIC 3: OVERSIGHT OF LEGISLATION PASSED BY THE HOUSE IN THE 84TH LEGISLATURE WHICH BECAME LAW

HEARINGS

A quorum of the Committee met on March 17, 2016 in Austin and June 2, 2016 in El Paso to explore Topic 3 and the interim charge of legislative oversight and monitoring of agencies and programs.

TESTIMONY

LAUREN LACEFIELD-LEWIS, Assistant Commissioner of the Department of State Health Services (DSHS), and SASHA RASCO, Associate Commissioner of Prevention and Early Intervention at the Department of Family and Protective Services, and JOHN SPECIA, Commissioner of the Department of Family Protective Services (DFPS) offered testimony regarding the implementation of several bills, per Interim Charge 7 Particular bills that were addressed were HB 19, SB 169, and SB 1305. HB 19, which has been successfully implemented, codified collaboration between DSHS and the Texas Veterans Commission. DSHS has also implemented a new dormitory serving 49 Veterans who were jailed in Travis County, but who were near their release date, as part of their initiatives seeking to "enhance continuity of care for imprisoned Veterans"

In regards to SB 169, which seeks to ensure that military personnel do not lose their place on a waiting list for treatment, Ms. Lacefield-Lewis reported that the agency, close to success, is seeking to entirely eliminate waiting times for treatment in response to the directives of the bill. Representatives from the HHSC, DSHS, and DFPS all offered testimony regarding mental health, military families, and military family readiness¹⁶ These organizations are involved in a number of initiatives assisting military personnel and Veterans in obtaining employment and mental health care services.

The HONORABLE SUZANNA HUPP, DC, Director of Veteran Services for HHSC, testified about the development of the Texas Veteran's phone application, which has seen over 13,000 downloads since its introduction. The VA crisis hotline, which is directly incorporated into the Texas Veterans phone app, has been accessed nearly 1,000 times since the apps development.

RICHARD NELSON, Director of the Toll Operations Division of the Texas Department of Transportation, and MARC WILLIAMS, Deputy Executive Director at Texas Department of Transportation, testified regarding the implementation of various bills addressing Veteran decal license plates and providing Veterans utilizing the DMV services with a one page informational document detailing the services and points of contact for agencies serving Veterans in Texas.

ANNA BAKER, Women Veterans Program Manager for the Texas Veterans Commission, AL CANTU, Chair of the Texas Veterans Commission, and THOMAS PALLADINO, Executive Director of the Texas Veterans Commission, spoke about the

implementation of many different bills from prior legislative sessions, including, HB 19, HB 1762, SB 805, HB 3710, HB 1584, and SB 1308.

COLONEL GREG CHANEY, Chief of Staff to the Texas Adjutant General (TAG), addressed the Committee on the roles and functions of the Texas Military Department. The Texas Military Department has participated in 127 different missions since Col. Chaney last testified to the Committee in the prior year. TMD is currently deploying soldiers to duty stations in Southeast Texas, along the US-Mexico border, and in various locations overseas. The TMD currently employs about 24,000 employees, with the Governor of Texas serving as Commander in Chief except in special circumstances.

BOB GEAR JR. and APURVA NAIK, representatives from the Texas Workforce Commission, provided testimony on efforts regarding Charge #6, with a particular focus on initiatives that seek to translate military skills and MOS specialties into their corresponding civilian skills and education, which can then be utilized for resume writing and job matching services.

The Committee also heard testimony from TWC regarding the implementation of SB 805, which created a Veteran's employment preference for positions at state agencies. Although TWC has not yet met its goal of a Texas state agency workforce comprised of 20% Veterans, representatives testified that the TWC is committed to, and actively seeking to fulfill, this goal. Following the directives of SB 805, which directed the TWC to offer direct hire positions for Veterans at state agencies, TWC has utilized this initiative 5 times so far to directly hire qualified Veterans at their agency.

RENEARL BOWIE, Assistant Director of the Texas Department of Public Safety, JOE PETERS, Assistant Director of the Driver License Division for the Texas Department of Public Safety, CHUCK PHINNEY, State Coordinator for Preparedness at Texas Division of Emergency Management, and JOSE RODRIGUEZ, Region 4 Regional Commander at the Texas Department of Public Safety, testified to a variety of issues, including, Veteran's employment initiatives, border security, integration across law enforcement agencies and missions, and a review of agency compliance with bills passed in past legislative sessions.

DAVID BAKER, the Deputy Director of Law Enforcement Operations at DPS, testified in regards to several operations DPS had undergone in partnership with the Border Patrol over the past few years. In 2014, the DPS and Border Patrol cooperated on Operation Strong Safety, seeking to combat drug and human trafficking along the US-Mexico border. DPS and the Border Patrol are currently cooperating on Operation Secure Texas, which seeks even greater integration between DPS and the Border Patrol in order to "go after common targets"

Of particular note is testimony regarding the purchase and placement of 3,711 game cameras by DPS along common smuggling routes on the US-Mexico border. After these cameras capture a photo, it is then transmitted to one of 6 DPS command centers, as well as to the Border Security Operations Command (BSOC) headquarters in Austin. Copies are also transmitted to the Border Patrol, and these images can be transmitted directly to a cell phone or tablet computer. Only authorized personnel are allowed to access and review these photos, so

DPS is not particularly concerned with unauthorized access and use of photos captured by the game cameras. Mr. Baker testified that it "takes a while to register cameras in the system and install them", and that it, "takes about 3 days to install a camera" in the field. The cameras must be deployed stealthily, will DPS officers taking particular care to avoid being observed placing camera, as the drug cartels are aware of their existence and actively seek to destroy them. DPS has received funding for approximately 4,000 of these cameras.

84th SESSION LEGISLATION UPDATES

House Bill 19

House Author: King, Susan et al.

Effective: 6-4-15

Senate Sponsor: Campbell et al.

House Bill 19 amends the Government Code to require the Texas Veterans Commission (TVC) and Department of State Health Services (DSHS) to provide statewide coordination for the administration of the state's mental health intervention program for Veterans. The bill establishes requirements relating to such coordination, including requirements that the commission develop and implement methods for providing volunteer coordinator certification training and that the commission manage and coordinate the peer training program. In addition, the commission and DSHS must include a community collaboration initiative to encourage local communities to conduct cross-sector collaboration to synchronize locally accessible resources available for Veterans and military service members.

House Bill 19 amends the Human Resources Code to establish a preventive services program, developed and implemented by the Department of Family and Protective Services (DFPS), to serve Veterans and military families who have committed or experienced or who are at a high risk of family violence, abuse, or neglect. The program must initially be established as a pilot program, and the bill requires DFPS to evaluate program outcomes and ensure that the program is producing positive results before statewide implementation. The bill sets out additional preventive services program requirements, including a requirement that the program coordinate with the veterans mental health program community collaboration initiative developed under the bill's provisions.

UPDATE:

On 17 March 2016 LAUREN LACEFIELD-LEWIS, Assistant Commissioner of the Department of State Health Services (DSHS), testified regarding the successful implementation of House Bill 19. DSHS has coordinated with TVC and partners with 37 Local Mental Health Authorities (LMHA) to provide access to licensed mental health professionals, peer service coordinators, and peers, and to recruit, train, and guide peer coordinators. DSHS has also coordinated with TVC for Veteran Jail Diversion Services to train peers and coordinators to support Veterans, provide services to 24 Veteran treatment courts, and to deliver continuity of care services to more than 249 Veterans incarcerated in prisons and 207 Veterans held in county jails (in fiscal year 2015).

As of February 2016, TVC has 37 full-time MVPN coordinators across the State serving Veterans by:

- Providing direct peer to peer services (18,939 direct peer services to date)
- Recruiting, training, and supporting volunteer coordinators (1,025 trained to date)
- Locating and making referrals for local mental health services

House Bill 115

House Author: Dale et al.

Effective: 5-28-15

Senate Sponsor: Fraser et al.

House Bill 115 amends the Government Code to include a member of the armed forces who was wounded or killed at Fort Hood on November 5, 2009, among the service members to be awarded the Texas Purple Heart Medal.

UPDATE:

Governor Greg Abbott awarded the Texas Purple Heart Medal to those made eligible by HB 115 in a ceremony at Fort Hood on 11 March 2016.

House Bill 127

House Author: McClendon

Effective: 1-1-16

Senate Sponsor: Ellis

House Bill 127 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for recipients of the Commendation Medal for each branch of the military and for joint service.

UPDATE:

The Commendation Medal for each branch of the military and each Joint Commendation Medal have been made available for addition to Texas license plates.

House Bill 168

House Author: Larson et al.

Effective: 9-1-15

Senate Sponsor: Campbell

House Bill 168 amends the Transportation Code to exempt a vehicle displaying a specialty license plate issued for a recipient of the Distinguished Flying Cross Medal from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government when the vehicle is being operated by or for the transportation of the person who registered the vehicle.

UPDATE:

The Distinguished Flying Cross Medal license plate has been added to the list of those Texas plates exempt from parking fees collected through any parking meter operated by the State of Texas or other non-federal governmental authority in Texas.

House Bill 437

House Author: Raney; King, Susan et al.

Effective: 9-1-15

Senate Sponsor: Campbell

House Bill 437 amends the Insurance Code to provide that a state employee or an employee of The University of Texas System or The Texas A&M University System who is reemployed following military service is eligible to participate in the uniform health benefit programs under the Texas Employees Group Benefits Act and the State University Employees Uniform Insurance Benefits Act beginning on the first day of reemployment on which the employee performs services for the agency or university system, as applicable.

UPDATE:

This bill amends the Insurance Code to establish that eligibility for coverage under the Texas Employees Group Benefits Act or the State University Employees Uniform Insurance Benefits Act for an employee reemployed after military service begins on the first day of reemployment on which the employee performs services for a state agency or university system, as applicable.

House Bill 445

House Author: Raney; King, Susan et al.

Effective: 9-1-15

Senate Sponsor: Lucio

House Bill 445 amends the Government Code to require the state, a municipality, a county, or another political subdivision of the state to provide written notice regarding the availability of paid leave for military service to a person who is an officer or employee of such an entity and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team. The notice must state the number of workdays and paid leave the officer or employee is entitled to each fiscal year and, if applicable, the number of workdays of paid leave the officer or employee is entitled to carry forward from one fiscal year to the next.

UPDATE:

On 17 March 2016, COLONEL GREG CHANEY, Chief of Staff to the Texas Adjutant General (TAG), testified before the Committee that the provision had been implemented, and that a memo would be sent from TMD to all employees before 31 August 2016, that would include the work days or hours of military leave used, the balance carried forward to the next fiscal year, and the balance starting on 1 October. The point of contact for TMD employees is the Leave Accountant.

House Bill 577

House Author: Flynn

Effective: 9-1-15

Senate Sponsor: Campbell

House Bill 577 amends the Government Code to require claims of discrimination by service members on state active duty to be processed in accordance with military regulations and procedures established for the Texas military forces, exempts such claims from the jurisdiction of the Texas Workforce Commission civil rights division, and subjects a member of the Texas military forces called to state active duty to the regulations established for continued

membership in the specific component.

UPDATE:

COLONEL GREG CHANEY, Chief of Staff to the Texas Adjutant General (TAG), testified that the legislation has been implemented and TMD has successfully processed at least one complaint at the time of testimony.

House Bill 721

House Author: Farias et al.

Effective: 9-1-15

Senate Sponsor: Campbell

House Bill 721 amends the Parks and Wildlife Code to lower the minimum threshold of the disability rating required for a veteran with a service-connected disability who is receiving compensation from the United States for the disability to qualify for a resident hunting license fee waiver.

UPDATE:

This service connection percentage has been lowered from 60% to 50%, the same percentage at which Texas residents are eligible for the "Disabled Veteran" license plate.

House Bill 789

House Author: Miller, Rick et al.

Effective: 1-1-16

Senate Sponsor: Taylor, Van

House Bill 789 amends the Transportation Code to remove as an eligibility requirement for the issuance of a specialty license plate to a retired member of the U.S. military or of the Texas National Guard or Texas State Guard that the retired member completed 20 or more years of satisfactory federal service. The bill also establishes that an identification card issued by the applicable military branch or department indicating that the member is retired is an alternative means of demonstrating eligibility.

UPDATE:

The eligibility requirements to qualify for this license plate have been updated in the Transportation Code, and the use of a military retiree ID card has been approved as proof.

House Bill 867

House Author: Hernandez; King, Susan et al.

Effective: 6-4-15

Senate Sponsor: Garcia et al.

House Bill 867 amends the Government Code to establish the Texas Women Veterans Program in the Texas Veterans Commission with a mission of ensuring that women veterans of Texas have equitable access to federal and state veterans' benefits and services. The bill requires the commission to designate a women veterans' coordinator and sets out provisions relating to,

among other things, general program duties, advocacy and public awareness, research and education activities, and collaboration with federal, state, county, municipal, and private agencies that provide services to women veterans. In addition, the commission may accept and spend funds and provide matching grants on behalf of the program.

UPDATE:

On 17 March 2016, ANNA BAKER, Women Veterans Program Manager for the Texas Veterans Commission, testified in regards to the implementation of HB 867. The Texas Veterans Commission has established the Women Veterans Program, and conducted several women Veteran events throughout the state. The program aims to provide services tailored for the female Veteran population, including claims counseling, employment, and outreach. According to Ms. Baker, "Based upon a highly successful initiative launched in September 2011, the Texas Women Veterans Program serves the population of over 180,000 women Veterans in Texas and ensures women Veterans have equitable access to federal and state Veteran's benefits and services. TVC currently has one manager and three coordinators to assist in the areas of claims, employment, and outreach. The Women Veterans Program is currently hosting Roll Call events across the state to connect women Veterans to local resources, employment workshops, networking opportunities, and benefit counseling."

House Bill 923

House Author: Flynn; King, Susan et al.

Effective: 1-1-16

Senate Sponsor: Taylor, Van

House Bill 923 amends the Transportation Code to require the Texas Military Department to issue specialty license plates for persons who have served in the 36th Infantry Division of the Texas Army National Guard and to issue, on request, a souvenir version of the license plate.

UPDATE:

On 17 March 2016, JEREMIAH KUNTZ, Director of the Vehicle Titles and Registration Division for the Texas Department of Motor Vehicles, testified in regards to the implementation of HB 923. According to Mr Kuntz, "This legislation is unique as compared to similar legislation. As background, all specialty license plates, including military-related ones, can have a souvenir version of the plate issued. By simply creating the 36th Infantry Division license plate, the law automatically allowed a souvenir version of that plate to also be issued. However, HB 923 added a provision to law that the Texas Military Department is the entity that shall issue souvenir versions of the 36th Infantry Division license plate (see Transportation Code 504.009(a-1)). Because the Texas Military Department is not equipped to execute this task, it was necessary for them to contract with TxDMV to have TxDMV be the entity who actually issues the souvenir plates. In an effort to avoid the need to continually execute an interagency contract solely for the issuance of this one souvenir license plate, the Legislature may wish to revisit the statute next session."

House Bill 1128

House Author: Fletcher

Effective: 1-1-16

Senate Sponsor: Taylor, Van et al.

House Bill 1128 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Combat Action Badge, the Combat Action Medal, and the Combat Action Ribbon.

UPDATE:

On 17 March 2016, JEREMIAH KUNTZ, Director of the Vehicle Titles and Registration Division for the Texas Department of Motor Vehicles, testified in regards to the implementation of HB 1128. According to TxDMV representatives, "HB 1128 contained a minor wording issue the TxDMV needed to work around. The bill said the plate must include the "Combat Action Badge Combat Infantryman emblem" and the words "Combat Action Badge." However, the Combat Action Badge and the Combat Infantryman Badge are two different things each with its own emblem and name. The agency solution to this was to offer a plate with the Combat Action Badge emblem and a plate with the Combat Infantryman Badge emblem but with both plates having the words "Combat Action Badge" to comply with statute."

House Bill 1133

House Author: Miller, Rick

Effective: 9-1-15

Senate Sponsor: Taylor, Van et al.

House Bill 1133 amends the Government Code to include the adjutant general among the ex officio members of the Texas Military Preparedness Commission.

UPDATE:

The Texas Adjutant General has been added to the TMPC council as an ex-officio member, and has attended or sent a qualified representative to attend each meeting since then.

House Bill 1187

House Author: Wray et al.

Effective: 9-1-15

Senate Sponsor: Birdwell et al.

House Bill 1187 amends the Transportation Code to designate a segment of U.S. Highway 287 in Midlothian as the Chris Kyle Memorial Highway

UPDATE:

The segment of U.S. Highway 287 in Midlothian was dedicated as the Chris Kyle Memorial Highway by elected officials and family and friend of Chris Kyle's on Friday, 19 February 2016.

House Bill 1237

House Author: Tinderholt et al.

Effective: 9-1-15

Senate Sponsor: Burton

House Bill 1237 amends the Transportation Code to designate a portion of U.S. Highway 290 in Hays and Travis Counties as the Lieutenant Clay Crabb Memorial Highway.

UPDATE:

In April 2016, the sign for Lieutenant Clay Crabb Memorial Highway was unveiled at the Peace Officer's Memorial on the Capitol Grounds and a portion of U.S. Highway 290 between Austin and Dripping Springs was dedicated to the fallen Officer's memory.

House Bill 1273

House Author: Farias et al.

Effective: 9-1-15

Senate Sponsor: Uresti

House Bill 1273 amends the Transportation Code to include emblems from the Korea Veteran, Vietnam Veteran, Desert Shield/Storm/Provide Comfort, Operation Iraqi Freedom, Enduring Freedom, and Woman Veteran specialty license plates among the alternative emblems a disabled veteran may request to be displayed on the veteran's specialty license plate. The bill revises the dates of service for the issuance of specialty license plates to Korea veterans, Vietnam veterans, and Operation Desert Shield or Desert Storm veterans and provides for the issuance of a specialty license plate for recipients of the Prisoner of War Medal.

UPDATE:

On 17 March 2016, JEREMIAH KUNTZ, Director of the Vehicle Titles and Registration Division for the Texas Department of Motor Vehicles, testified in regards to the implementation of HB 1273. According to TxDMV representatives, "HB 1273 changed several existing plate options. The "Korea War Veterans" plate was replaced with three plates related to service during the Korean War and in Korea. The "Vietnam Veterans" plate was replaced with two plates related to service in and during the Vietnam War. The "Desert Shield or Desert Storm Veterans" plate was replaced with two plates related to service in and during that time period. Lastly the "Former Prisoner of War" plate was replaced with the "Prisoner of War Medal" plate. All of the new plate designs, plus the Operation Iraqi Freedom, Enduring Freedom, and Women Veterans, were made available to disabled Veterans. There is no specialty plate fee for any of the new plates, and regular registration fees are due for all except the Prisoner of War Medal plate for which the first set of plates is available without the payment of registration fees.

It is important to mention that HB 1273 prescribes that the legends of the plates feature specific words. For example, the bill requires each of the Korea specialty plate designs authorized to specifically include the words "Korea Veteran." However, after thorough discussions with members of the military community, it was determined that "Korea Veteran" was not the appropriate language for every plate. As a result, legends were slightly modified from statute to make the plates more distinctive."

House Bill 1364

House Author: Miller, Rick

Effective: 1-1-16

Senate Sponsor: Taylor, Van

House Bill 1364 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Defense Meritorious Service Medal and the Meritorious Service Medal.

UPDATE:

On 17 March 2016, JEREMIAH KUNTZ, Director of the Vehicle Titles and Registration Division for the Texas Department of Motor Vehicles, testified in regards to the implementation of HB 1364. According to TxDMV representatives, "HB 1364 provides for the issuance of specialty license plates for recipients of the Defense Meritorious Service Medal and the Meritorious Service Medal. The designs are available to disabled Veterans. The new plates are available for no specialty plate fee and no registration fees for the first set of plates."

House Bill 1598

House Author: Miller, Doug

Effective: 9-1-15

Senate Sponsor: Menéndez

House Bill 1598 amends the Government Code to include a person who volunteers for the Texas military forces among those required to take and subscribe to the Texas military forces oath of affirmation, specifies the content of the oath, and clarifies that the requirement to take and subscribe to the oath does not apply to a person appointed, enlisted, or drafted in or who volunteers for the Texas National Guard.

UPDATE:

The new wording of the oath has been updated in the applicable Government Code, and is now being used to swear in new members of the Texas National Guard.

House Bill 1640

House Author: Farias et al.

Effective: 9-1-15

Senate Sponsor: Campbell

House Bill 1640 amends the Local Government Code to require an applicable defense community, as described by the bill, that has not adopted airport zoning regulations under the Airport Zoning Act and that receives an application for a proposed structure that would be located in a controlled compatible land use area or that proposes to adopt or amend an ordinance, rule, or plan that would be applicable in such an area and that may impact base operations to notify the base or facility authorities concerning the compatibility of the proposed ordinance, rule, plan, or structure, as applicable, with base operations. The bill authorizes such defense communities to enter into a memorandum of agreement with the base or facility to establish a smaller area in the controlled compatible land use area for which such notification

would be required. After the defense community provides the required notice, the community must enter into a memorandum of agreement with the base or facility to establish provisions to maintain the compatibility of the proposed ordinance, rule, plan, or structure, as applicable, with base operations.

UPDATE:

As a result of this legislation, defense communities that have not adopted airport zoning regulations under the Airport Zoning Act to notify a military base or facility of any proposed structures located in an area around the installation which may impact base operations, in order to increase the amount of communication and decrease the instances of encroachment around military installations. The law is currently limited to certain geographic locations, and is not applicable in the entire state.

House Bill 1702

House Author: Blanco et al.

Effective: 1-1-16

Senate Sponsor: Rodríguez

House Bill 1702 repeals a provision of the Transportation Code to eliminate the fee for the Gold Star mother, father, spouse, or family member specialty license plate.

UPDATE:

Gold Star families are no longer charged the specialty license fee for the Gold Star plate.

House Bill 1762

House Author: Otto et al.

Effective: 6-16-15

Senate Sponsor: Lucio

House Bill 1762 amends the Government Code to require the Texas Veterans Commission to establish and implement a health care advocacy program to assist veterans in gaining access to U.S. Department of Veterans Affairs health care facilities.

UPDATE:

On 17 March 2016, AL CANTU, Chair of the Texas Veterans Commission, testified in regards to the implementation of HB 1762. According to TVC representatives, "As of January 2016, 10 Health Care Advocates work full time at the following VA hospitals and outpatient clinics: Austin, Big Spring, Corpus Christi, Dallas, El Paso, Houston, McAllen, San Antonio, Temple, and Tyler. Since February 2015, the Health Care Advocacy Program (HCAP) has assisted 2,585 Veterans, including 635 reported for February 2016."

House Bill 2108

House Author: Galindo et al.

Effective: 9-1-15

Senate Sponsor: Garcia

House Bill 2108 amends the Government Code to include a member of the U.S. military forces among the service members who may be awarded the Cold War Medal and provides that such a recipient must be a resident of Texas at the time the member entered military service. Such a service member may not be awarded a Cold War Medal if a federal Cold War Medal or an equivalent federal medal is available.

UPDATE:

There being no federal Cold War Medal available, this medal is still available for those who qualify. Before the implementation of this bill, 15 total medals had been requested. After the implementation of this bill, three have been issued, all those to members of the TXARNG.

House Bill 2123

House Author: King, Phil et al.

Effective: 1-1-16

Senate Sponsor: Perry

Previous law established that a volunteer in the Texas State Guard who was not a full-time or part-time state employee and who had not been on state active duty, on state training, or on other duty for more than 90 days was eligible to participate in the state employees group benefits program. House Bill 2123 amends the Government Code to extend such eligibility to any member of the state military forces who is not a full-time or part-time state employee and who has been on state active duty, on state training, or on other duty for more than 60 days. Among other provisions, the bill provides for payment of state contribution costs to the Texas Military Department, reimbursement by the department to the Employees Retirement System of Texas (ERS), and the adoption of a memorandum of understanding by the adjutant general and ERS regarding the method of reimbursement.

UPDATE:

COLONEL GREG CHANEY, Chief of Staff to the Texas Adjutant General (TAG), testified before the Committee regarding the implementation of HB 2123 and its effect. Service Members who are not full-time or part-time state employees and are on state active duty for more than 60 consecutive days may not participate in the state group benefits and receive a full state contribution for insurance coverage. TMD must recover the cost of the state contribution from the person responsible for the mission, and use the funds recovered to reimburse the Employees Retirement System (ERS). The new enrollment process was first implemented in January of 2016, during which 56 Service Members enrolled, and 88 waived the option. TMD has an account from which all state employees' ERS benefits are paid. Reimbursements for ERS benefits will be deposited directly back into this account and returned each year no later than 30 October in accordance with Comptroller Accounting Policy Statement 019. TMD is working on the process to reimburse ERS, and is conducting continued reviews of the internal procedures to insure accurate and timely processing of benefits.

House Bill 2152

House Author: Fletcher

Effective: 9-1-15

Senate Sponsor: Estes

House Bill 2152 amends the Government Code to establish that the military personnel information of a service member in the Texas military forces is confidential and not subject to disclosure under state public information law.

UPDATE:

The Texas Military Department is using this legislation when Freedom of Information Act/Texas Public Information Act (FOIA/TPIA) requests come in to exempt disclosure of Service Members' private information when appropriate.

House Bill 2232

House Author: Kuempel et al.

Effective: 9-1-15

Senate Sponsor: Campbell

House Bill 2232 amends the Local Government Code to revise provisions relating to the regional military sustainability commissions established in certain populous areas and to update those provisions to specify that they apply to a county with a population of more than 1.7 million in which three or more locations of a joint military base are located, to a county adjacent to the described county, and to a municipality located in either type of county. Among other provisions, including provisions regarding the territory of a commission established for a military installation engaged in flight training, the bill specifies that one or more applicable municipalities with extraterritorial jurisdiction located within five miles of the boundary line of a military installation and one or more applicable counties with unincorporated area located within five miles of the boundary of a military installation may agree to establish and fund a regional military sustainability commission with respect to the military installation.

UPDATE:

The regional military sustainability commission envisioned by this legislation for the Seguin area never coalesced. Issues arose concerning the possible authority that the commission would wield causing confusion about whether or not the commission would be given the authority to regulate zoning independently. Although that was not the intent when the legislation was written, those concerns have so far prevented the successful formation of this particular regional military sustainability commission.

House Bill 2965

House Author: Gonzales et al.

Effective: 6-19-15

Senate Sponsor: Menéndez

House Bill 2965 amends the Government Code to authorize the adjutant general to hire service members of the Texas military forces to fill state military positions with the Texas Military Department as authorized by the General Appropriations Act. The bill, among other provisions, establishes that such a hired service member is considered to be on extended state active duty service and entitles the service member to the benefits and paid leave generally provided to state employees.

UPDATE:

This bill authorized the TMD to create state employee positions for administrative support; and, in consultation with the state classification officer, to develop and applicable salary structure. The Texas Adjutant General may hire Service Members of the TMD to fill these positions; these employees will be considered on extended state active duty; and they will be entitled to the same benefits and paid leave generally provided by state employees. The TMD is consulting with the State Auditor's Office for specifics of salary classifications, and working on the issue of incorporating military job descriptions and pay scales into the state classification schedules.

House Bill 3404

House Author: Thompson, Senfronia

Effective: 9-1-15

Senate Sponsor: Lucio

House Bill 3404 requires the Health and Human Services Commission to report on a study on the benefits of providing integrated care to veterans with post-traumatic stress disorder.

UPDATE:

On 17 March 2016, the HONORABLE SUZANNA HUPP, DC, Director of Veteran Services for HHSC, testified in regards to the implementation of HB 3404, and that HHSC is exploring options for partnering with institutions of higher education in response to the directives of the bill. This bill was passed from the Committee with the contingency that it would need an associated rider in order to be funded. The rider did not pass into law with the budget, so the study was unfunded and therefore not pursued.

House Bill 3710

House Author: Blanco et al.

Effective: 9-1-15

Senate Sponsor: Rodríguez

House Bill 3710 amends the Government Code to authorize a person applying for an original or renewal license to carry a concealed handgun to make a voluntary contribution in any amount to the fund for veterans' assistance. The bill sets out the duties of the Department of Public Safety in administering the voluntary contributions.

UPDATE:

This bill, in addition to HB 1584 which went through Culture, Recreation, and Tourism Committee and not DVA, allows for a voluntary donation option while applying for a Concealed Handgun License (HB 3710) or for a hunting and fishing license (HB 1584). Previous options such as these have reportedly brought several hundred thousand dollars into the Fund for Veteran' Assistance, the fund operated by TVC which makes grants available to those providing direct services to Veterans in need in Texas.

House Bill 3729

House Author: Farias et al.

Effective: 6-16-15

Senate Sponsor: Menéndez

House Bill 3729 amends the Government Code to specify that an essential characteristic of a veterans court program, among others, is the inclusion of a program participant's family members who agree to be involved in the treatment and services provided to the participant under the program.

UPDATE:

This bill recognizes the vital role that family members play as the support structure for our Justice Involved Veterans, and allows them to be a part of the Veteran Treatment Court process in support of the Veteran and their recovery.

House Concurrent Resolution 46

House Author: Farias et al.

Effective: 6-17-15

Senate Sponsor: Rodríguez

House Concurrent Resolution 46 urges the United States Congress to require the US Department of Veterans Affairs to provide VA services to incarcerated veterans detained in state hospitals and to consider expanding such services to all incarcerated veterans

House Concurrent Resolution 85

House Author: Wray et al.

Effective: 6-18-15

Senate Sponsor: Birdwell

House Concurrent Resolution 85 directs the Governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Chief Petty Officer Christopher Scott Kyle

UPDATE:

In a ceremony at the Governor's Mansion, Chief Christopher Kyle's widow, Taya Kyle, received his Texas Legislative Medal of Honor from Governor Greg Abbott on 26 August, 2015.

Senate Bill 55

Senate Author: Nelson et al.

Effective: 6-4-15

House Sponsor: King, Susan

Senate Bill 55 amends the Government Code to establish a grant program to support community mental health programs providing services and treatment to veterans and their families. The bill requires the Health and Human Services Commission (HHSC) to enter into an agreement with a qualified nonprofit or private entity to serve as the administrator of the grant

program, provides for the selection of a qualified nonprofit or private entity to administer a pilot program, and sets out the duties of the administrator in fulfilling HHSC's responsibilities with respect to the grant program.

The bill requires all grants awarded under the program to be used only to support community programs that provide mental health care services and treatment to veterans and their families and that coordinate mental health care services for veterans and their families with other transition support services. The bill sets out the duties of the executive commissioner of HHSC in developing criteria for evaluating grant recipient applications or proposals.

UPDATE:

On 17 March 2016, the HONORABLE SUZANNA HUPP, DC, Director of Veteran Services for HHSC, testified in regards to the implementation of SB 55. In response to the directives of this bill, HHSC has created a two-phase implementation plan:

• **Phase One (Pilot)**

HHSC is contracting with Meadows Mental Health Policy Institute (MMHPI) to serve as the pilot program administrator. HHSC received 11 proposals in response to the pilot Request for Proposal (RFP) and is preparing for contract negotiations.

• **Phase Two (Full program)**

HHSC has posted a RFP to procure a program administrator. The next stage in the process will be to develop the RFP for the full grant program, which will request proposals from community mental health programs. HHSC will work with the program administrator to make grant awards during the summer of 2016.

On 2 June 2016, KRISTI DAUGHERTY, CEO of Emergence Health Network, testified in regards to SB 55, and was pleased to report that the grants awarded by Phase One had successfully enabled Emergence Health to assist more Veterans and their families access mental healthcare services in the El Paso region.

In a press release on 11 October 2016, HHSC identified the following organizations, projected to serve nearly 15,000 Veterans and family members with grant-supported services, as having been selected for final contract negotiations:

Catholic Charities of Fort Worth - proposing to serve Archer, Baylor, Dallas, Denton, Foard, Hood, Johnson, Knox, Montague, Parker, Tarrant and Wichita counties

Easter Seals of Greater Houston - proposing to serve Bell, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Walker, Waller and Wharton counties

The Ecumenical Center - proposing to serve Bexar County

Equest - proposing to serve Collin, Dallas, Denton, Ellis, Fannin, Grayson, Hunt, Kaufman, Rockwall, Tarrant and Van Zandt counties

Family Endeavors - proposing to serve Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio counties

Headstrong Project - proposing to serve Harris County

Heart of Texas Regional Mental Health and Mental Retardation Center - proposing to serve Bosque, Falls, Freestone, Hill, Limestone and McLennan counties

Heroes Night Out - proposing to serve Bastrop, Bell, Caldwell, Coryell, Hays, Lampasas, Travis and Williamson counties

Metrocare Services - proposing to serve Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Somervall, Tarrant and Wise counties

StarCare Specialty Health System - proposing to serve Bailey, Borden, Castro, Cochran, Crosby, Dawson, Dickens, Dimmit, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Parmer, Swisher, Terry and Yoakum counties

Texoma Community Center - proposing to serve Cooke, Fannin and Grayson counties

Tropical Texas Behavioral Health - proposing to serve Hidalgo County

Veterans Coalition of North Central Texas - proposing to serve Bell, Collin, Coryell, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervall, Tarrant and Wise counties

West Texas Counseling & Guidance - proposing to serve Coke, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Reagan, Runnels, Schleicher, Sterling, Sutton and Tom Green counties

Senate Bill 169

Senate Author: Uresti et al.

Effective: 6-15-15

House Sponsor: King, Susan

Senate Bill 169 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC), if a military member who has declared and maintains Texas as the member's state of legal residence or the member's spouse or dependent child or the spouse or dependent child of such a member who was killed in action or died while in service cannot receive benefits under an assistance program provided by HHSC or another health and human services agency because that member temporarily resides out of state as a result of military service, to require the commission or other agency to maintain the member's

position on the waiting list for the assistance program for a specified period. If the person returns to reside in Texas, HHSC must offer benefits to the person according to the person's position on the list that was attained while the person resided out of state.

UPDATE:

On 17 March 2016, the Honorable SUZANNA HUPP, DC, Director of Veteran Services for HHSC, reported that the agency is seeking, and close to succeeding at, eliminating waiting times entirely in response to the directives of this bill. Dr. Hupp also testified in regards to the implementation of SB 169. According to Dr. Hupp, implementation of SB 169 varies by agency and program, and is either complete or near completion. These Implementation activities include:

- Rule changes for programs within DADS and HHSC;
- Contract amendments for impacted providers at DADS and DSHS; and
- Policy and procedure changes for programs in DADS, DARS, and DSHS.

Senate Bill 193

Senate Author: Creighton et al.

Effective: 9-1-15

House Sponsor: González

Senate Bill 193 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Soldier's Medal, the Navy and Marine Corps Medal, the Coast Guard Medal, and the Airman's Medal.

UPDATE:

On 17 March 2016, JEREMIAH KUNTZ, Director of the Vehicle Titles and Registration Division for the Texas Department of Motor Vehicles, testified in regards to the implementation of SB 193. According to Mr. Kuntz, "SB 193 provides for the issuance of specialty license plates for recipients of the Soldier's Medal, the Navy and Marine Corps Medal, the Coast Guard Medal, and the Airman's Medal. The designs are available to disabled Veterans. The new plates are available for no specialty plate fee and no registration fees for the first set of plates."

Senate Bill 318

Senate Author: Hinojosa et al.

Effective: 6-17-15

House Sponsor: King, Susan

Senate Bill 318 amends the Government Code to authorize the Texas Military Preparedness Commission to make a grant to an eligible local governmental entity to construct infrastructure and other projects necessary to prevent the reduction or closing of a defense facility and to accommodate a retained military mission at a military base. The bill increases the cap on a grant awarded by the commission and authorizes an eligible local governmental entity to use

the proceeds of a grant to purchase or lease equipment to train workers to support the mission at military installations or defense facilities.

UPDATE:

The Texas Military Preparedness Commission supplied the following information regarding the recently awarded Defense Economic Adjustment Assistance Grant (DEAAG) awards:

Prior to this FY, the TMPC has awarded more than \$32 million to communities to help them recover from BRAC. These new grant funds of \$30 million will now be invested in infrastructure projects and other initiatives at current installations in Texas to increase their military value. The cap was raised during the last session to \$5 million.

The funds were awarded to the following communities:

Round 1, December 2015

- \$5 million to the Alamo Area Council of Governments for the construction of infrastructure to provide water to multiple facilities and installations at Joint Base San Antonio;
- \$3.10 million to the City of Houston for the construction of a new air traffic control tower, supporting Ellington Field Joint Reserve Base;
- \$4.28 million to Val Verde County for the construction of a defense/security control center at Laughlin Air Force Base, bringing the base up to the security standards set by the U.S. Air Force; and
- \$1.75 million to the City of Wichita Falls for security components at Sheppard Air Force Base's entry control point.

Round 2, March 2016

- \$4.71 million to Bexar County to purchase land to prevent encroachment around Randolph Air Force Base;
- \$3.48 million to the City of Killeen to renovate the Army Radar Approach Control Facility at Robert Gray Army Airfield;
- \$2.04 million to Tom Green County to expand the international intelligence training program at Goodfellow Air Force Base;
- \$3.30 million to the City of Del Rio to construct aircraft protection shades at Laughlin Air Force Base; and
- \$2 million to the City of El Paso to support infrastructure at the Kay Bailey Hutchinson Desalination Plant which provides water to Fort Bliss.

Senate Bill 389

Senate Author: Rodríguez et al.

Effective: 9-1-15

House Sponsor: Blanco

Senate Bill 389 amends the Government Code, for purposes of the Position Classification Act, to require the classification officer. each state fiscal biennium, to research and identify the military occupational specialty code for each branch of the U.S. armed forces that corresponds to each position contained in the state's position classification plan. In addition, the bill requires a state agency to include on all forms and notices related to a state agency employment opening the applicable military occupational specialty code and requires a job information form prescribed by the Texas Workforce Commission to include a space for a state agency to list a military occupational specialty code.

UPDATE:

On 17 March 2016, WILLIAM KUNTZ, Executive Director of the Texas Department of Licensing and Regulation, testified in regards to the implementation of SB 389. In response to the directives of the bill, the State Auditor's Office has developed a Military Crosswalk Guide to match MOS codes with job classifications. TDLR Human Resources staff attended training in August 2015 with Tim Shatto of Texas Veterans Commission on identifying Military Operational Specialty (MOS) codes and Naval Enlisted Codes (NEC). Since September 1, 2015, 38 TDLR job postings have contained the required disclosure of NEC/MOS codes.

Senate Bill 503

Senate Author: Perry et al.

Effective: 5-22-15

House Sponsor: Rodriguez, Eddie

Senate Bill 503 amends the Government Code to include the construction of infrastructure and other projects necessary to prevent the reduction or closing of a defense facility as a purpose for which a grant may be awarded by the Texas Military Preparedness Commission to certain eligible local governmental entities that may be affected by an anticipated, planned, announced, or implemented action of the U.S. Department of Defense to realign defense worker jobs or facilities. The bill authorizes a defense base development authority to use the proceeds from such a grant to purchase or lease equipment to train defense workers whose jobs have been threatened or lost as a result of such actions, authorizes grant proceeds to be used for the training of workers to support military installations or defense facilities, and increases from \$2 million to \$5 million an alternative cap amount for such a grant. Current law authorizes the Texas Economic Development and Tourism Office to provide financial assistance loans for certain types of projects to defense communities affected by a base realignment process that occurs during 2005 or later. The bill changes that period to 1995 or later.

UPDATE:

See update under SB 318 for information regarding the result of this legislation.

Senate Bill 660

Senate Author: Rodríguez et al.

Effective: 5-22-15

House Sponsor: Blanco

Senate Bill 660 amends the Government Code to require the veteran entrepreneur program to

establish regional coordinators in major centers of economic growth to provide program services. The program is also required to consult with the U.S. Department of Veterans Affairs and the U.S. Small Business Administration in developing procedures to ensure that program services do not duplicate the services provided by either federal agency.

UPDATE:

Regional coordinators have been placed in areas of great economic activity and impact around the state in order to increase the options Veterans have for pursuing entrepreneurial ideas and businesses.

Senate Bill 664

Senate Author: Taylor, Van et al.

Effective: 9-1-15

House Sponsor: Sheets

Senate Bill 664 enacts the Stolen Valor Act and amends the Labor Code to authorize an employer to discharge an employee if the employer determines, based on a reasonable factual basis, that the employee falsified or misrepresented any information regarding the employee's military record in a manner that would constitute a fraudulent or fictitious military record offense under the Penal Code. The bill authorizes an employee hired under an employment contract who believes the employee was wrongfully terminated to bring suit against the employer in a district court for appropriate relief, including rehiring or reinstatement, payment of back wages, and reestablishment of benefits.

UPDATE:

The nature of the offense has been updated in the Texas Penal Code, and is now in line with the Federal Stolen Valor Act in regards to severity of punishment.

Senate Bill 806

Senate Author: Campbell et al.

Effective: 6-19-15

House Sponsor: King, Susan

Senate Bill 806 amends the Labor Code to require the Texas Workforce Commission, after consulting with the Texas Higher Education Coordinating Board, to report to the legislature and the governor on the results of any grants awarded under the College Credit for Heroes program; best practices for veterans and military service members to achieve maximum academic or workforce education credit at institutions of higher education for military experience, education, and training obtained during military service; measures needed to facilitate the award of such credit; and other related measures needed to facilitate the entry of trained, qualified veterans and military service members into the workforce.

UPDATE:

APURVA NAIK, of the College Credit for Heroes (CC4H) program, testified in regards to the successful implementation of SB 806. Naik testified that the average for college credits awarded per evaluation was approximately 25 hours, with an average of 16 hours awarded by

Texas universities. On 2 November 2015, the Texas Workforce Commission (TWC) submitted the College Credit for Heroes Annual Report for 2014-15 to the Governor and the Legislature. The report is available on the TWC website. There are now 42 universities and colleges in Texas participating in the CC4H program, and Naik testified that they will continue to solicit involvement from more institutions of higher learning in the State. Several of those institutions already participating offer an accelerated degree or certification program aimed at Veterans as well as accepting credit transfer through the CC4H program.

Senate Bill 807

Senate Author: Campbell et al.

Effective: 9-1-15

House Sponsor: Sheets

Senate Bill 807 amends the Occupations Code to require a state agency that issues an occupational license to a military service member or military veteran to waive the license application and examination fees if the applicant's military service, training, or education substantially meets all of the requirements for the license. The bill also requires a state agency to waive such fees for a military service member, veteran, or military spouse who holds a current license issued by another jurisdiction that has substantially equivalent licensing requirements.

UPDATE:

In Texas' pursuit of full and meaningful employment for all Veterans and Service Members, this bill was passed to facilitate the transition for Veterans, Service Members, and their families from one jurisdiction's license and certification to another's. Texas wants to ensure that a qualified, capable contributor to the economy is not prevented from doing so in Texas because the Service Member, Veteran, or family member has moved into a new jurisdiction, a move caused by orders in service to our Country, and lacks the relevant license or certification to continue in the field of work they have already been employed in.

On 17 March 2106 WILLIAM KUNTZ, Executive Director of the Texas Department of Licensing and Regulation, offered testimony regarding SB 1736 and SB 807. Bill Kuntz, the executive director of the department, testified that there has been "significant interest" in the program established by SB 807, allowing for a waiver of licensing fees for qualified Veterans. The department is currently working to implement greater coverage of various military occupational specialties under the concept of "substantial equivalency", which allows qualified Veterans to translate their skills into equivalent civilian experience, and to avoid extraneous education and training for licensure for Veterans already possessing the required skills from their military service. In response to the directives of the bill, TDLR representatives have identified 6 applicable MOS codes for waivers under SB 807:

Air Conditioning and Refrigeration: Army, 51L (Heating and Cooling Specialist); Navy, 4291 (Refrigeration and Air Conditioning Systems) and 6104 (Shore-Based Refrigeration and Air Conditioning); Air Force, 3E111, 3E131, 3E151, and 3E171 (Heating, Ventilation, Air Conditioning and Refrigeration); Marine Corps, 1161 (Refrigeration and Air Conditioning Technician)

Barbers: Navy, 3122 (Barber)

Electricians: Army, 12R (Interior Electrician - Note: 21R & 51R are applicable but no longer in use); Navy, (CE4626, CE4632, CE4752, and CE4754 (Construction Electrician)); Air Force, 3E011, 3E031, 3E051, and 3E071, Marine Corps, 1141

Elimination of Architectural Barriers: Army, 12D (Facilities/Contract Construction Management Engineer); Navy, 4230 (Facilities Construction / Facilities Services Officer)

Polygraph Examiners: Army, 311D (Criminal Investigation Division Special Agent) and 35L (Counter Intelligence Agent); Navy, MA-2002 (Military Investigator); Air Force, 7S0X1 (Special Investigations); Marine Corps, 5822 (Forensic Psycho-physiologist - Polygraph Examiner); Coast Guard, 401

Water Well Drillers and Pump Installers: Army, 62J#OC3YY (General Construction Equipment Operation with Well Drilling Additional Skills Identifier C3) and 62N#OC3YY (Construction Equipment Supervisor with Well Drilling Additional Skills Identifier C3); Navy, 5707 (Well Drilling Technician); Air Force, 3E2X1 (Pavements and Construction Equipment Operator)

On 17 March 2016, representatives from the Texas Workforce Commission testified in regards to the implementation of SB 807. According to BOB GEAR, Director of the Texas Veterans Leadership Program:

"TWC began the College Credit for Heroes program by working with local higher education institutions to stream-line Veteran's college course credit for military experience in order to ensure Veterans receive the maximum credit possible when choosing to enroll in higher education in Texas. Currently, there are 37 colleges and universities participating in CC4H; however, we are continually working to add more to the program. One of our partners, Central Texas College, developed the Collegecreditforheroes.org website for Veterans and Service Members to receive online evaluation of college credit hours for prior military education and training. Veterans using this application have received an average of 25 college credits per evaluation. The website has had over 89,000 hits with 10,000 requests for evaluations. Texas Colleges and Universities are awarding an average 16 credit hours per CC4H evaluation. Also, 13 colleges and universities have developed over 80 accelerated curricula for Veterans."

Senate Bill 832

Senate Author: Campbell

Effective: 9-1-15

House Sponsor: King, Susan

Senate Bill 832 establishes a separate and distinct workgroup to focus on veterans' mental health.

UPDATE:

On 17 March 2016, LAUREN LACEFIELD-LEWIS, Assistant Commissioner of the Department of State Health Services (DSHS), testified in regards to the implementation of SB 832. In response to the directives of the bill, DSHS has engaged in HHSC-wide participation in TVC-led workgroups to provide mental health and substance abuse expertise as appropriate. The Texas Legislature established the Texas Coordinating Council for Veterans Services to coordinate the activities of state agencies that assist Veterans, Service Members, and their families.

Senate Bill 835

Senate Author: Taylor, Van et al.

Effective: 9-1-15

House Sponsor: Sheets

Senate Bill 835 amends the Penal Code to increase the penalty for the offense of fraudulent or fictitious military record from a Class C misdemeanor to a Class B misdemeanor.

UPDATE:

The increased severity of offense has been updated in the Texas Penal Code, and is in line with the Federal punishment for the same offense.

Senate Bill 850

Senate Author: Taylor, Van et al.

Effective: 5-28-15

House Sponsor: Flynn

Senate Bill 850 amends the Government Code to make the public duty justification for the use of force applicable to the conduct of a Texas military forces service member ordered into service of the state by proper authority that is performed in the service member's official capacity.

UPDATE:

Due to the nature of Texas' border security strategy, the Governor has called up members of the Texas National Guard into state service, to provide support and security along the border between Texas and Mexico. As these troops are serving in a State capacity and not Federal, they do not operate under the same Rules of Engagement (ROE) set forth by the DOD and various International Conventions. Therefore, there was a lack of direction for TMD members in State service, and this bill helped to clarify under which ROE those TMD members on the border are operating.

Senate Bill 961

Senate Author: Rodríguez et al.

Effective: 9-1-15

House Sponsor: Guillen

Senate Bill 961 amends the Government Code to designate February 19 as Iwo Jima Day.

Senate Bill 1304

Senate Author: Menéndez et al.

Effective: 6-19-15

House Sponsor: Minjarez

Senate Bill 1304 amends the Health and Safety Code to require the Department of State Health Services to develop a women veterans mental health initiative as part of the department's mental health intervention program for veterans.

UPDATE:

On 17 March 2016, LAUREN LACEFIELD-LEWIS, Assistant Commissioner of the Department of State Health Services (DSHS), testified in regards to the implementation of SB 1304. In response to the directives of the bill, DSHS has contracted with TVC to develop and implement the women Veterans mental health initiative. A TVC-led workgroup has assessed needs, identified gaps, and recommended outreach efforts. A Women Veterans Program Coordinator has been hired by TVC to facilitate implementation of projects targeting the provision of services to women Veterans. DSHS has also contracted with the female Veteran focused organization Grace After Fire to implement Female Veteran-Facilitated Peer-to-Peer Counseling projects within Harris County.

Senate Bill 1305

Senate Author: Menéndez et al.

Effective: 6-19-15

House Sponsor: Minjarez

Senate Bill 1305 amends the Health and Safety Code to require the Department of State Health Services to develop a rural veterans mental health initiative as part of the department's mental health intervention program for veterans.

UPDATE:

On 17 March 2016, LAUREN LACEFIELD-LEWIS, Assistant Commissioner of the Department of State Health Services (DSHS), testified regarding the implementation of SB 1305. Ms. Lacefield-Lewis informed the Committee that a TVC-led workgroup has assessed needs, identified gaps, and recommended outreach tactics in response to the directives of the bill. DSHS also has provided enhanced outreach efforts to the LMHAs serving the 153 counties designated as rural. TVC has provided technical assistance to Peer Service Coordinators to further enhance outreach to rural Veterans. DSHS has enhanced services in LMHAs serving rural counties, with nine of the LMHAs serving rural counties implementing Peer Networking Centers, where peers can gather for training and to access services, meet, and share knowledge

about resources

Senate Bill 1307

Senate Author: Menéndez et al.

Effective: 9-1-15

House Sponsor: King, Susan

Senate Bill 1307 amends Occupations Code provisions relating to the occupational licensing of military service members, military veterans, and military spouses to make applicable to military service members and military veterans certain alternative and expedited licensing procedures applicable to military spouses. The bill also requires a state agency that issues an occupational license to post a notice on the agency's website describing licensing provisions applicable to military service members, military veterans, and military spouses.

UPDATE:

Previous law qualified a Service Member who held an occupational license for exemption from a penalty for failing to renew the license in a timely manner because the individual was serving outside Texas. The bill removes that condition and provides that a Service Member is entitled to a two-year extension of a license renewal deadline, rather than an extension based on the amount of time the Service Member serves on active duty.

Senate Bill 1308

Senate Author: Menéndez

Effective: 9-1-15


House Sponsor: King, Susan

Senate Bill 1308 amends the Transportation Code to require the Department of Public Safety (DPS) and the Texas Veterans Commission to jointly develop for veterans who receive a driver's license or personal identification certificate with a veteran's designation a one-page informational paper about state veteran services. DPS must provide the informational paper to such recipients at the time the license or certificate is issued.

UPDATE:

On 17 March 2016, JOE PETERS, the Assistant Director of the Driver's License Division with DPS, testified regarding the successful implementation SB1308 and the provision of Veterans utilizing the DMV services with a one page informational document detailing the services and points of contact for agencies serving Veterans in Texas.

On 17 March 2016, AL CANTU, Chair of the Texas Veterans Commission, testified in regards to the implementation of SB 1308. According to the testimony, the flyer was produced, and TVC collaborated with DPS to distribute the flyers into every DPS Driver License Office location. The card is shown on the front and back on the next page.




Programs provided by the Texas Veterans Commission:

- Claims Representation and Counseling
- Health Care Advocacy
- Veteran Employment Services
- Veteran Education Services
- Military Veteran Peer Network
- Women Veterans Program
- Veteran Entrepreneur Program
- Fund for Veterans Assistance

Connect

VA Crisis Hotline 1-800-273-8255
 Veteran Information 1-800-252-8387

www.tvc.texas.gov
info@tvc.texas.gov
[facebook.com/texasveteranscommission](https://www.facebook.com/texasveteranscommission)
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<http://veterans.portal.texas.gov>



The Texas Veterans Commission advocates for transitioning military members, veterans relocating to Texas, veterans in Texas, their families, and their survivors. Our programs provide assistance with state and federal veteran education programs, VA disability claims, employment, and entrepreneurship. We can also help you navigate health care challenges and connect with organizations that provide veterans with a variety of health and wellness opportunities.

Contact us to learn more about benefits and services.

Senate Bill 1358

Senate Author: Campbell

Effective: 9-1-15

House Sponsor: King, Susan

Senate Bill 1358 amends the Government Code to attach the Texas Military Preparedness Commission to the office of the governor for administrative purposes and removes the requirement that the commission report to the executive director of the Texas Economic Development and Tourism Office (TEDTO). The bill transfers certain functions and duties of TEDTO and its executive director to the commission, including the provision and administration of loans of financial assistance to defense communities for certain projects, and requires the commission to assist defense communities in obtaining financing for certain economic development projects. The bill increases the cap on grants that the commission may make to an eligible local governmental entity. Among other provisions, the bill requires the commission director to hire at least one full-time employee who is knowledgeable about or has experience with military installations and authorizes the director to hire other staff within the guidelines established by the commission.

UPDATE:

See SB 318 description for more information about the workings of the TMPC. The TMPC now is directly attached to the Office of the Governor, which has had a positive effect on administrative process, and enabled them to take on the additional duties as prescribed by SB 1358.

Senate Bill 1463

Senate Author: Lucio et al.

Effective: 6-16-15

House Sponsor: Lucio III et al.

Senate Bill 1463 amends the Government Code to authorize the governor or the governor's designee to negotiate with the United States Department of Veterans Affairs and any other appropriate federal agency on matters relating to improving the delivery of health care

services to veterans in Texas. The bill requires the Department of State Health Services (DSHS), the Health and Human Services Commission, the Texas Veterans Commission, and any other state agency, department, or office to provide assistance to the governor on the governor's request.

Current law requires the Texas Veterans Commission and DSHS to work with the United States Department of Veterans Affairs and any other appropriate federal agency regarding the establishment of a veterans' hospital in the Rio Grande Valley region. The bill requires those state agencies to work in collaboration with the office of the governor for that purpose.

Senate Bill 1474

Senate Author: Garcia et al.

Effective: 9-1-15

House Sponsor: Farias

Senate Bill 1474 amends the Government Code to include among the conditions of participation by a veteran in a veterans treatment court program that the court find that the person was a victim of military sexual trauma, to require the court to find that an injury, illness, disorder, or trauma occurred during or resulted from the person's military service without regard to whether it resulted from service in a combat zone or similar hazardous duty area, and to add as an alternative condition of participation that the court find that participation in a program is likely to achieve the program's objective of ensuring public safety through rehabilitation of the veteran.

UPDATE:

This bill allowed more flexibility in the scope of Veteran Treatment Courts (VTC) in Texas. First, it allowed VTCs to qualify someone for the program if the offense could be related to an instance of Military Sexual Trauma (MST). Also in the expanded scope is the ability to operate regional courts based on agreements between prosecutors and judges in multiple counties, so that a county without the resources to host a VTC could transfer any Justice Involved Veterans to the VTC in another county, enabling our rural counties to participate without an investment by the county which it cannot afford.

Among other provisions, the bill authorizes a program to transfer responsibility for supervising a defendant's participation to another program located in the county in which the defendant works or resides and provides for the placement of defendants charged with an offense in a county without a program.

Senate Bill 1737

Senate Author: Hinojosa

Effective: 6-16-15

House Sponsor: Guerra et al.

Senate Bill 1737 amends the Transportation Code to designate a segment of State Highway 83 in Hidalgo County as the World War II Veterans 349th Regt. 88th Inf. Div. Memorial Highway.

Senate Bill 1824

Senate Author: Campbell et al.

Effective: 6-18-15

House Sponsor: King, Susan

Senate Bill 1824 requires the standing committees of both houses of the legislature with primary jurisdiction over military and veterans affairs to report on a joint study on the nomination and selection process for the award of the Texas Legislative Medal of Honor.

UPDATE:

In conjunction with the TMD and VAMI, DVA is producing a report as required by the legislation, and will deliver to the Governor, Lieutenant Governor, and Legislature by 1 December 2016 as dictated.

Senate Bill 1879

Senate Author: Zaffirini et al.

Effective: 9-1-15

House Sponsor: Farias

Senate Bill 1879 amends the Government Code to require the Texas Veterans Commission to conduct a needs assessment every four years to identify specific high-priority needs of veterans and services available to address those needs, to determine the grant categories that correspond to those needs, and to identify any discrepancy between those needs and the services available to address them. The bill requires the commission, on completion of the needs assessment, to incorporate the results into the commission's process for awarding grants from the fund for veterans' assistance.

Senate Concurrent Resolution 26

Senate Author: Fraser

Effective: 6-16-15

House Sponsor: King, Susan

Senate Concurrent Resolution 26 directs the Governor of Texas to posthumously award the Texas Legislative Medal of Honor to Lieutenant Colonel Edwin William Dyess

UPDATE:

In a ceremony at the Governor's Mansion, surviving members of Lt. Col. Dyess' family received his Texas Legislative Medal of Honor from Governor Greg Abbott on 26 August 2015.

CONSIDERATIONS FOR THE 85TH LEGISLATURE AND FUTURE SESSIONS

INTERIM CHARGE ONE

- *Explore the idea of creating a buffer zone around military installations with air operations to prevent encroachment from hindering vital missions executed by the installation, including training and deployment*
- *Encourage Joint Land Use Studies in defense communities in concert with the military installation in order to plan the land use in the area and prevent issues with development encroaching on the military installation*
- *Encourage the creation of Regional Coordinating Committees in order to increase communication between citizens, government, and military in defense communities*
- *Encourage military installations and defense communities to enter into Public-Public, and Public-Public-Public-Private (P4) partnerships*
- *Explore ways to prohibit development in areas of severe concern on either end of runways used for military operations*

INTERIM CHARGE TWO

- *Consider adding language to statewide real estate and new construction disclosure forms to inform buyers and developers that they may be in an area around a military installation that experiences noise and other disruptions due to the mission of the base and may prohibit certain structures*

INTERIM CHARGE THREE

- *Explore ways to build the principle of the Permanent Supportive Fund for Military and Veteran Exemptions (MVE) so that more revenue is generated by the fund in order to fully reimburse Institutions of Higher Learning in Texas participating in the Hazlewood Act tuition exemption*
- *Examine the impact of possible restrictions to the current requirements for the Hazlewood Act to be passed on to qualified dependents as dictated by the Hazlewood Legacy Provision*
- *Consider requiring the Texas Veterans Commission to solicit more information from Texas Institutions of Higher Learning regarding the use of the Hazlewood Act and Hazlewood Act Legacy tuition exemptions so that a more thorough examination can be*

made of the data to understand the effect of the educational incentive on Texans

INTERIM CHARGE FOUR

- *Explore whether a sustainment or increase in the funding given to the Texas Military Preparedness Commission to award through Defense Economic Adjustment Assistance Grants is needed in order to protect the economic impact the presence of military installations and mission in Texas brings to the State*

INTERIM CHARGE FIVE

- *Pass a resolution urging the United States Congress to pass a full and complete budget and remove the stipulations which automatically trigger sequestration*

INTERIM CHARGE SIX

- *Increase licensing reciprocity and collaboration with other states and military training commands in order to more easily allow Veterans, Service Members, and Family members to retain licensing and certifications as they move from one jurisdiction to another ins service to the Country*
- *Continue to track and encourage participation among Texas Institutions of Higher Learning in the College Credit For Heroes program administered by the Texas Workforce Commission in order to minimize the additional education needed for Veterans and Service Members to obtain a degree from an IHL in Texas*

INTERIM CHARGE SEVEN

- *Track, continue, and fortify programs aimed at connecting Veterans with mental health assistance, peer-to-peer support, and assisting Veterans with navigating the Veteran Administrations' complicated processes*
- *Consider increasing the amount of funds for training delivered directly to the various County Veteran Service Offices in order to increase their flexibility to attend training and stay up to date on the latest information needed to best serve our Veterans*
- *Work to clarify confusion regarding toll road waivers for Veterans based on their license plates, which are inconsistent throughout the state and among the various Toll Road Authorities*
- *Consider all recommendations from the Texas Coordinating Council for Veteran Services report created by the Texas Veterans Commission*

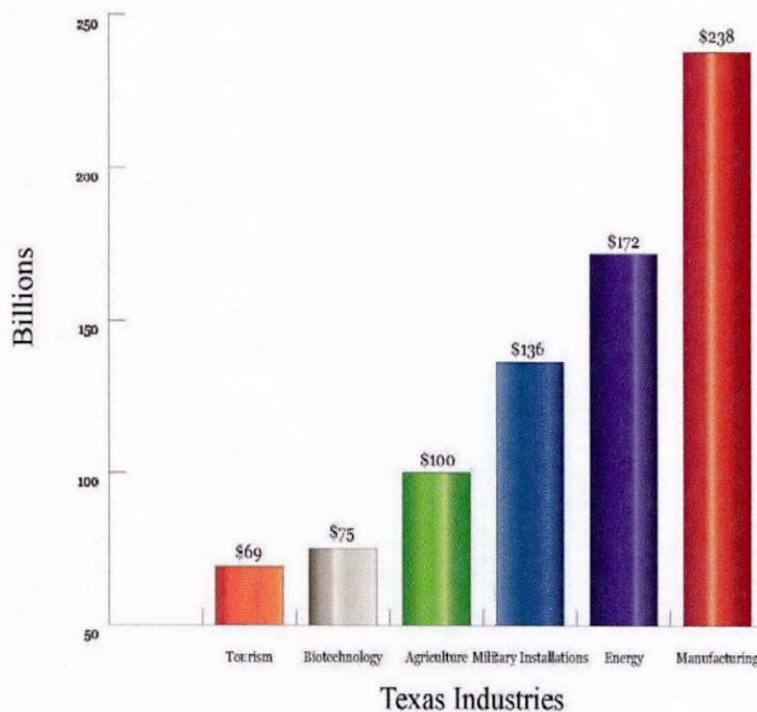
-
- *Continue to track, support, and fund Veteran Treatment Courts and consider implementing a streamlined expunction process for those who successfully complete the Treatment Court programs*

APPENDIX

TEXAS MILITARY INSTALLATIONS AND THEIR ECONOMIC IMPACT

According to a 2015 study by the Texas Comptroller of Public Accounts¹⁷, the 13 major military installations located in the state of Texas are responsible for generating more than \$136.6 billion in economic activity in the state each year, and contribute \$81.4 billion to Texas's Gross State Product (GSP). These military installations also contribute \$48.1 billion in annual personal income (API), and, directly or indirectly, support more than 806,000 jobs in the state of Texas.

Military as an Industry (2015)



Tourism Impact - <https://www.facebook.com/TexasTourism/photos/pb.116897295019433.-2207520000.1462428108./1093387557370397/?type=3&theater>

Biotechnology Impact - <http://www.tbb.com/public-policy>

Agriculture Impact - <https://www.texasagriculture.gov/About/TexasAgStats.aspx>

Military Impact - Texas Comptroller of Public Affairs

Energy Impact - <https://texaswideopenforbusiness.com/industries/energy>

Manufacturing Impact (2014) - <http://manufacturex.com/manufacturing-matters>

The 13 major military installations and their locations in the State of Texas are:

Dyess Air Force Base, Abilene
Naval Air Station Corpus Christi, Corpus Christi
Corpus Christi Army Depot, Corpus Christi
Laughlin Air Force Base, Del Rio

Fort Bliss, El Paso
Naval Air Station Joint Reserve Base Fort Worth, Fort Worth
Ellington Field Joint Reserve Base, Houston
Fort Hood, Killeen
Naval Air Station Kingsville, Kingsville
Goodfellow Air Force Base, San Angelo
Joint Base San Antonio, San Antonio
Red River Army Depot, Texarkana
Sheppard Air Force Base, Wichita Falls

Dyess Air Force Base: Situated across 5,393 acres in Taylor County, Dyess is the largest single employer for residents of the City of Abilene. It is home to the 7th Bomb Wing, one of only two B-1B Lancer strategic bomber wings in the United States Air Force. Dyess also hosts the B1-B schoolhouse where all Air Force pilots receive their B-1 qualifications. The 337th Test and Evaluation Squadron HQ and the 77th Weapons Squadron conduct systems and weapons testing and training from Dyess. Two operational squadrons of C-130J aircraft are also stationed at Dyess providing global support for myriad missions. "In 2015, Dyess supported about 20,200 Texas jobs and produced \$1.2 billion in personal income. It generated nearly \$3.7 billion in economic activity and added \$2.1 billion to the state's GSP."¹⁸

Naval Air Station Corpus Christi: Home to the US Navy's Naval Air Training Command, NASCC hosts the US Army's Corpus Christi Army Depot in addition to units from the U.S. Customs and Border Protection Service (CBP) and the US Coast Guard. NAS CC's impact on the area is vital, according to the Texas Comptroller of Public Accounts. "In 2015, NAS Corpus Christi directly employed nearly 4,400 and supported more than 12,900 Texas jobs, generating about \$799 million in personal income. The installation was responsible for \$2.1 billion in economic activity and nearly \$1.3 billion in GSP."¹⁹

Corpus Christi Army Depot: CCAD is located within NAS Corpus Christi and boasts the world's largest helicopter repair facility, serving as the primary site for helicopter maintenance and repair for the US military. CCAD directly employs nearly 4,100 people, and supports over 18,000 jobs in the State of Texas. "In 2015, Corpus Christi Army Depot generated \$1 billion in disposable personal income, \$2.5 billion in economic activity and nearly \$1.6 billion in GSP."²⁰

Laughlin Air Force Base: Located on almost 6 square miles east of the City of Del Rio, it is home to 47th Flying Training Wing, which provides specialized undergraduate pilot training for the Air Force, Air Force Reserve, Air National Guard, and allies of the United States. Laughlin AFB directly and indirectly employs 7,835 people, providing jobs to nearly 42% of the area's residents and contributing \$809 million to Texas' GSP in 2015.²¹

Fort Bliss: With its Headquarters situated in El Paso County, Fort Bliss is the US Army's second-largest post in geographic terms with a total geographic area of 1.1 million acres stretching across Texas and New Mexico. Fort Bliss is one of the fastest-growing bases in the country, with over \$6 billion in new construction occurring over the past few years. "In 2015, Fort Bliss directly employed nearly 41,000 Service Members and civilians and supported more than 135,600 Texas jobs. It generated nearly \$8.2 billion in disposable personal income and

contributed \$24.1 billion in Texas economic activity, raising the gross state product (GSP) by \$14.2 billion."²²

Naval Air Station Joint Reserve Base Fort Worth: Located across 2,300 acres within the city of Fort Worth, it is home to a variety of Navy, Marine Corps, Air Force, Army, and Texas Air National Guard units. According to the Texas Comptroller of Public Accounts, "NAS Fort Worth JRB employed nearly 17,700 civilian and military personnel in 2015, and supported more than 47,000 Texas jobs, generating almost \$2.7 billion in disposable personal income. Its operations accounted for nearly \$6.6 billion in economic activity and added \$4.3 billion to GSP."²³

Ellington Field Joint Reserve Base: Located in Houston, the base is home to the Texas Air National Guard's 147th Training Wing. Ellington Field is one of the few military installations in the country with troop presences from all five of the U.S. Armed Forces: Army, Navy, Marines, Air Force, and Coast Guard. Ellington Field JRB is part of the larger city-owned Ellington Airport, which hosts both civilian and military aviation operations. Ellington Field employs 4,155 Service Members and civilians and contributed \$259.8 million to Texas GSP.²⁴

Fort Hood: "The Great Place", located near Killeen, is the US Army's largest (by personnel) active-duty armored post, and is situated on more than 217,000 acres across Bell and Coryell counties. Home to the US Army's III Corps Command Group and the 1st Cavalry Division, Fort Hood has deployed more than 852,000 in support of various combat missions since 2003. Fort Hood is the largest single-site employer in the state of Texas, supporting more than 201,000 jobs and directly employing almost 62,000 Service Members and civilians. Fort Hood "generated nearly \$12.3 billion in disposable personal income and contributed \$35.3 billion in Texas economic activity, raising the GSP by \$21 billion."²⁵

Naval Air Station Kingsville: Located across 16,000 acres just outside of Kingsville, NAS Kingsville is the training site for half of all new Naval and Marine tactical pilots. "About 1,300 civilian, contractor and military personnel work at NAS Kingsville; in all, the base supports more than 4,500 Texas jobs and contributed nearly \$289 million in disposable personal income in 2015. In that year, the installation generated \$712.1 million in economic output and added \$435.2 million to Texas GSP."²⁶

Goodfellow Air Force Base: Located on 1,002 acres in the city of San Angelo, Goodfellow is home to the primary fire protection training site for the US military, the Louis F. Garland Department of Defense Fire Fighting Academy. "Goodfellow employs an estimated 16,605 Texans either directly or indirectly. It generated \$976 million in personal income and \$3 billion in economic activity in 2015. In all, the base added almost \$1.8 billion to Texas GSP in 2015."²⁷

Joint Base San Antonio: The joint base, created in 2010 by the administrative merger of Fort Sam Houston, Lackland Air Force Base, and Randolph Air Force Base, is located on 46,500 acres spread across 11 sites in the San Antonio area. Home to military's largest hospital, Brooke Army Medical Center and the Military's Medical Education Training Command, JBSA employs nearly 78,000 Service Members and civilians and supports more than 283,000 jobs in

the state of Texas. It is home to more DOD trainees than any other location in the country, including Air Force basic training. It also possesses more aircraft runways than any other location, with constant, multiple flight training missions. JBSA “generated \$17.1 billion in disposable personal income and \$48.7 billion in economic activity in 2015, adding \$28.8 billion to GSP”²⁸

Red River Army Depot: The Depot is located on 18,703 acres west of Texarkana and contains 8.5 million square feet of facilities. Red River Army Depot remanufactures, rebuilds, and repairs combat systems and tactical vehicles, trains military and civilian personnel to perform field-level support, and provides mutual aid for emergency services with local governments as well as joint use transportation projects. Red River Army Depot directly and indirectly employs 16,936 people, and contributed \$1.3 billion to Texas GSP in 2015²⁹

Sheppard Air Force Base: Sheppard is situated on 5,700 acres north of Wichita Falls and hosts 17 Air Force Units and 61 globally-detached units. It is also home to the 82nd Training Wing, the Air Force’s largest and most diversified technical training wing, producing more than 19,300 qualified airmen each year, and the 80th Flying Training Wing running the Euro-NATO Joint Jet Pilot Training Program, training 6,600 combat pilots from 13 NATO allies. Employing approximately 37,000 workers, either directly or indirectly, Sheppard Air Force Base contributed \$3.4 billion to Texas GSP in 2016³⁰

ECONOMIC IMPACT OF MILITARY INSTALLATIONS IN TEXAS, 2015

INSTALLATION	2015 CONTRIBUTION				
	DIRECT EMPLOYMENT	DIRECT AND INDIRECT EMPLOYMENT	OUTPUT	GROSS STATE PRODUCT	DISPOSABLE PERSONAL INCOME
CORPUS CHRISTI ARMY DEPOT	4,097	18,083	\$2,483,528,000	\$1,579,541,000	\$1,027,347,000
DYESS AIR FORCE BASE	5,369	20,208	3,654,130,000	2,131,217,000	1,218,833,000
ELLINGTON FIELD JOINT RESERVE BASE	1,144	4,155	777,245,000	452,059,000	259,880,000
FORT BLISS	40,844	135,610	24,134,743,000	14,166,385,000	8,171,598,000
FORT HOOD	60,159	201,538	35,351,234,000	21,025,080,000	12,237,052,000
GOODFELLOW AIR FORCE BASE	4,995	16,605	3,003,318,000	1,750,277,000	975,677,000
JOINT BASE SAN ANTONIO (FORT SAM HOUSTON, LACKLAND AIR FORCE BASE AND RANDOLPH AIR FORCE BASE)	77,659	282,995	48,701,573,000	28,799,441,000	17,081,991,000
LAUGHLIN AIR FORCE BASE	2,432	7,835	1,375,475,000	808,890,000	458,209,000
NAVAL AIR STATION CORPUS CHRISTI	4,386	12,949	2,136,273,000	1,284,161,000	798,824,000
NAVAL AIR STATION JOINT RESERVE BASE FORT WORTH	17,466	47,256	6,575,894,000	4,266,811,000	2,681,192,000
NAVAL AIR STATION KINGSVILLE	1,330	4,545	712,109,000	435,211,000	288,656,000
RED RIVER ARMY DEPOT	4,472	16,936	2,133,067,000	1,308,481,000	898,101,000
SHEPPARD AIR FORCE BASE	8,452	36,970	5,609,124,000	3,360,811,000	1,997,267,000
STATEWIDE TOTALS	232,984	805,685	\$136,648,713,000	\$81,388,385,000	\$48,094,627,000

Source: Texas Comptroller of Public Accounts

COMMITTEE INTERIM HEARING POSTINGS

17 MARCH 2016

**HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING**

COMMITTEE Defense & Veterans' Affairs
TIME & DATE 1 00 PM, Thursday, March 17, 2016
PLACE E2 028
CHAIR Rep Susan Lewis King

The committee will meet for organizational purposes to hear testimony from state agencies under the committee's jurisdiction, invited testimony related to veteran issues of statewide concern, and updates concerning legislation passed by the committee in the 84th Legislative session

No public testimony will be taken during this meeting, only invited testimony

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need assistance, such as a sign language interpreter, are requested to contact Stacey Nicchio at (512) 463-0850, 72 hours prior to the meeting so that appropriate arrangements can be made

2 JUNE 2016

HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING

COMMITTEE Defense & Veterans' Affairs
TIME & DATE 9 00 AM, Thursday, June 02, 2016
PLACE El Paso, TX (see below)
CHAIR Rep Susan Lewis King

Hearing Location

Greater El Paso Chamber of Commerce
10 Civic Center Plaza
Lockhart Hall
El Paso, TX 79901-1153

The Committee will meet to hear invited and public testimony concerning the following Topics

Topic 1- Maintaining Military Value of Defense Installations and Communities

Under this topic, issues related to the following Interim Charges will be discussed

Interim Charge #1

Explore how encroachment (environmental, technological, and architectural) impacts the vital missions of our military bases in Texas and which policies can be put into place while retaining respect for private property rights, economic growth, and the operation of military facilities

Interim Charge #2

Explore adding notifications to the Texas Real Estate Commission Seller Disclosure Form, as well as a notification to buyers of new home construction, in order to inform buyers that a property may be located near a military installation or a military airport and could be affected by high noise or its air installation compatible use zones, or other operations

Interim Charge #4

Assess ways the State of Texas can further aid our federal military installations and their communities in order to minimize the negative consequences of a potential forthcoming BRAC round by the federal government

Interim Charge #5

Assess the continuing effect and the impact of sequestration and federal defense spending on Texas military bases, soldiers and their families, base communities, and Texas defense contractors Identify solutions to address issues raised by federal policy

Topic 2- Education and Employment Barriers for Veterans

Under this Topic, issues relating to the following Interim Charge will be discussed

Interim Charge #6

Analyze whether unnecessary, redundant or punitive barriers exist for Texas Veterans pursuing educational or occupational careers upon completion of their military service Study and ensure that appropriate measures are in place to allow veterans to receive the maximum college credit benefit for their service-related training in the armed forces

Topic 3- Oversight of Legislation Passed by Committee

Under this Topic, issues relating to the following Interim Charge will be discussed

Interim Charge #7

Conduct legislative oversight and monitoring of the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 84th Legislature In conducting this oversight, the committee should

- a consider any reforms to state agencies to make them more responsive to Texas taxpayers and citizens;
 - b identify issues regarding the agency or its governance that may be appropriate to investigate, improve, remedy, or eliminate; and
 - c determine whether an agency is operating in a transparent and efficient manner; and identify opportunities to streamline programs and services while maintaining the mission of the
-

agency and its programs

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need assistance, such as a sign language interpreter, are requested to contact Stacey Nicchio at (512) 463-0850, 72 hours prior to the meeting so that appropriate arrangements can be made

24 AUGUST 2016

HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING

COMMITTEE Defense & Veterans' Affairs
TIME & DATE 9 00 AM, Wednesday, August 24, 2016
PLACE Wichita Falls, TX (see below)
CHAIR Rep Susan Lewis King

Hearing Location

Midwestern State University
Dillard College of Business Building
Room 121
3410 Taft Boulevard
Wichita Falls, TX 76308

The Committee will meet to hear invited and public testimony regarding the following Topic, with an emphasis on the relationship between military installations and wind energy development

Maintaining Military Value of Defense Installations and Communities

Under this topic, issues related to the following Interim Charges will be discussed.

Interim Charge #1

Explore how encroachment (environmental, technological, and architectural) impacts the vital missions of our military bases in Texas and which policies can be put into place while retaining respect for private property rights, economic growth, and the operation of military facilities

Interim Charge #2

Explore adding notifications to the Texas Real Estate Commission

Seller Disclosure Form, as well as a notification to buyers of new home construction, in order to inform buyers that a property may be located near a military installation or a military airport and could be affected by high noise or its air installation compatible use zones, or other operations

Interim Charge #4

Assess ways the State of Texas can further aid our federal military installations and their communities in order to minimize the negative consequences of a potential forthcoming BRAC round by the federal government

Interim Charge #5

Assess the continuing effect and the impact of sequestration and federal defense spending on Texas military bases, soldiers and their families, base communities, and Texas defense contractors
Identify solutions to address issues raised by federal policy

Questions regarding the hearing, please email Paul Theobald_HC@house.texas.gov The Dillard parking garage entrance is located on Hampstead Lane which intersects with Taft Boulevard, and will have available parking The Committee will hear both invited and public testimony, with public testimony being limited to 3 minutes

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need assistance, such as a sign language interpreter, are requested to contact Stacey Nicchio at (512) 463-0850, 72 hours prior to the meeting so that appropriate arrangements can be made

13 SEPTEMBER 2016

HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING

COMMITTEE Defense & Veterans' Affairs
TIME & DATE 9 00 AM, Tuesday, September 13, 2016
PLACE E1 030
CHAIR Rep Susan Lewis King

The Defense and Veterans' Affairs Committee will meet in a Joint Hearing with the Higher Education Committee. The Joint Interim Charge to be explored is the following:

Study the long-term viability of the Hazlewood Act, in particular the legacy tuition exemption provision. Review eligibility requirements and recommend changes to ensure that the program can remain solvent. Examine the costs of the program to institutions of higher education, including foregone tuition, additional infrastructure, administrative and instructional support costs, and the financial impact on non-veteran/legacy students. Analyze and report any effect changes to this program would have for veterans and their families. Review current data systems related to this exemption and recommend improvements to ensure quality and accuracy of information. (Joint charge with the House Committee on Higher Education)

The Committee will hear both invited and public testimony.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need assistance, such as a sign language interpreter, are requested to contact Stacey Nicchio at (512) 463-0850, 72 hours prior to the meeting so that appropriate arrangements can be made.

DOD SITING CLEARINGHOUSE LETTER

Department of Defense Siting Clearinghouse Prepared Testimony for the Texas House of Representatives, Defense and Veteran's Affairs Committee Hearing

August 24, 2016

Representative Susan Lewis King, Committee Members:

Introduction:

On behalf of the Department of Defense (DOD), I'd like to thank the Texas Defense and Veterans' Affairs Committee for its invitation to provide comments and for its efforts to ensure that national defense mission compatibility is considered in energy siting decisions. As the Committee knows, DOD has a large footprint in Texas, with the Navy, Army, and Air Force represented. The Committee is also aware that Texas has a growing energy industry, including commercial wind development, on public and private lands. Such projects may affect unique DOD radars, military air traffic control radars, activities, and military readiness, especially when located near installations, ranges, or beneath military training routes and special use air space. The Department of Energy believes that wind energy development will continue to increase in Texas, which underscores the importance of a thoughtful, deliberative development planning and review process. In order to mitigate risk to national security the DOD Siting Clearinghouse strives to work in concert with industry proponents on reaching mitigation agreements that allow development projects to move forward. In fact, Texas leads the nation in achieving mutually-beneficial solutions to compatibility challenges. I appreciate the opportunity to submit this testimony on behalf of the DOD Siting Clearinghouse (SCH) and I look forward to continuing to partner with Texas and wind developers within the state.

The DOD Siting Clearinghouse and Notifications:

In January 2011, Congress directed the establishment of the SCH in section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, Public Law 111-383. This legislation, with subsequent amendments, focused DOD's official engagement within the Federal Aviation Administration (FAA) Obstruction Evaluation Airport and Airspace Analysis (OE/AAA) program and set clear guidelines for when and how DOD may object to energy project proposals. Under this statute, DOD may only oppose development of energy project when impacts cannot be feasibly and affordably mitigated and pose an unacceptable risk to the national security of the United States.

The FAA and the DOD Siting Clearing House perform two different functions when reviewing proposed energy and energy-related structures. For wind turbines over 199 feet, the FAA's OE/AAA assesses the extent of the adverse impact of a structure on the safe and efficient use of the navigable airspace. The SCH performs an analysis of the impacts of the proposed project to DOD missions, and reports those findings to FAA. In 2015, under the OE/AAA process, DOD formally reviewed 711 wind projects nationwide; nearly a quarter of these projects (165) were in Texas. The number of reviews for Texas projects represents over a 150% increase in wind projects from the previous year. Thus far in 2016, DOD has reviewed

95 wind projects in Texas and has cleared 65 with the FAA. For the remaining projects DOD either is in the process of reviewing for potential impacts or in discussions with the project developers.

DOD has a proven track record of supporting hundreds of energy development projects that have been compatible with our ability to test, train, and operate. In addition to the formal OE/AAA review process, DOD encourages voluntary early informal notification of projects. Early notification allows DOD a chance to assess mission impacts and identify appropriate mitigations while the developers still have maximum flexibility within their development timelines to make mitigating adjustments. Through our informal review process, DOD works with developers, other Federal agencies, state and Indian tribal governments, and local jurisdictions to identify and overcome potential mission impacts early in their planning process and prior to projects being submitted through and subject to timelines of the OE/AAA process. In 2015, the SCH informally reviewed 31 wind projects; 13 of those projects, or nearly 42%, were in Texas. To ensure continued success in the state, DOD is supportive of state and local government efforts that promote early engagement and notification by developers.

Supporting National Security, Energy Projects, and Communities:

Both through the informal and formal review processes, DOD may enter into discussions with the developer, with the developer's consent, to identify mitigation strategies when DOD determines that a potential wind turbine project may have an adverse impact on military operations and readiness.

If the developer agrees to enter into discussions, the SCH identifies a lead Military Department¹ who then assembles a Mitigation Response Team (MRT) to conduct any necessary analysis or studies and negotiate with the developer directly. As required under Section 358, the DOD assessment will identify any feasible and affordable actions that can be taken in the immediate future by DOD, the developer of the project, or others to mitigate the adverse impact and to minimize risks to national security while allowing the project to proceed. If a draft agreement is negotiated between the MRT lead and the developer, it is signed by the developer, lead Military Department, and DOD.

These types of discussions have proven to be an effective and flexible means to mitigate potential impacts. Since 2012, DOD has entered into 53 formal mitigation discussions with wind energy developers. In 12 of those cases, the discussions resulted in an agreement between the DOD, lead Military Department, and the developer to mitigate adverse impacts on military readiness and operations, and discussions are ongoing for 18 additional wind projects. Formal discussions for the remainder of the projects have been closed based on resolution of the DOD concerns through mechanisms other than an agreement. We have reached more mitigation agreements (seven in total) with developers of Texas wind projects than in all other states combined.

The most effective solution for certain types of impacts is to alter the siting of proposed turbines. For example, the developer of one project agreed not to construct 46 turbines (out of 150 planned) until such time that the initial part of the project was operational and the potential

impact of the remaining part of the project could be assessed by a third-party radar expert. Other cases have been resolved by moving turbine locations without reducing their total number; this may not require an official mitigation agreement as the proponent may simply alter the project, thus resulting in a favorable DOD recommendation to FAA. One developer agreed to remove a portion of the proposed project out of a Military Training Route after discussion with the impacted Military Department, and signed an agreement to formalize the discussion.

In cases where the turbines degrade radar performance, a radar modification can often be implemented to mitigate the impacts. In these cases, DOD often employs developer funds, contributed under statutory authority for voluntary contributions, in order to mitigate the effects of the turbines. To date, DOD has signed agreements for a total of approximately \$11.4 million in voluntary contributions to develop and implement system upgrades or solutions that are both feasible and affordable. Developers of wind projects in Texas have contributed \$10.4 million for mitigation in support of installations in and near Texas. To date, DOD has received approximately \$3.1M from wind developers to implement mitigation for three projects. The remaining \$7.3 million will be submitted to DOD subject to the terms of the agreements. The funds that are voluntarily contributed by developers do not reflect the total cost to the DOD for the mitigation measures, but they sometimes help to offset the money DOD spends on studies and models used to support our discussions with developers. Other agreements, when executed, will improve radar performance through such methods as software optimizations. Based on previous testing, these programs have a high probability of enhancing detection; however, the actual results will not be known until both the projects and mitigations are installed.² The majority of the projects with DOD agreements in place have not yet been constructed.

Curtailment of wind turbines has also been identified as an option to protect certain missions. For example, one agreement has been structured to suspend wind turbine operations when DOD conducts flight tests. The agreement provides the maximum number of hours the turbines must be non-operational on an annual basis, as well as a provision that allows unused annual non-operational hours to be carried forward into future years, subject to a maximum total (carryover) of curtailment hours.

When DOD cannot reach agreement with a developer on a project, DOD has the ability to object to the project through the FAA/OEAAA process. DOD has formally objected to the Secretary of Transportation in one case. In this instance, the developer chose to withdraw from mitigation discussions yielding no mitigation agreement. After discussions ended, DOD submitted a request for an Objection to the Secretary of Transportation and the developer subsequently sold the developmental rights to a solar developer.

To ensure continued success in Texas, DOD is supportive of state and local government efforts that promote early engagement and notification by developers. To that end, the SCH appreciates and supports the efforts of the Electric Reliability Council of Texas (ERCOT) to adopt a rule (PGR 47) requiring notification to the SCH, through either a formal or informal review, when the Interconnecting Entity (IE) is seeking a Full Interconnection Study (FIS) for interconnection to the ERCOT System. ERCOT manages the flow of electric power to roughly 90% of the state's electric load. Since the FAA only requires a developer to file their project in

the OE/AAA system 45 days prior to construction, early notification policies greatly enhance the ability of the SCH and impacted Military Departments to engage the developer in mitigation discussions.

DOD is also supportive of informed and comprehensive land use planning to promote compatible energy siting. On April 3, 2015, the DOD Office of Economic Adjustment (OEA) published a Federal Funding Opportunity (FFO) announcement in the Federal Register. The FFO announced an opportunity for community planning assistance to help address the siting of energy projects that would adversely affect DOD's test, training, and military operations, especially when located near installations, ranges, or on lands beneath designated military training routes or special use airspace.

OEA is currently accepting proposals to provide funding assistance for communities, regions, and states to support collaboration, early engagement, and dialogue between DOD and energy developers to ensure proposed energy projects may proceed without compromising the DOD mission. For additional information, visit the website listed in the additional information, below.

Conclusion:

DOD understands that renewable energy development, particularly wind, is an important economic driver in Texas. We appreciate Texas' desire to protect the military mission. Much of our success can be attributed to early and productive engagement with wind proponents in the state. We look forward to continuing the dialogue and exploring statewide approaches to ensure the computability of wind energy development and military training in the State of Texas.

Thank you for providing me the opportunity to address this forum, and for considering impacts to DOD mission as you plan for compatible domestic renewable energy development.

Endnotes

¹ Military Departments include the Departments of Army, Navy, and Air Force.

² As an example, one agreement provided voluntary funding that will be used to procure a supplemental (infill) radar as well as pay for related infrastructure and operational costs.

Additional Information:

32 CFR Part 211, Mission Compatibility Evaluation Process, <http://www.ecfr.gov>

DOD Siting Clearinghouse, <http://www.acq.osd.mil/dodsc/>

DOD Siting Clearinghouse Mitigation Agreements,
<http://www.acq.osd.mil/dodsc/about/library.html>

FAA, OE/AAA Process, <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

OEA Federal Funding Opportunity,

<https://www.federalregister.gov/articles/2015/04/03/2015-07707/office-of-economic-adjustment-announcement-of-federal-funding-opportunity-ffo>

Public Law 111-383, Section 358, <https://www.gpo.gov/fdsys/pkg/PLAW-111publ383/pdf/PLAW-111publ383.pdf>

STEPHEN H. BONNER LETTER

Texas House of Representatives
Defense and Veterans' Affairs Committee
Written Testimony of Stephen H. Bonner

June 2, 2016

Chairwoman King and Distinguished Members of the Committee,

Thank you for the opportunity to provide you with inputs on protecting and enhancing the military value of Department of Defense (DOD) bases in Texas. I've spent most of my professional life addressing the issues of land use compatibility as they pertain to the military value of installations and ranges. I was the Operations Officer of the first office the United States Air Force opened to cooperate with local and state government on the very first day of Base Realignment and Closure (BRAC) actions in 1988. That base, Mather AFB in Sacramento, CA, was closed mostly because of mission encroachment from incompatible development, a factor that tremendously restricted the military value of the installation.

In later years I served as the Special Assistant to the Secretary of Defense for Compatible Land Use, playing a key role in the development of DOD's land use policies and programs vis a vis urban sprawl and endangered and threatened species. After that, I served as the Chief of Staff in the founding of the DOD Siting Clearinghouse, the office created to address mission compatibility issues presented by renewable energy development. In recent years I have published a number of articles in various journals about the role of partnership in protecting and enhancing military value, and have put those ideas into practice at bases and communities across the nation.

But much more important than these jobs, I have firsthand experience in mission encroachment from inside the cockpit of an aircraft. When you realize that you just missed hitting a new cell phone tower built along a low-level flying training route at 300 knots it gets your attention. You understand the impact of mission encroachment on a very visceral level. That translates into understanding the value of various test and training assets, such as low-level military training routes. That experience and a number of others as a Master Instructor Navigator specializing in radar systems and their use in low-level flight forms the underpinnings of my understanding of the issues.

There are many factors that go into the military value of a base, test range or training range. The capacity for mission growth, condition of facilities and infrastructure, distance between a base and its primary training or testing range, capacity and capabilities of that range and the airspace above it and/or ocean below it, and mission limitations imposed by the proximity of incompatible development, the presence of protected natural resources, or environmental contamination are all major factors. So too are the intangibles, such as the quality of schools, health care, recreation, and other public services that allow military members to focus on the task at hand rather than worrying about their families and loved ones.

This committee should consider how the State of Texas and the communities that host military installations in the state can contribute to protecting and enhancing all of those components of military value. But it should also clearly understand and embrace the fact that the military is changing rapidly, and that it is possible to balance the needs of a military installation against the need for economic development in a community through proactive planning and partnership. Military value, economic growth, quality of life in a community, and natural resource conservation are not either/or propositions, but should be seen as complementary in an atmosphere of communication and collaboration between Federal, State, and local governments, nongovernmental organizations, and the private sector.

Here in the Trans-Pecos region Fort Bliss has been actively collaborating with state and local governments and other Federal agencies for decades. The development of the desalination plant and expansion and improvements on Texas Highway 375, the Purple Heart Memorial Highway, are excellent examples that not only helped the region cope with rapid expansion of military missions, but enhanced the infrastructure of the region to support those missions and better serve the citizens of Texas. But with focused effort the State of Texas could do even more to enhance our national security and encourage economic development in this region. Unfortunately, many in the private sector approach all dealings with Federal agencies as if they were regulators, about to apply some obscure law to prevent a legitimate business action. Equally unfortunately, some members of the military have a hard time believing that business interests can coexist with military needs. These attitudes are prevalent in the arena of renewable energy development. But thanks to the collaborative framework we created through the DOD Siting Clearinghouse, the Army, renewable energy developers, local government, state agencies, and other Federal agencies can work together to ensure that we protect and enhance the military mission while diversifying our energy supply and growing our economy. This is the model you should encourage.

How can the State of Texas facilitate and encourage this atmosphere of communication and collaboration? I recommend four actions:

- First, create effective, common sense communications channels that ensure close coordination and cooperation at all levels of state and local government and military agencies. This should begin with supporting and encouraging the Commander's Council that the Texas Military Preparedness Commission supports, but should reach down into TXDOT Area Engineer Offices, Texas Parks & Wildlife regional and local offices, Department of State Health Services, and every other state agency to develop the relationships between counterparts that are the underpinning of all collaboration.
- Second, fund proactive investment in infrastructure that will protect and enhance military value while creating economic activity in communities around the state. This starts with TXDOT, but should also include actions like investments in microgrid technologies to improve energy resilience both on and off base, as is currently underway in Connecticut; water projects that assure a safe and abundant water supply for military bases and all citizens as the San Antonio Water System is currently doing with a TMPC grant; engaging with the Federal Aviation Administration to expand special use airspace over key test and training ranges in close cooperation with military

planners as the State of New Mexico did for Cannon AFB; and other infrastructure development activities.

- Third, foster research and public-private partnership to develop and deploy new technologies that solve the emerging issues created by the boom in the renewable energy industry and demands on the limited bandwidth of electromagnetic spectrum created by the revolution in communications technologies. The problems of interference with air traffic control and weather radars caused by wind turbines are as much a function of the fact that we have outdated and outmoded radar equipment using technologies that are over 50 years old as they are a function of the proximity of wind turbines to airfields. Research and development is moving quickly, and the private sector is constantly fielding new technologies that promise to solve these problems. Texas is actually missing an opportunity by not focusing the efforts of some of our outstanding research universities on these issues.
- And finally continue to fund and expand the Texas Military Preparedness Commission. Remember, there will be a BRAC. The nation simply cannot afford, and thanks to improved military technologies doesn't need, the excess capacity of all our military assets. You won't be able to stop the next BRAC through political maneuvers in Washington, but you can make sure that the next BRAC is a positive one for Texas by planning and investing now, and coordinating your efforts through a single, high level office whose very mission is to improve communication, foster collaboration, and focus investment where it is needed most.

Again, thank you for the opportunity to speak with you today. As a supplement to this testimony I am pleased to present a new paper recently published by the Association of Defense Communities (ADC.) I am one of the principal authors of this article, and it is the product of a Policy Forum ADC hosted in Washington last fall on the Base of the Future. Inside I believe you will find a number of good ideas for your consideration to support the evolution of military bases and missions in Texas, and to make lasting contributions to the military value of the State's military assets. Please call on me again in the future if you have questions or would like elaboration on the ideas I present here.

Respectfully submitted,
Stephen H. Bonner

AGENCIES, VETERAN AND SUPPORT ORGANIZATIONS

Texas Military Department: "The Texas Military is commanded by The Adjutant General of Texas, the state's senior military official appointed by the governor, and is comprised of the Texas Military Department, the Texas Army National Guard (TXARNG), the Texas Air National Guard (TXANG), the Texas State Guard (TXSG) and the Domestic Operations Task Force (DOMOPS).

Our Vision: America's premier state military organization comprised of professional mission-ready forces, fully engaged with our communities, and relevant through the 21st century.

Our Mission: Provide the Governor and the President with ready forces in support of state and federal authorities at home and abroad"³¹

Texas Military Preparedness Commission: "Established in 2003 by the 78th Texas Legislature and placed in the Governor's Office of Economic Development and Tourism in 2009, the Texas Military Preparedness Commission's goal is to preserve, protect, expand, and attract new military missions, assets, and installations. Additionally, the TMPC encourages defense related businesses to expand or relocate in Texas"³²

Texas Veterans Commission: "The Texas Veterans Commission was created in 1927 as the State Service Office to assist Veterans of the Indian wars, Spanish-American War and World War I. Our purpose has always been to act as the state appointed advocate of Texas Veterans as they attempt to secure the benefits rightfully earned in exchange for their service in our nation's armed forces.

We are able to do this through our four program areas:

- Claims Representation and Counseling serves Veterans, their dependents and survivors, in all matters pertaining to Veterans' disability benefits and rights. It is the designated agency of the state of Texas to represent the State and its Veterans before the U.S. Department of Veterans Affairs (VA).
- Veterans Employment Services offers employment services to Texas Veterans and helps employers find qualified Veteran job applicants. The goal of these services is to match Veteran job seekers with the best employment opportunities available.
- Veterans Education Program (link) approves all programs for Chapter 30, 33, 35, 1606, and 1607 federal educational benefits. Through an approval process, the Texas Veterans Commission ensures that institutions and employers are in compliance with federal guidelines and are qualified to provide the type of training offered.
- Texas Veterans Commission Fund for Veterans' Assistance is a program that makes grants available to eligible charitable organizations, local government agencies, and Veterans Service Organizations that provide direct services to Texas Veterans and their families."³³

Veterans Land Board: "In the early days of the Republic, Texas gave its Veterans land in recognition of their military service. Spurred by returning World War II Veterans, the Legislature established the Texas Veterans Land Board (VLB) in 1946 to continue this tradition by providing Texas Veterans with long-term, low-interest land loans. Today, the VLB oversees five Veteran programs. The three-member governing body (Board) of the VLB is responsible for the administration of the Veterans Land Program, the Veterans Housing Assistance Program, the Veterans Home Improvement Program, the Texas State Veterans Homes Program, and the Texas State Veterans Cemetery Program."³⁴

Texas Division of Emergency Management: "The Texas Division of Emergency Management (TDEM) coordinates the state emergency management program, which is intended to ensure the state and its local governments respond to and recover from emergencies and disasters, and implement plans and programs to help prevent or lessen the impact of emergencies and disasters. TDEM implements programs to increase public awareness about threats and hazards, coordinates emergency planning, provides an extensive array of specialized training for emergency responders and local officials, and administers disaster recovery and hazard mitigation programs in the State of Texas."³⁵

Emergency Management Council: "The state Emergency Management Council, which is composed of 32 state agencies, the American Red Cross (ARC), and the Salvation Army (TSA), is established by state law to advise and assist the Governor in all matters relating to disaster mitigation, emergency preparedness, disaster response, and recovery. During major emergencies, Council representatives convene at the State Operations Center (SOC) to provide advice on and assistance with response operations and coordinate the activation and deployment of state resources to respond to the emergency. Generally, state resources are deployed to assist local governments that have requested assistance because their own resources are inadequate to deal with an emergency. The Council is organized by emergency support function (ESF) -- groupings of agencies that have legal responsibility, expertise, or resources needed for a specific emergency response function."³⁶

Texas Commanders Council: "The Texas Commander's Council (TCC) is a consortium of the commanding officers of the military installations in the state, as defined by Texas Government Code 436.001. The Commanders meet with the TMPC once a year, the last meeting occurring in August 2015 with Governor Abbott, the TMPC chair, and TMPC director. The TCC discussed issues with encroachment specifically at this meeting. The TCC has a quarterly conference call which the TMPC staff participate in."³⁷

Electrical Reliability Council of Texas (ERCOT): "The Electric Reliability Council of Texas (ERCOT) manages the flow of electric power to 24 million Texas customers - representing about 90 percent of the state's electric load. As the independent system operator for the region, ERCOT schedules power on an electric grid that connects more than 46,500 miles of transmission lines and 550 generating units. ERCOT also performs financial settlement for the competitive wholesale bulk-power market and administers retail switching for 7 million premises in competitive choice areas. ERCOT is a membership-based 501(c)(4) nonprofit corporation, governed by a board of directors and subject to oversight by the Public Utility Commission of Texas and the Texas Legislature. ERCOT's members include consumers, cooperatives,

generators, power marketers, retail electric providers, investor-owned electric utilities (transmission and distribution providers,) and municipal-owned electric utilities."³⁸

Texas Mayors of Military Communities: TMMC is an advocacy organization formed by the 12 cities and surrounding communities of the 13 major Texas military installations. TMMC's sole mission is to advocate for and protect Texas military installations.

Veterans of Foreign Wars: The VFW is a nonprofit Veterans service organization composed of eligible Veterans and military Service Members from the active, Guard and Reserve forces. The VFW and its Auxiliaries are dedicated to Veterans' service, legislative advocacy, and military and community service programs.

American Legion: "The American Legion was chartered and incorporated by Congress in 1919 as a patriotic Veterans organization devoted to mutual helpfulness. It is the nation's largest wartime Veterans' service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow Service Members and Veterans. The American Legion is a nonpartisan, not-for-profit organization with great political influence perpetuated by its grass-roots involvement in the legislation process from local districts to Capitol Hill. Legionnaires' sense of obligation to community, state and nation drives an honest advocacy for Veterans in Washington. The Legion stands behind the issues most important to the nation's Veteran community, backed by resolutions passed by volunteer leadership."³⁹

Disabled American Veterans: "DAV is a nonprofit charity that provides a lifetime of support for Veterans of all generations and their families, helping more than 1 million Veterans in positive, life-changing ways each year. The organization provides more than 700,000 rides for Veterans attending medical appointments and assists Veterans with more than 300,000 benefit claims annually. In 2015, DAV helped attain more than \$4 billion in new and retroactive benefits to care for Veterans, their families and survivors. DAV is also a leader in connecting Veterans with meaningful employment, hosting job fairs and providing resources to ensure they have the opportunity to participate in the American Dream their sacrifices have made possible. With almost 1,300 chapters and 1.3 million members across the country, DAV empowers our nation's heroes and their families by helping to provide the resources they need and ensuring our nation keep the promises made to them."⁴⁰

Association of the United States Army: "Since 1950, the Association of the United States Army has worked to support all aspects of national security while advancing the interests of America's Army and the men and women who serve. AUSA is a private, non-profit educational organization that supports America's Army - Regular Army, National Guard, Reserve, Retirees, Government Civilians, Wounded Warriors, Veterans, concerned citizens and family members. AUSA provides numerous Professional Development Opportunities at a variety of events both local and national."⁴¹

Fleet Reserve Association: "The Fleet Reserve is the oldest and largest association representing enlisted Navy, Marine Corps, and Coast Guard personnel. Established in 1924, FRA's mission is to safeguard the pay, benefits, and entitlements of the active duty, reserve, and retired members

of the Sea Services. The FRA is the founding member and active participant in The Military Coalition (TMC), a group of 24 military associations supporting legislation that protects and/or enhances programs for military personnel. Collectively the TMC represents over 5 million active duty, reserve, retired, and Veterans of the uniformed services. Membership in the FRA is open to all enlisted personnel of the U.S. Navy, Marine Corps, and Coast Guard. Commissioned Officers of the Sea Services that have at least one day of prior enlisted service are eligible to join."⁴²

Military Officers Association of America: "MOAA is the nation's largest and most influential association of military officers. It is an independent, nonprofit, politically nonpartisan organization. With more than 370,000 members from every branch of service - including active duty, National Guard, Reserve, retired, former officers, and their families - we are a powerful force speaking for a strong national defense and representing the interests of military officers at every stage of their careers. MOAA's highest priority is providing first-class service to our members. We are the leading voice on compensation and benefit matters for all members of the military community. We provide expert advice and guidance to our members."⁴³

Vietnam Veterans of America: "VVA is the only national Vietnam Veterans organization congressionally chartered and exclusively dedicated to Vietnam-era Veterans and their families. VVA helps to provide greater public awareness of the outstanding issues surrounding Vietnam-era Veterans by disseminating written information on a continual basis, in addition to self-help guides on issues such as Agent Orange and Post Traumatic Stress Disorder."⁴⁴

Texas Association of Vietnam Veterans: "The TAVV is non-profit organization whose membership is composed of not only Vietnam Veterans, but other Veterans including WWII, Korean War, Desert Storm, Iraqi Freedom, and Enduring Freedom Veterans. Their goal and purpose is to help all Veterans and Service Members and their community."⁴⁵

Military Order of the Purple Heart: "MOPH was formed in 1932 for the protection and mutual interest of all who have received the decoration, which is awarded to members of the armed forces of the United States who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those killed in action or who die of wounds received in action."⁴⁶

Heart of Texas Defense Alliance: "HOTDA is a regional (3 counties/7 cities) nonprofit [501(C)(6)/Municipally-funded] corporation formed in February 2003 in response to an expressed need by the communities of central Texas most affected by the activities of Fort Hood."⁴⁷

Military Child Education Coalition: "MCEC's vision is to make every military child college, workforce, and life-ready. They strive to ensure inclusive, quality educational opportunities for all military and veteran-connected children affected by mobility, transition, and family separation."⁴⁸

ERCOT PLANNING GUIDE REVISION REQUEST (PGRR) 47

PGRR Number	<u>047</u>	PGRR Title	FIS Department of Defense Declaration
Date of Decision	October 11, 2016		
Action	Approved		
Timeline	Normal		
Effective Date	November 1, 2016		
Priority and Rank Assigned	Not applicable		
Planning Guide Sections Requiring Revision	5.3, Full Interconnection Study Request 8, Attachment C, Declaration of Department of Defense Notification (new)		
Related Documents Requiring Revision/Related Revision Requests	None		
Revision Description	This Planning Guide Revision Request (PGRR) requires Interconnecting Entities (IEs) seeking a Full Interconnection Study (FIS) to submit a declaration to ERCOT concerning the applicability and status of reviews by the Department of Defense (DOD) and/or the Federal Aviation Administration (FAA) for the proposed Generation Resource.		
Reason for Revision	<input type="checkbox"/> Addresses current operational issues. <input type="checkbox"/> Meets Strategic goals (tied to the <u>ERCOT Strategic Plan</u> or directed by the ERCOT Board). <input checked="" type="checkbox"/> Market efficiencies or enhancements <input type="checkbox"/> Administrative <input type="checkbox"/> Regulatory requirements <input checked="" type="checkbox"/> Other (explain) See explanation in the Business Case below. <i>(please select all that apply)</i>		
Business Case	Current federal regulations require that any structure constructed above certain height limits (approximately 200 feet above ground level) or within certain close proximity to military and civilian airports provide notice to the FAA and the U.S. DOD Siting Clearinghouse.		

	<p>The FAA and DOD review the proposed structure and provide feedback regarding any concerns they may have, as authorized by federal law.</p> <p>ERCOT has recently received a request from the Office of the Governor for the State of Texas and the DOD to consider including some language in the ERCOT Planning Guide that ensure that any proposed construction of generation or other facilities that are covered in the scope of the existing federal regulations confirm that they have provided notice and obtained review from the FAA and DOD to the extent required under federal law. Several other states have enacted rules or statutes to achieve this same goal.</p> <p>This PGRR adds confirmation that the above described federal regulations have been followed into the list of IE requirements pertaining to FIS, and provides a standardized form for Market Participants to submit the required attestation.</p>
PLWG Decision	<p>On 6/29/16, the Planning Working Group (PLWG) was in consensus to recommend approval of PGRR047 as submitted.</p> <p>On 7/20/16, PLWG was in consensus to endorse and forward to ROS the 6/29/16 PLWG Report and the Impact Analysis for PGRR047</p>
Summary of PLWG Discussion	<p>On 6/29/16, participants reviewed PGRR047. ERCOT reiterated that this PGRR initiated with the Office of the Governor and stems from a DOD desire to begin the relevant dialogue with impacted Market Participants as early in the siting process as possible, noting the declaration only requires the initiation of an informal review, not the completion of a formal review.</p> <p>On 7/20/16, there was no discussion.</p>
ROS Decision	<p>On 8/4/16, ROS unanimously voted to recommend approval of PGRR047 as recommended by PLWG in the 7/20/16 PLWG Report. All Market Segments were present for the vote.</p>
Summary of ROS Discussion	<p>On 8/4/16, there was no discussion.</p>
TAC Decision	<p>On 8/25/16, TAC unanimously voted to recommend approval of PGRR047 as recommended by ROS in the 8/4/16 ROS Report. All Market Segments were present for the vote.</p>
Summary of TAC Discussion	<p>On 8/25/16, participants confirmed with ERCOT Legal that the new requirements in PGRR047 will not be retroactively applied to an IE with a pending FIS requested under the pre-existing Planning Guide requirements prior to PGRR047 implementation.</p>

ERCOT Opinion	ERCOT support approval of PGRR047
Board Decision	On 10/11/16, the ERCOT Board approved PGRR047 as recommended by TAC in the 8/25/16 TAC Report.

Sponsor	
Name	Warren Lasher / Douglas Fohn
E-mail Address	Warren.Lasher@ercot.com / Douglas.Fohn@ercot.com
Company	ERCOT
Phone Number	512-248-6379 / 512-275-7447
Cell Number	
Market Segment	Not applicable

Market Rules Staff Contact	
Name	Cory Phillips
E-Mail Address	cory.phillips@ercot.com
Phone Number	512-248-6464

Comments Received	
Comment Author	Comment Summary
Pattern Energy Group 062316	Proposed revisions to allow an Authorized Representative to complete the new declaration.

Market Rules Notes

None

Proposed Guide Language Revision

5.3 Full Interconnection Study Request

- (1) Any Interconnecting Entity (IE) seeking a Full Interconnection Study (FIS) for interconnection to the ERCOT System must submit the following to ERCOT:
 - (a) A Notice to proceed with the FIS;
 - (b) Resource Registration data in the format prescribed by ERCOT with applicable information required for interconnection studies identified in the Resource

Registration Glossary;

- (c) A Stability Modeling Fee as prescribed in Section 5.7.3, Stability Modeling Fee;
 - (d) Proof of site control as described in Section 5.4.9, Proof of Site Control; and
 - (e) A declaration in Section 8, Attachment C, Declaration of Department of Defense Notification, certifying that:
 - (i) The IE has notified the Department of Defense (DOD) Siting Clearinghouse of the proposed Generation Resource and requested an informal or formal review as described in 32 C.F.R. § 211.1 (2013); or
 - (ii) The IE's proposed Generation Resource is not required to provide notice to the DOD and Federal Aviation Administration (FAA) because the project does not meet the criteria requiring notice to the FAA under 14 C.F.R. § 77.9 (2010).
- (2) Transmission Service Providers (TSPs) may charge additional fees for their interconnection studies.
 - (3) All FIS requests and supporting data submissions shall be delivered to ERCOT by email. The supporting data shall be sent as discrete file attachments.
 - (4) The IE shall include the associated project identification number (INR number) in the subject field of the email.
 - (5) The IE shall include in the FIS request all information necessary to allow for timely development, design, and implementation of any electric system improvements or enhancements required by ERCOT and the TSP to reliably meet the interconnection requirements of the proposed generation. This information shall be of sufficient detail for use in determining transfer capabilities, operating limits (including stability), and planning margins to provide both reliability and operating efficiency as well as facilitating coordinated planning for future transmission system additions.
 - (6) Upon receipt of the FIS request, the ERCOT designated point of contact will continue to be the primary ERCOT contact for the IE, ensuring Resource Registration data is communicated to the TSP. The ERCOT designated point of contact will initiate a meeting between the TSP(s) and the IE. If during the course of the studies, additional information is needed from the IE, ERCOT will immediately notify the IE and the IE will have ten Business Days to answer the request for additional information without impacting the study timeline.

ACRONYMS

ACES: Army Continuing Education System
ACUB: Army Compatible Use Buffer Program
ADC: Association of Defense Communities
AFB: Air Force Base
AIT: Advanced Individual Training
AL: American Legion
APPPA: Oklahoma Aircraft Pilot and Passenger Protection Act
ARC: American Red Cross
AUSA: Association of the United States Army
BAH: Basic Allowance for Housing
BAS: Basic Allowance for Subsistence
BG: Brigadier General
BRAC: Base Realignment and Closure
BSOC: Border Security Operations Command
CBO: Congressional Budget Office
COLA: Cost of Living Allowance
CONUS: Continental United States
CPB: U.S. Customs and Border Protection Services
CWO: Chief Warrant Officer
DA: Department of the Army
DAV: Disabled American Veterans
DEAAG: Defense Economic Adjustment Assistance Grant
DEERS: Defense Enrollment Eligibility Reporting System
DFPS: Texas Department of Family and Protective Services
DOD: U.S. Department of Defense
DOL: U.S. Department of Labor
DOMOPS: Domestic Operations Task Force
DPS: Texas Department of Public Safety
DSHS: Texas Department of State Health Services
DVA: Texas House Defense and Veterans' Affairs Committee
EFJRB: Ellington Field Joint Reserve Base
EFMP: Exceptional Family Member Program
EMC: Emergency Management Council
EPCC: El Paso Community College
ERCOT: Electrical Reliability Council of Texas
ERS: Employee Retirement System of Texas
ESF: Emergency Support Function
FAA: Federal Aviation Administration
FAFSA: Free Application for Federal Student Aid
FFO: Federal Funding Opportunity
FIS: Full Interconnection Study
FOIA: Freedom of Information Act
FORSCOM: U.S. Army Forces Command
FRA: Fleet Reserve Association

GWOT: Global War on Terrorism
HASC: U.S. Congress House Armed Services Committee
HB: House Bill
HCAP: Healthcare Advocacy Program
HECB: Texas Higher Education Coordinating Board
HHSC: Texas Department of Human and Health Services Commission
HLP: Hazlewood Legacy Program
HOTDA: Heart of Texas Defense Alliance
IE: Interconnecting Entity
IG: Inspector General
IHL: Institution of Higher Learning
JLUS: Joint Land Use Study
JRB: Joint Reserve Base
JST: Joint Service Transcript
LBB: Legislative Budget Board
LES: Leave and Earning Statement
LMHA: Local Mental Health Authority
MCEC: Military Child Education Coalition
MEPS: Military Entrance Processing Center
MFGI: Mobilization Force Generating Installations
MG: Major General
MOA: Memorandum of Agreement
MOAA: Military Officers Association of America
MOPH: Military Order of the Purple Heart
MOS: Military Occupational Specialty
MRAP: Mine-Resistant Ambush Protected vehicle
MRT: Mitigation Response Team
MST: Military Sexual Trauma
MVE: Permanent Fund Supporting Military and Veteran Exemptions
MWR: Morale, Welfare, and Recreation
NAS: Naval Air Station
NATO: North Atlantic Treaty Organization
NCO: Non-Commissioned Officer
NDAA: National Defense Authorization Act
NEC: Navy Enlistment Code
OCUNUS: Outside the Continental United States
OE/AAA: Obstruction Evaluation Airport and Airspace Analysis
OEO: Office of Economic Opportunity
PCS: Permanent Change of Station
PUC: Public Utility Commission
ROE: Rules of Engagement
SAFB: Sheppard Air Force Base
SAIC: Science Applications International Corporation
SB: Senate Bill
SCH: Department of Defense Siting Clearinghouse
SFL-TAP: U.S. Army's Soldier for Life - Transition Assistance Program

SMAC: Sheppard Military Affairs Committee
SOC: State Operations Center
STRP: State Tuition Reimbursement Program
SVA: Student Veterans Association
TAAV: Texas Association of Vietnam Veterans
TAP: Transition Assistance Program
TCC: Texas Commanders Council
TCCVS: Texas Coordinating Council for Veterans Services
TCVO: Texas Coalition of Veterans Organizations
TDEM: Texas Division of Emergency Management
TDLR: Texas Department of Licensing and Regulation
TIS: Time in service
TJC: Tyler Junior College
TMD: Texas Military Department
TMMC: Texas Military Mayors Council
TMPC: Texas Military Preparedness Commission
TPIA: Texas Public Information Act
TRADOC: U.S. Army Training and Doctrine Command
TREC: Texas Real Estate Commission
TVC: Texas Veterans Commission
TVLP: Texas Veterans Leadership Program
TWC: Texas Workforce Commission
TX DMV: Texas Department of Motor Vehicles
TX DOT: Texas Department of Transportation
TXANG: Texas Air National Guard
TXARNG: Texas Army National Guard
TXSG: Texas State Guard
UNT: University of North Texas
USA: U.S. Army
USAF: U.S. Air Force
USCG: U.S. Coast Guard
USMC: U.S. Marine Corps
USN: U.S. Navy
UT: University of Texas
UTEP: University of Texas at El Paso
VA: Veterans Administration
VAMI: Texas Senate Committee on Veterans and Military Installation
VFW: Veterans of Foreign Wars
VLB: Veterans Land Board
VTC: Veterans Treatment Courts
VVA: Vietnam Veterans of America
WFAR: Wichita Falls Association of Realtors
WSMR: White Sands Missile Range

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ENDNOTES

¹ Gould, Joe, & Metha, Aaron (15 April 2016). Pentagon to Congress: We Need Base Closures. Defense News. Retrieved from <http://www.defensenews.com/story/defense/air-space/2016/04/15/dispatches-beaufort/83075348/>

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