

By: Raymond

H.B. No. 5073

A BILL TO BE ENTITLED

AN ACT

relating to benefits and services for veterans and certain other related benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 434.0078(a), (c), and (e), Government Code, are amended to read as follows:

(a) The commission shall adopt procedures for administering claims assistance services under Section 434.007(a)(5). The procedures must [~~shall~~] include:

(1) criteria for determining when a veteran's initial claim is substantially complete and basic eligibility requirements are met as provided by federal law;

(2) a process for expediting a claim based on hardship, including whether the veteran:

(A) is in immediate need;

(B) is terminally ill;

(C) has a verifiable financial hardship; or

(D) has a disability that presents an undue burden;

(3) a procedure for advising [~~counseling~~] veterans on the potential merits or drawbacks of pursuing a claim;

(4) a process to ensure adequate documentation and development of a claim or appeal, including early client involvement, collection of needed evidence and records, and

1 analysis of actions necessary to pursue and support a claim or
2 appeal;

3 (5) criteria for evaluating whether a decision of the
4 United States Department of Veterans Affairs contains sufficient
5 cause for filing an appeal;

6 (6) a requirement that a claims benefit advisor
7 [~~counselor~~] report to the United States Department of Veterans
8 Affairs if the advisor [~~counselor~~] has direct knowledge that a
9 claim contains false or deceptive information; and

10 (7) a procedure for prioritizing a claim, when
11 appropriate, or providing an alternative source for obtaining
12 claims assistance services when it is not appropriate to
13 prioritize.

14 (c) The commission shall regularly evaluate claims
15 assistance services staffing to determine where advisors
16 [~~counselors~~] and special team staff are most needed. The
17 evaluation must include the:

18 (1) workload of staff;

19 (2) number of veterans denied claims assistance
20 services; and

21 (3) quality of claims prepared at each of the claims
22 assistance services offices.

23 (e) The commission shall regularly collect detailed
24 information on the outcome of claims and use that information to
25 evaluate and improve claims assistance services. The commission,
26 at a minimum, shall track and evaluate the [~~following information~~
27 ~~by claims district~~].

1 ~~[(1) the quality of claims submitted to the state~~
2 ~~strike force team;~~

3 ~~[(2) the percentage of claims developed through claims~~
4 ~~assistance services that are processed as fully developed claims by~~
5 ~~the United States Department of Veterans Affairs;~~

6 ~~[(3) the success rate of claims and appeals developed~~
7 ~~through claims assistance services; and~~

8 ~~[(4) the]~~ average processing time for claims and
9 appeals by the United States Department of Veterans Affairs.

10 SECTION 2. Section [434.018](#), Government Code, is amended to
11 read as follows:

12 Sec. 434.018. PERFORMANCE INCENTIVE AWARD. (a) The
13 commission may make a monetary performance incentive award to an
14 individual or an entity for providing services to veterans as
15 authorized by Section 3(a) of the federal Jobs for Veterans Act (38
16 U.S.C. Section 4112).

17 (b) ~~[The performance incentive award may be monetary or~~
18 ~~nonmonetary.~~

19 ~~[(c)]~~ A performance incentive award made under this section
20 to a state employee is not a promotion or a merit salary increase
21 under Chapter [659](#).

22 SECTION 3. Sections [434.104](#)(a), (b), (c), and (e),
23 Government Code, are amended to read as follows:

24 (a) Not later than February 1 of each even-numbered year,
25 the commission shall create an electronic ~~[version of a]~~ state
26 veterans benefits booklet. The commission shall make a printable
27 ~~[and provide a printed copy and an electronic]~~ version of the

1 booklet available to:

- 2 (1) each veterans county service officer; and
3 (2) the personnel office of each state or federal
4 military installation in this state.

5 (b) A veterans county service officer is encouraged to
6 inform [~~distribute a copy of the booklet to~~] any person who claims
7 or will claim Texas as a residence after discharge from the United
8 States armed forces how to access the electronic state veterans
9 benefits booklet.

10 (c) Each veterans county service officer shall provide
11 access to [~~make a copy of~~] the electronic state veterans benefits
12 booklet [~~available~~] at the veterans county service office.

13 (e) The commission shall make the [~~provide an~~] electronic
14 state veterans benefits [~~version of the~~] booklet available on the
15 commission's website.

16 SECTION 4. Section [434.153](#), Government Code, is amended to
17 read as follows:

18 Sec. 434.153. COMPOSITION OF COUNCIL. The council is
19 composed of the director or executive head of the following
20 entities, or that person's designated representative:

- 21 (1) the Texas Veterans Commission;
22 (2) the Veterans' Land Board;
23 (3) the Texas Military Department;
24 (4) the Health and Human Services Commission;
25 (5) the State Bar of Texas;
26 (6) the office of acquired brain injury of the Health
27 and Human Services Commission;

- 1 (7) the Department of State Health Services;
- 2 (8) [~~the Department of Aging and Disability Services;~~
- 3 [~~(9) the Department of Assistive and Rehabilitative~~
- 4 ~~Services;~~
- 5 [~~(10)~~] the Department of Family and Protective
- 6 Services;
- 7 (9) [~~(11)~~] the Texas Workforce Commission;
- 8 (10) [~~(12)~~] the Texas Workforce Investment Council;
- 9 (11) [~~(13)~~] the Texas Higher Education Coordinating
- 10 Board;
- 11 (12) [~~(14)~~] the Texas Department of Licensing and
- 12 Regulation;
- 13 (13) [~~(15)~~] the Department of Public Safety;
- 14 (14) [~~(16)~~] the Texas Department of Criminal Justice;
- 15 (15) [~~(17)~~] the Commission on Jail Standards;
- 16 (16) [~~(18)~~] the Texas Commission on Law Enforcement
- 17 [~~Officer Standards and Education~~];
- 18 (17) [~~(19)~~] the Texas Department of Housing and
- 19 Community Affairs;
- 20 (18) [~~(20)~~] the Texas Department of Transportation;
- 21 (19) [~~(21)~~] the Texas Department of Motor Vehicles;
- 22 and
- 23 (20) [~~(22)~~] the Office of Public Utility Counsel.

24 SECTION 5. The following provisions are repealed:

- 25 (1) Section [54.344](#), Education Code;
- 26 (2) Section [434.0072](#), Government Code;
- 27 (3) Section [434.0078](#)(f), Government Code; and

1 (4) Section [434.106](#), Government Code.

2 SECTION 6. This Act takes effect September 1, 2023.