



Office of the Attorney General
State of Texas

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ATTORNEY GENERAL

November 15, 1996

The Honorable Doyle Willis
Chair, Military and Veterans Affairs
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Letter Opinion No. 96-127

Re: Whether Bexar County Commissioners Court may
house its veterans service office with its Department of
Housing and Human Services (ID# 38643)

Dear Representative Willis:

You have asked our opinion regarding the extent to which the legislature intended a Veterans County Service Office ("VCSO") to be separate and distinct from other county offices. We believe the legislature did intend for a Veterans County Service Office to be separate and distinct from other county offices in counties with a population of 200,000 or more. Section 434.032 of the Government Code provides:

(a) In a county with a population of 200,000 or more, the commissioners court shall maintain a veterans county service office. The office *must* be:

- (1) separate and distinct from other county offices; and
- (2) staffed by at least one full-time employee.¹

Since 1963 all counties have been authorized to maintain and operate a VCSO. The commissioners court of a county may determine whether such an office is a public necessity for those residents who have served in the armed forces to obtain the benefits to which they are entitled.² In 1985, however, all counties with a population of 200,000 or more were mandated by the legislature to maintain and operate a VCSO "separate and distinct from other county offices"³

You state in your letter that, "[p]rior to the enactment of Section 434.032(a)(1), some counties were combining the Veterans Service Office with their welfare (or other county related) offices." You also assert that, "[t]he Legislature's intent was that the Veterans Service office be a **distinct and separate office**"

¹Gov't Code § 434.032(a) (emphasis added).

²Act of April 17, 1963, 58th Leg., R.S., ch. 112, § 1, 1963 Tex. Gen. Laws 226, 226.

³Act of May 20, 1985, 69th Leg., R.S., ch. 889, § 1, 1985 Tex. Gen. Laws 3014, 3014; *see also* Attorney General Opinion JM-587 (1986) at 1.

Research of legislative history reveals that House Bill 895, enacted in the 69th Legislature, added the language that made it mandatory for a VCSO to be “separate and distinct” from other county offices.⁴ An audio tape-recording of the public hearing from the House Committee on County Affairs, April 2, 1985, gives insight as to the legislative intent. The author of House Bill 895 explained to the committee, “[w]e want a distinct and separate VCSO, we want the name on the office, we want the title, we want the dignity of it, and we want these people to be able to come to the courthouse to ask for a VCSO.”⁵

Evidently, the need for the “separate and distinct” language arose after Tarrant and El Paso counties closed their Veterans County Service offices. Testimony at the tape-recorded committee hearing shows that Tarrant County, for example, placed the VCSO under its public assistance department and added to the duties of the Veterans County Service Officer, making the officer responsible for attending to the needs of recipients of public assistance, as well as veterans. Throughout the public hearing, veterans objected to the placement of veterans’ service matters under the public assistance departments. A committee member observed that with the type of office space provided, no one could find the VCSO, and that having a separate and distinct office would help locate it. The author of the bill stated that a person should be able to look up the VCSO in the telephone book. Thus, the legislature adopted the requirement of a “separate and distinct” VCSO to maintain its unique identity and to enable veterans to locate it by name.⁶

Since the statute in question does not define the meanings of separate and distinct, we look to the dictionary for clarification. *Webster’s* defines *separate* to mean “set or kept apart; detached, not shared with another; individual <rooms>; existing by itself.”⁷ *Webster’s* defines *distinct* to mean “distinguishable to the eye or mind as discrete; separate. Distinct indicates that something is distinguished by the mind or eye as being apart or different from others.”⁸ We believe that section 434.032(a)(1) requires that the VCSO be administratively and physically distinct from other county offices in order to assist veterans to identify and locate it. In addition, the Veterans County Service Officer should have a sufficient degree of physical separation from other county departments and officials to enable veterans to identify and locate him or her.

⁴Act of May 20, 1985, 69th Leg., R.S., ch. 889, § 1, 1985 Tex. Gen. Laws 3014, 3014.

⁵Hearings on H.B. 895 Before the House Comm. on County Affairs, 69th Leg., R.S. (Apr. 2, 1985) (tape available from House Video/Audio Services Office).

⁶*Id.*

⁷WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY 1073 (1983).

⁸*Id.* at 367.

S U M M A R Y

A Veterans County Service Office in a county with a population of 200,000 or more must be located in an office that is "separate and distinct" from other county offices. The Veterans County Service Officer should have a sufficient degree of physical separation from other county departments and officials to enable veterans to identify and locate him or her.

Yours very truly,



Rick Gilpin
Deputy Chief
Opinion Committee