

1-1 By: Hancock S.B. No. 1859
 1-2 (In the Senate - Filed March 8, 2023; March 20, 2023, read
 1-3 first time and referred to Committee on Veteran Affairs;
 1-4 April 5, 2023, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 5, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Parker	X			
1-9 Blanco	X			
1-10 Eckhardt			X	
1-11 Gutierrez	X			
1-12 Hall	X			
1-13 Sparks	X			

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

1-17 relating to benefits and services for veterans and certain other
 1-18 related benefits.

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

1-20 SECTION 1. Sections 434.0078(a), (c), and (e), Government
 1-21 Code, are amended to read as follows:

1-22 (a) The commission shall adopt procedures for administering
 1-23 claims assistance services under Section 434.007(a)(5). The
 1-24 procedures must ~~shall~~ include:

1-25 (1) criteria for determining when a veteran's initial
 1-26 claim is substantially complete and basic eligibility requirements
 1-27 are met as provided by federal law;

1-28 (2) a process for expediting a claim based on
 1-29 hardship, including whether the veteran:

1-30 (A) is in immediate need;

1-31 (B) is terminally ill;

1-32 (C) has a verifiable financial hardship; or

1-33 (D) has a disability that presents an undue
 1-34 burden;

1-35 (3) a procedure for advising ~~counseling~~ veterans on
 1-36 the potential merits or drawbacks of pursuing a claim;

1-37 (4) a process to ensure adequate documentation and
 1-38 development of a claim or appeal, including early client
 1-39 involvement, collection of needed evidence and records, and
 1-40 analysis of actions necessary to pursue and support a claim or
 1-41 appeal;

1-42 (5) criteria for evaluating whether a decision of the
 1-43 United States Department of Veterans Affairs contains sufficient
 1-44 cause for filing an appeal;

1-45 (6) a requirement that a claims benefit advisor
 1-46 ~~counselor~~ report to the United States Department of Veterans
 1-47 Affairs if the advisor ~~counselor~~ has direct knowledge that a
 1-48 claim contains false or deceptive information; and

1-49 (7) a procedure for prioritizing a claim, when
 1-50 appropriate, or providing an alternative source for obtaining
 1-51 claims assistance services when it is not appropriate to
 1-52 prioritize.

1-53 (c) The commission shall regularly evaluate claims
 1-54 assistance services staffing to determine where advisors
 1-55 ~~counselors~~ and special team staff are most needed. The
 1-56 evaluation must include the:

1-57 (1) workload of staff;

1-58 (2) number of veterans denied claims assistance
 1-59 services; and

1-60 (3) quality of claims prepared at each of the claims
 1-61 assistance services offices.

2-1 (e) The commission shall regularly collect detailed
2-2 information on the outcome of claims and use that information to
2-3 evaluate and improve claims assistance services. The commission,
2-4 at a minimum, shall track and evaluate the ~~[following information~~
2-5 ~~by claims district:~~

2-6 ~~[(1) the quality of claims submitted to the state~~
2-7 ~~strike force team;~~

2-8 ~~[(2) the percentage of claims developed through claims~~
2-9 ~~assistance services that are processed as fully developed claims by~~
2-10 ~~the United States Department of Veterans Affairs;~~

2-11 ~~[(3) the success rate of claims and appeals developed~~
2-12 ~~through claims assistance services; and~~

2-13 ~~[(4) the]~~ average processing time for claims and
2-14 appeals by the United States Department of Veterans Affairs.

2-15 SECTION 2. Section 434.018, Government Code, is amended to
2-16 read as follows:

2-17 Sec. 434.018. PERFORMANCE INCENTIVE AWARD. (a) The
2-18 commission may make a monetary performance incentive award to an
2-19 individual or an entity for providing services to veterans as
2-20 authorized by Section 3(a) of the federal Jobs for Veterans Act (38
2-21 U.S.C. Section 4112).

2-22 (b) ~~[The performance incentive award may be monetary or~~
2-23 ~~nonmonetary.~~

2-24 ~~[(c)]~~ A performance incentive award made under this section
2-25 to a state employee is not a promotion or a merit salary increase
2-26 under Chapter 659.

2-27 SECTION 3. Sections 434.104(a), (b), (c), and (e),
2-28 Government Code, are amended to read as follows:

2-29 (a) Not later than February 1 of each even-numbered year,
2-30 the commission shall create an electronic ~~[version of a]~~ state
2-31 veterans benefits booklet. The commission shall make a printable
2-32 [and provide a printed copy and an electronic] version of the
2-33 booklet available to:

2-34 (1) each veterans county service officer; and

2-35 (2) the personnel office of each state or federal
2-36 military installation in this state.

2-37 (b) A veterans county service officer is encouraged to
2-38 inform ~~[distribute a copy of the booklet to]~~ any person who claims
2-39 or will claim Texas as a residence after discharge from the United
2-40 States armed forces how to access the electronic state veterans
2-41 benefits booklet.

2-42 (c) Each veterans county service officer shall provide
2-43 access to ~~[make a copy of]~~ the electronic state veterans benefits
2-44 booklet ~~[available]~~ at the veterans county service office.

2-45 (e) The commission shall make the ~~[provide an]~~ electronic
2-46 state veterans benefits ~~[version of the]~~ booklet available on the
2-47 commission's website.

2-48 SECTION 4. Section 434.153, Government Code, is amended to
2-49 read as follows:

2-50 Sec. 434.153. COMPOSITION OF COUNCIL. The council is
2-51 composed of the director or executive head of the following
2-52 entities, or that person's designated representative:

2-53 (1) the Texas Veterans Commission;

2-54 (2) the Veterans' Land Board;

2-55 (3) the Texas Military Department;

2-56 (4) the Health and Human Services Commission;

2-57 (5) the State Bar of Texas;

2-58 (6) the office of acquired brain injury of the Health
2-59 and Human Services Commission;

2-60 (7) the Department of State Health Services;

2-61 (8) ~~[the Department of Aging and Disability Services;~~

2-62 ~~Services;~~ ~~[(9) the Department of Assistive and Rehabilitative~~
2-63 ~~Services;~~

2-64 ~~[(10)]~~ the Department of Family and Protective
2-65 Services;

2-66 (9) ~~[(11)]~~ the Texas Workforce Commission;

2-67 (10) ~~[(12)]~~ the Texas Workforce Investment Council;

2-68 (11) ~~[(13)]~~ the Texas Higher Education Coordinating
2-69 Board;

