

1-1 By: Hall, et al. S.B. No. 601
 1-2 (In the Senate - Filed February 7, 2019; February 21, 2019,
 1-3 read first time and referred to Committee on Veteran Affairs &
 1-4 Border Security; March 26, 2019, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; March 26, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the continuation and functions of the Texas Veterans
 1-18 Commission.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 434.002(a), Government Code, is amended
 1-21 to read as follows:

1-22 (a) The Texas Veterans Commission is subject to Chapter 325
 1-23 (Texas Sunset Act). Unless continued in existence as provided by
 1-24 that chapter, the commission is abolished September 1, 2031 [2019].

1-25 SECTION 2. Section 434.0061, Government Code, is amended by
 1-26 amending Subsection (b) and adding Subsection (d) to read as
 1-27 follows:

1-28 (b) The training program must provide the person with
 1-29 information regarding:

1-30 (1) the law governing commission operations
 1-31 [~~legislation that created the commission~~];

1-32 (2) the programs, functions, rules, and budget of the
 1-33 commission;

1-34 (3) the results of the most recent formal audit of the
 1-35 commission;

1-36 (4) the requirements of:
 1-37 (A) laws relating to open meetings, public
 1-38 information, administrative procedure, and disclosure of conflicts
 1-39 of interest; and

1-40 (B) other laws applicable to members of a state
 1-41 policymaking body in performing their duties;

1-42 (5) any applicable ethics policies adopted by the
 1-43 commission or the Texas Ethics Commission; and

1-44 (6) the scope of and limitations on the rulemaking
 1-45 authority of the commission.

1-46 (d) The executive director of the commission shall create a
 1-47 training manual that includes the information required by
 1-48 Subsection (b). The executive director shall distribute a copy of
 1-49 the training manual annually to each member of the commission. On
 1-50 receipt of the training manual, each member of the commission shall
 1-51 sign and submit to the executive director a statement acknowledging
 1-52 receipt of the training manual.

1-53 SECTION 3. Section 434.007, Government Code, is amended to
 1-54 read as follows:

1-55 Sec. 434.007. DUTIES. (a) The commission shall:

1-56 (1) compile federal, state, and local laws enacted to
 1-57 benefit members of the armed forces, veterans, and their families
 1-58 and dependents;

1-59 (2) collect information relating to services and
 1-60 facilities available to veterans;

1-61 (3) cooperate with veterans service agencies in the

2-1 state;

2-2 (4) inform members and veterans of the armed forces,
2-3 their families and dependents, and military and civilian
2-4 authorities about the existence or availability of:

2-5 (A) educational training and retraining
2-6 facilities;

2-7 (B) health, medical, rehabilitation, and housing
2-8 services and facilities;

2-9 (C) employment and reemployment services;

2-10 (D) provisions of federal, state, and local law
2-11 affording rights, privileges, and benefits to members and veterans
2-12 of the armed forces and their families and dependents; and
2-13 (E) other similar, related, or appropriate
2-14 matters;

2-15 (5) assist veterans and their families and dependents
2-16 in presenting, proving, and establishing claims, privileges,
2-17 rights, and benefits they may have under federal, state, or local
2-18 law;

2-19 (6) cooperate with all government and private agencies
2-20 securing services or benefits to veterans and their families and
2-21 dependents;

2-22 (7) investigate, and if possible correct, abuses or
2-23 exploitation of veterans or their families or dependents, and
2-24 recommend necessary legislation for full correction;

2-25 (8) coordinate the services and activities of state
2-26 departments and divisions having services and resources affecting
2-27 veterans or their families or dependents;

2-28 (9) provide training and certification of veterans
2-29 county service officers and assistant veterans county service
2-30 officers in accordance with Section 434.038;

2-31 (10) through surveys or other reasonable and accurate
2-32 methods of estimation, collect and maintain for each county in the
2-33 state the number of servicemembers and veterans residing in the
2-34 county and annually update and publish the information on the
2-35 commission's website; ~~and~~

2-36 (11) with the assistance and cooperation of the
2-37 comptroller, inform and assist veterans and their families and
2-38 dependents with respect to discovering and initiating claims for
2-39 unclaimed property held by the United States Department of Veterans
2-40 Affairs;

2-41 (12) annually evaluate and set priorities for each
2-42 program administered by the commission to meet the changing needs
2-43 of veterans in this state;

2-44 (13) annually set concrete goals for staff and measure
2-45 the staff's performance; and

2-46 (14) establish success measures and corresponding
2-47 targets for each program administered by the commission and report
2-48 the program's progress in meeting the measures and targets in:

2-49 (A) any annual internal report for that program;
2-50 and

2-51 (B) the commission's strategic plan under
2-52 Section 2056.002.

2-53 (b) In setting priorities under Subsection (a)(12), the
2-54 commission shall consider:

2-55 (1) the existing strategic plan under Section 2056.002
2-56 and the needs assessment under Section 434.017(c-1);

2-57 (2) complaint data;

2-58 (3) performance outcomes;

2-59 (4) veteran survey results;

2-60 (5) staff input; and

2-61 (6) any other available information.

2-62 SECTION 4. Section 434.0078, Government Code, is amended by
2-63 amending Subsection (a) and adding Subsections (c), (d), (e), and
2-64 (f) to read as follows:

2-65 (a) The commission shall adopt procedures for administering
2-66 claims assistance services under Section 434.007(a)(5)
2-67 [434.007(5)]. The procedures shall include:

2-68 (1) criteria for determining when a veteran's initial
2-69 claim is substantially complete and basic eligibility requirements

3-1 are met as provided by federal law;

3-2 (2) a process for expediting a claim based on

3-3 hardship, including whether the veteran:

3-4 (A) is in immediate need;

3-5 (B) is terminally ill;

3-6 (C) has a verifiable financial hardship; or

3-7 (D) has a disability that presents an undue

3-8 burden;

3-9 (3) a procedure for counseling veterans on the

3-10 potential merits or drawbacks of pursuing a claim;

3-11 (4) a process to ensure adequate documentation and

3-12 development of a claim or appeal, including early client

3-13 involvement, collection of needed evidence and records, and

3-14 analysis of actions necessary to pursue and support a claim or

3-15 appeal;

3-16 (5) criteria for evaluating whether a decision of the

3-17 United States Department of Veterans Affairs contains sufficient

3-18 cause for filing an appeal;

3-19 (6) a requirement that a claims counselor report to

3-20 the United States Department of Veterans Affairs if the counselor

3-21 has direct knowledge that a claim contains false or deceptive

3-22 information; and

3-23 (7) a procedure for prioritizing a claim, when

3-24 appropriate, or providing an alternative source for obtaining

3-25 claims assistance services when it is not appropriate to

3-26 prioritize.

3-27 (c) The commission shall regularly evaluate claims

3-28 assistance services staffing to determine where counselors and

3-29 special team staff are most needed. The evaluation must include

3-30 the:

3-31 (1) workload of staff;

3-32 (2) number of veterans denied claims assistance

3-33 services; and

3-34 (3) quality of claims prepared at each of the claims

3-35 assistance services offices.

3-36 (d) The commission shall regularly evaluate the needs and

3-37 performance of any special claims assistance resources provided by

3-38 the legislature, including the state strike force team and the

3-39 fully developed claims team, and request to adjust staffing for

3-40 those resources as appropriate.

3-41 (e) The commission shall regularly collect detailed

3-42 information on the outcome of claims and use that information to

3-43 evaluate and improve claims assistance services. The commission,

3-44 at a minimum, shall track and evaluate the following information by

3-45 claims district:

3-46 (1) the quality of claims submitted to the state

3-47 strike force team;

3-48 (2) the percentage of claims developed through claims

3-49 assistance services that are processed as fully developed claims by

3-50 the United States Department of Veterans Affairs;

3-51 (3) the success rate of claims and appeals developed

3-52 through claims assistance services; and

3-53 (4) the average processing time for claims and appeals

3-54 by the United States Department of Veterans Affairs.

3-55 (f) In documenting the success rate of claims and appeals as

3-56 required by Subsection (e), the commission shall include in a

3-57 consolidated report each claim, the corresponding decision by the

3-58 United States Department of Veterans Affairs, and the status and

3-59 outcome of any appeal.

3-60 SECTION 5. Section 434.017, Government Code, is amended by

3-61 adding Subsection (c-4) to read as follows:

3-62 (c-4) The commission shall publish the most recent needs

3-63 assessment under Subsection (c-1) on the commission's Internet

3-64 website.

3-65 SECTION 6. Section 434.033, Government Code, is amended by

3-66 amending Subsection (b) and adding Subsection (b-1) to read as

3-67 follows:

3-68 (b) To be appointed as an officer a person must:

3-69 (1) be qualified by education and training for the

4-1 duties of the office; and

4-2 (2) be experienced in the law, regulations, and
4-3 rulings of the United States Department of Veterans Affairs
4-4 controlling cases that come before the commission[~~, and~~

4-5 [~~(3) have the service experience specified by~~
4-6 ~~Subsection (c) or be:~~

4-7 [~~(A) a widowed Gold Star Mother or unremarried~~
4-8 ~~widow of a serviceman or veteran whose death resulted from service;~~

4-9 [~~(B) the spouse of a disabled veteran who has a~~
4-10 ~~total disability rating based either on having a service-connected~~
4-11 ~~disability with a disability rating of 100 percent or on individual~~
4-12 ~~unemployability; or~~

4-13 [~~(C) the spouse of a retired veteran who served a~~
4-14 ~~minimum of 20 years on active duty].~~

4-15 (b-1) In appointing an officer, the commissioners court
4-16 shall give preference to a veteran who qualifies for a veteran's
4-17 employment preference under Chapter 657. A commissioners court
4-18 shall adopt and implement a county policy to give preference in
4-19 appointing officers to veterans.

4-20 SECTION 7. Section 434.033(c), Government Code, is
4-21 repealed.

4-22 SECTION 8. Not later than December 1, 2019, the Texas
4-23 Veterans Commission shall complete the initial annual evaluation of
4-24 and set priorities for each program administered by the commission
4-25 as required by Section 434.007(a)(12), Government Code, as added by
4-26 this Act.

4-27 SECTION 9. (a) Not later than December 1, 2019, the Texas
4-28 Veterans Commission shall establish success measures and
4-29 corresponding targets for each program administered by the
4-30 commission as required by Section 434.007(a)(14), Government Code,
4-31 as added by this Act.

4-32 (b) Not later than February 1, 2020, the commission shall
4-33 include the success measures and corresponding targets described by
4-34 Subsection (a) of this section and any preliminary data from those
4-35 measures in any annual internal reports for those programs.

4-36 (c) Not later than June 1, 2020, the commission shall
4-37 include in the commission's strategic plan under Section 2056.002,
4-38 Government Code, the success measures and corresponding targets
4-39 described by Subsection (a) of this section.

4-40 SECTION 10. The changes in law made by this Act to Section
4-41 434.033, Government Code, apply only to the appointment of a
4-42 veterans county service officer that occurs on or after the
4-43 effective date of this Act. A person who is serving as a veterans
4-44 county service officer immediately before the effective date of
4-45 this Act may continue to serve for the remainder of the officer's
4-46 term, and that officer's qualifications for serving as an officer
4-47 for that term are governed by the law in effect immediately before
4-48 the effective date of this Act.

4-49 SECTION 11. This Act takes effect September 1, 2019.

4-50

* * * * *