

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 917  
By: Shapleigh  
Government Organization  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Legislature established the Texas Veterans Commission (TVC) in 1927 as the lead state agency for veterans affairs, providing benefit information and assistance to Texas veterans. For nearly 80 years, TVC focused solely on providing claims assistance and benefit information, until 2005, when the Legislature transferred the Veterans Employment Services program from the Texas Workforce Commission (TWC). In addition, TVC was designated by the governor as the State Approving Agency for Veterans' Education, also in place of TWC, in 2006. Today, TVC administers its programs with a budget of about \$15.3 million, derived from General Revenue (GR) and federal funds, an almost four-fold increase from when the agency's main mission was its claims assistance program, funded solely by GR. TVC employs a staff of 311, most of whom are located in field offices throughout the state.

TVC is subject to Sunset review, and will be abolished on September 1, 2007 unless continued by the Legislature. The Sunset review found that the recent transfers of the veterans employment and education programs present significant challenges to TVC and its ability to fulfill these new responsibilities. Additionally, some guidance is needed to help focus the agency's efforts to meet the demands of today's returning veterans.

As proposed, S.B. 917 makes changes relating to TVC to enable the agency to meet these demands.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Veterans Commission in SECTION 7 (Section 434.0078, Government Code), SECTION 9 (Section 434.010, Government Code), SECTION 10 (Section 434.0101, Government Code), and SECTION 13 (Section 434.039, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 434.002(a), Government Code, to provide that the Texas Veterans Commission (commission) is abolished September 1, 2011, rather than 2007, unless continued in existence as provided by Chapter 325 (Texas Sunset Act).

SECTION 2. Amends Section 434.003, Government Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Includes color, age, and disability, rather than creed, to the list of items the governor is required to disregard when appointing commission members.

(e) Prohibits a person from being a commission member if the person or the person's spouse is engaged in certain activities.

SECTION 3. Amends Section 434.004, Government Code, as follows:

Sec. 434.004. CONFLICT OF INTEREST. Defines "Texas trade association." Prohibits a person from serving as a commission member or being a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the

federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if the person meets certain conditions. Makes a conforming change.

SECTION 4. Amends Section 434.005, Government Code, as follows:

Sec. 434.005. REMOVAL. (a) Provides that a commissioner may be removed if at the time of taking office, rather than when appointed, the person does not have or maintain during service on the commission, the qualifications required by Section 434.003. Provides that it is a ground for removal that a member failed to attend at least half of the regularly scheduled commission meetings held in a calendar year, without an excuse approved by a majority vote of the commission. Includes the inability to discharge a member's duties for a substantial part of the member's term because of illness or disability as a reason a member may be removed from the commission.

(b) Makes a nonsubstantive change.

(c) Requires the executive director, if the executive director has knowledge that a potential ground for removal exists, to notify the commission's presiding officer of the potential ground. Requires the presiding officer to then notify the governor and the attorney general that a potential ground for removal exists. Requires the executive director, if the ground for removal involves the presiding officer, to notify the next highest ranking officer of the commission who is then required to notify the governor and the attorney general that a potential ground for removal exists.

SECTION 5. Amends Section 434.006, Government Code, as follows:

Sec. 434.006. OFFICERS; COMMISSION ACTIONS. Requires the governor to designate a commission member as the presiding officer of the commission to serve in that capacity at the pleasure of the governor. Requires the commission to elect, annually, an assistant presiding officer, rather than a chairman and vice-chairman, from among its members. Makes conforming changes.

SECTION 6. Amends Subchapter A, Chapter 434, Government Code, by adding Section 434.0061, as follows:

Sec. 434.0061. TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of the commission from voting, deliberating, or being counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with the section.

(b) Provides that the training program must provide the person with certain information.

(c) Entitles a person appointed to the commission to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance occurs before or after the person qualifies for office.

SECTION 7. Amends Subchapter A, Chapter 434, Government Code, by adding Sections 434.0072 through 434.0078, to read as follows:

Sec. 434.0072. MEMORANDUM OF UNDERSTANDING WITH VETERANS' LAND BOARD. (a) Provides that the commission's memorandum of understanding (MOU) with the Veterans' Land Board (board) must specify the guidelines, powers, and duties necessary for the board and the commission to coordinate veterans benefits outreach activities.

(b) Provides that the MOU must address board and commission coordination with respect to certain veterans benefits outreach activities.

(c) Provides that the MOU must identify the joint and separate powers and duties of the board and the commission as necessary to implement coordinated veterans benefits outreach activities, including certain powers and duties.

(d) Provides that the MOU must identify the degree to which the board and the commission are authorized to operate independent websites and disseminate independent information to implement a veterans benefits outreach activity.

(e) Requires the board and the commission to periodically update the MOU and continue to explore additional opportunities for coordination between the agencies regarding their respective veterans benefits outreach activities.

(f) Requires the board and the commission to consider the appropriate use of authorized bond proceeds and federal money to ensure that each agency complies with applicable funding constraints in entering into the MOU.

Sec. 434.0073. COMMUNICATIONS CENTER. (a) Requires the board, on behalf of the board and the commission, to operate a communications center to provide information regarding the benefits and services available to veterans of this state. Provides that the communications center must be operated through the use of board and commission employees who are cross-trained by the board and the commission as provided by Subsection (e). Provides that the employees are under board supervision and requires the employees to be compensated by their employing agencies.

(b) Requires employees operating the communications center to engage in certain tasks.

(c) Requires communications center employees to complete certain undertakings as part of the direct mail efforts described by Subsection (b)(3).

(d) Provides that communications center employees have equal access to the veterans contact databases maintained by the communications center regardless of whether the communications center employees are employees of the board or the commission.

(e) Requires the board and the commission to jointly cross-train communications center employees to be knowledgeable and proficient about the activities performed and services provided by the board and the commission.

Sec. 434.0074. WEBSITE; BROCHURE. (a) Requires the board and the commission to jointly develop a single website and a single hard-copy brochure that provide in a centralized, comprehensive, and simplified format information about all available veterans benefits and services.

(b) Provides that the single uniform resource locator (URL) for the website must be easily identifiable and prominently indicated in the brochure developed under this section.

(c) Provides that this section does not preclude the board or commission from operating additional websites or disseminating other information as determined appropriate by the board or the commission, in accordance with the MOU provided under Section 434.0072.

Sec. 434.0075. BENEFITS SEMINARS. (a) Requires the board and the commission to jointly plan and provide state-sponsored veterans benefits seminars and coordinate the involvement of each agency in seminars hosted for veterans by other organizations to ensure that the veterans of this state receive uniform information on all veterans benefits and services available.

(b) Provides that planning and coordination under this section must ensure the consistent presentation of benefits and services information by the board or the commission at seminars described by this section.

Sec. 434.0076. **RECORD OF COMPLAINTS.** Requires the commission to maintain a system to promptly and efficiently act on complaints filed with the commission. Requires the commission to maintain certain information about the complaint. Requires the commission to make information available describing its procedures for complaint investigation and resolution. Requires the commission to periodically notify the complaint parties of the status of the complaint until final disposition.

Sec. 434.0077. **NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.** Requires the commission to develop and implement a policy to encourage the use of certain procedures. Provides that the commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies. Requires the commission to designate a trained person to carry out certain duties.

Sec. 434.0078. **CLAIMS ASSISTANCE SERVICES.** Requires the commission, by rule, to develop procedures meeting certain criteria for administering claims assistance services under Section 434.007(5) (requiring the commission to assist veterans and their families and dependents in presenting, providing, and establishing claims, privileges, rights, and benefits they may have under law). Requires the commission to consult with the United States Department of Veterans Affairs in developing the rules and procedures under Subsection (a) to ensure certain conditions are met.

SECTION 8. Amends Subchapter A, Chapter 434, Government Code, by adding Section 434.0091, to read as follows:

Sec. 434.0091. **SEPARATION OF POLICYMAKING AND MANAGEMENT RESPONSIBILITIES.** Requires the commission to develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

SECTION 9. Amends Section 434.010, Government Code, as follows:

Sec. 434.010. **RULES.** Requires the commission by rule to adopt procedures for receiving input and recommendations from interested persons regarding the development of rules and policies. Makes a conforming change.

SECTION 10. Amends Subchapter A, Chapter 434, Government Code, by adding Section 434.0101, to read as follows:

Sec. 434.0101. **ADVISORY COMMITTEES.** (a) Authorizes the commission to establish and appoint members to an advisory committee to advise and make recommendations to the commission on programs, rules, and policies affecting the delivery of services to veterans in developing procedures under Section 434.010.

(b) Requires, if the commission establishes an advisory committee under Subsection (a), the commission to adopt rules regarding certain aspects of the committee and its members.

SECTION 11. Amends Subchapter A, Chapter 434, Government Code, by adding Section 434.0151, to read as follows:

Sec. 434.0151. **PUBLIC OPERATIONS.** Requires the commission to develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

SECTION 12. Amends Section 434.038, Government Code, by amending Subsections (a) and (d) and adding Subsections (a-1), (e), and (f), as follows:

(a) Requires an officer to complete continuing training to the extent required by the commission, rather than attend at least one commission training conference a year.

(a-1) Requires the commission to develop and implement methods for providing training to officers. Authorizes the methods to include Internet-based seminars, participation through videoconference, cooperation with training provided by the United States Department of Veterans Affairs, and other methods as appropriate.

(d) Requires the commission to develop standard course materials, training curriculum, and examinations to be used for county service officer certification and United States Department of Veterans Affairs accreditation. Provides that the members of the commission must approve the course materials, training curriculum, and examinations prior to the commission being authorized to distribute the materials and administer examinations.

(e) Requires the commission to undertake certain actions.

(f) Makes a conforming change.

SECTION 13. Amends Subchapter B, Chapter 434, Government Code, by adding Section 434.039, as follows:

Sec. 434.039. STATEWIDE PLAN FOR SERVICES. Requires the commission, by rule, to develop procedures to coordinate with county services officers and county commissioners courts to create a statewide plan for providing claims assistance services. Sets forth certain information the statewide plan must include.

SECTION 14. Amends Subchapter C, Chapter 434, Government Code, by adding Section 434.107, as follows:

Sec. 434.107. USE OF TECHNOLOGY. Requires the commission to implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. Provides that the policy must ensure that the public is able to interact with the commission on the Internet.

SECTION 15. Requires the Sunset Advisory Commission's report to the 82nd Legislature to evaluate certain criteria of the commission.

SECTION 16. Makes the change in law made by Section 434.0061, Government Code, as added by this Act, prospective to September 1, 2007.

SECTION 17. (a) Requires the commission to comply with Sections 434.0075, 434.0076, 434.0078, 434.0091, 434.010(b), 434.0151, 434.038(a-1), (d), and (e), 434.039, and 434.107, Government Code, as added by this Act, not later than March 1, 2008.

(b) Requires the board to agree on the revised MOU developed in accordance with Section 434.0072, Government Code, as added by this Act, not later than March 1, 2008.

SECTION 18. Requires the commission to complete certain tasks, not later than November 1, 2008.

SECTION 19. Makes the changes in law made by this Act to the prohibitions or qualifications applying to a commission member prospective to September 1, 2007. Makes Section 434.0075, Government Code, as added by this Act, prospective to September 1, 2007.

SECTION 20. Effective date: September 1, 2007.