

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Flynn, Cook of Navarro, Truitt,  
Kolkhorst, McClendon, et al.

H.B. No. 3426

A BILL TO BE ENTITLED

1

AN ACT

2

relating to the continuation and functions of the Texas Veterans  
Commission and to certain veterans issues.

3

4

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

5

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

6

7

(a) The Texas Veterans Commission is subject to Chapter 325  
(Texas Sunset Act). Unless continued in existence as provided by  
that chapter, the commission is abolished September 1, 2013 [~~2007~~].

8

9

10

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

11

12

13

(a) The commission is composed of five members appointed by  
the governor with the advice and consent of the senate. The  
governor shall make each appointment without regard to the race,  
color, disability [~~creed~~], sex, religion, age, or national origin  
of the appointee.

14

15

16

17

18

(e) A person may not be a member of the commission if the  
person or the person's spouse:

19

20

(1) is employed by or participates in the management  
of a business entity or other organization, other than a veterans  
service organization, receiving money from the commission; or

21

22

23

(2) owns or controls, directly or indirectly, more  
than a 10 percent interest in a business entity or other

24

1 organization receiving money from the commission.

2 SECTION 3. Section 434.004, Government Code, is amended to  
3 read as follows:

4 Sec. 434.004. CONFLICT OF INTEREST. (a) In this section,  
5 "Texas trade association" means a cooperative and voluntarily  
6 joined statewide association of business or professional  
7 competitors in this state designed to assist its members and its  
8 industry or profession in dealing with mutual business or  
9 professional problems and in promoting their common interest.

10 (b) A person may not be a commission employee employed in a  
11 "bona fide executive, administrative, or professional capacity,"  
12 as that phrase is used for purposes of establishing an exemption to  
13 the overtime provisions of the federal Fair Labor Standards Act of  
14 1938 (29 U.S.C. Section 201 et seq.), if:

15 (1) the person is an officer, employee, or paid  
16 consultant of a Texas or national veterans service organization or  
17 a Texas trade association in the field of labor, workforce  
18 development, or career schools and colleges; or

19 (2) the person's spouse is an officer, manager, or paid  
20 consultant of a Texas or national veterans service organization or  
21 a Texas trade association in the field of labor, workforce  
22 development, or career schools and colleges.

23 (c) A person may not serve as a member of the commission if:

24 (1) the person is an officer, employee, or paid  
25 consultant of a Texas trade association in the field of labor,  
26 workforce development, or career schools and colleges; or

27 (2) the person's spouse is an officer, manager, or paid

1 consultant of a Texas trade association in the field of labor,  
2 workforce development, or career schools and colleges.

3 (d) A person required to register as a lobbyist under  
4 Chapter 305 because of activities on behalf of a veterans  
5 association may not serve as a member of or as general counsel to  
6 the commission.

7 SECTION 4. Section 434.005, Government Code, is amended to  
8 read as follows:

9 Sec. 434.005. REMOVAL. (a) It is a ground for removal from  
10 the commission if a member:

11 (1) does [~~did~~] not have at the time of taking office  
12 [~~when appointed~~], or does not maintain during the service on the  
13 commission, the qualifications required by Section 434.003 for  
14 appointment to the commission;

15 (2) violates a prohibition under Section 434.004; [~~or~~]

16 (3) fails to attend at least half of the regularly  
17 scheduled commission meetings held in a calendar year, excluding  
18 meetings held while the person was not a member of the commission  
19 without an excuse approved by a majority vote of the commission; or

20 (4) cannot, because of illness or disability,  
21 discharge the member's duties for a substantial part of the member's  
22 term.

23 (b) The validity of an action of the commission is not  
24 affected by the fact that it is taken when a ground for removal of a  
25 commission member exists.

26 (c) If the executive director has knowledge that a potential  
27 ground for removal exists, the executive director shall notify the

1 presiding officer of the commission of the potential ground. The  
2 presiding officer shall then notify the governor and the attorney  
3 general that a potential ground for removal exists. If the  
4 potential ground for removal involves the presiding officer, the  
5 executive director shall notify the next highest ranking officer of  
6 the commission, who shall then notify the governor and the attorney  
7 general that a potential ground for removal exists.

8 SECTION 5. Section 434.006, Government Code, is amended to  
9 read as follows:

10 Sec. 434.006. OFFICERS; COMMISSION ACTIONS. (a) The  
11 governor shall designate a member of the commission as the  
12 presiding officer of the commission to serve in that capacity at the  
13 pleasure of the governor.

14 (b) The commission annually shall elect from among its  
15 members an assistant presiding officer [~~a chairman, a~~  
16 ~~vice-chairman,~~] and a secretary. An officer shall serve until the  
17 officer's successor is appointed and qualified.

18 (c) [~~(b)~~] The commission shall meet at least once in each  
19 three-month period. No action may be taken by less than a majority  
20 of the commission.

21 SECTION 6. Subchapter A, Chapter 434, Government Code, is  
22 amended by adding Section 434.0061 to read as follows:

23 Sec. 434.0061. TRAINING. (a) A person who is appointed to  
24 and qualifies for office as a member of the commission may not vote,  
25 deliberate, or be counted as a member in attendance at a meeting of  
26 the commission until the person completes a training program that  
27 complies with the section.

1        (b) The training program must provide the person with  
2 information regarding:

3                (1) the legislation that created the commission;

4                (2) the programs, functions, rules, and budget of the  
5 commission;

6                (3) the results of the most recent formal audit of the  
7 commission;

8                (4) the requirements of laws relating to open  
9 meetings, public information, administrative procedure, and  
10 conflicts of interest; and

11                (5) any applicable ethics policies adopted by the  
12 commission or the Texas Ethics Commission.

13        (c) A person appointed to the commission is entitled to  
14 reimbursement, as provided by the General Appropriations Act, for  
15 the travel expenses incurred in attending the training program  
16 regardless of whether the attendance at the program occurs before  
17 or after the person qualifies for office.

18        SECTION 7. Section 434.007, Government Code, is amended to  
19 read as follows:

20        Sec. 434.007. DUTIES. The commission shall:

21                (1) compile federal, state, and local laws enacted to  
22 benefit members of the armed forces, veterans, and their families  
23 and dependents;

24                (2) collect information relating to:

25                        (A) services and facilities available to  
26 veterans; and

27                        (B) the status and quality of health care in

1 veteran facilities, other than veterans homes, operated in this  
2 state by this state, the federal government, or a private entity;

3 (3) not later than December 1 of each even-numbered  
4 year:

5 (A) publish and make available to the public a  
6 report on the status and quality of health care in veteran  
7 facilities described by Subdivision (2)(B); and

8 (B) submit the report to both houses of the  
9 legislature and the governor;

10 (4) cooperate with veterans service agencies in the  
11 state;

12 (5) [~~4~~] inform members and veterans of the armed  
13 forces, their families and dependents, and military and civilian  
14 authorities about the existence or availability of:

15 (A) educational training and retraining  
16 facilities;

17 (B) health, medical, rehabilitation, and housing  
18 services and facilities;

19 (C) employment and reemployment services;

20 (D) provisions of federal, state, and local law  
21 affording rights, privileges, and benefits to members and veterans  
22 of the armed forces and their families and dependents; and

23 (E) other similar, related, or appropriate  
24 matters;

25 (6) [~~5~~] assist veterans and their families and  
26 dependents in presenting, proving, and establishing claims,  
27 privileges, rights, and benefits they may have under federal,

1 state, or local law;

2 (7) [~~(6)~~] cooperate with all government and private  
3 agencies securing services or benefits to veterans and their  
4 families and dependents;

5 (8) [~~(7)~~] investigate, and if possible correct,  
6 abuses or exploitation of veterans or their families or dependents,  
7 and recommend necessary legislation for full correction;

8 (9) [~~(8)~~] coordinate the services and activities of  
9 state departments and divisions having services and resources  
10 affecting veterans or their families or dependents; and

11 (10) [~~(9)~~] provide training and certification of  
12 veterans county service officers and assistant veterans county  
13 service officers in accordance with Section 434.038.

14 SECTION 8. Subchapter A, Chapter 434, Government Code, is  
15 amended by adding Sections 434.0076 through 434.0078 to read as  
16 follows:

17 Sec. 434.0076. RECORD OF COMPLAINTS. (a) The commission  
18 shall maintain a system to promptly and efficiently act on  
19 complaints filed with the commission. The commission shall  
20 maintain information about parties to the complaint, the subject  
21 matter of the complaint, a summary of the results of the review or  
22 investigation of the complaint, and its disposition.

23 (b) The commission shall make information available  
24 describing its procedures for complaint investigation and  
25 resolution.

26 (c) The commission shall periodically notify the complaint  
27 parties of the status of the complaint until final disposition.

1           Sec. 434.0077. NEGOTIATED RULEMAKING AND ALTERNATIVE  
2 DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop  
3 and implement a policy to encourage the use of:

4                   (1) negotiated rulemaking procedures under Chapter  
5 2008 for the adoption of commission rules; and

6                   (2) appropriate alternative dispute resolution  
7 procedures under Chapter 2009 to assist in the resolution of  
8 internal and external disputes under the commission's  
9 jurisdiction.

10           (b) The commission's procedures relating to alternative  
11 dispute resolution shall conform, to the extent possible, to any  
12 model guidelines issued by the State Office of Administrative  
13 Hearings for the use of alternative dispute resolution by state  
14 agencies.

15           (c) The commission shall designate a trained person to:

16                   (1) coordinate the implementation of the policy  
17 adopted under Subsection (a);

18                   (2) serve as a resource for any training needed to  
19 implement the procedures for negotiated rulemaking or alternative  
20 dispute resolution; and

21                   (3) collect data concerning the effectiveness of those  
22 procedures, as implemented by the commission.

23           Sec. 434.0078. CLAIMS ASSISTANCE SERVICES. (a) The  
24 commission shall adopt procedures for administering claims  
25 assistance services under Section 434.007(5). The procedures shall  
26 include:

27                   (1) criteria for determining when a veteran's initial



1 claim is substantially complete and basic eligibility requirements  
2 are met as provided by federal law;

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

5 (A) is in immediate need;

6 (B) is terminally ill;

7 (C) has a verifiable financial hardship; or

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

10 (3) a procedure for counseling veterans on the  
11 potential merits or drawbacks of pursuing a claim;

12 (4) a process to ensure adequate documentation and  
13 development of a claim or appeal, including early client  
14 involvement, collection of needed evidence and records, and  
15 analysis of actions necessary to pursue and support a claim or  
16 appeal;

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

20 (6) a requirement that a claims counselor report to  
21 the United States Department of Veterans Affairs if the counselor  
22 has direct knowledge that a claim contains false or deceptive  
23 information; and

24 (7) a procedure for prioritizing a claim, when  
25 appropriate, or providing an alternative source for obtaining  
26 claims assistance services when it is not appropriate to  
27 prioritize.

1           (b) The commission shall consult with the United States  
2 Department of Veterans Affairs in developing the procedures under  
3 Subsection (a) to:

4                   (1) ensure the services provided by the commission do  
5 not unnecessarily duplicate services provided through the United  
6 States Department of Veterans Affairs;

7                   (2) ensure that the procedures will provide for  
8 resolving disputes at the lowest level of the United States  
9 Department of Veterans Affairs benefit decision process;

10                   (3) ensure that commission employees are not  
11 improperly involved in adjudicating claims; and

12                   (4) establish broad areas of cooperation between the  
13 commission and the United States Department of Veterans Affairs to  
14 streamline and align the commission's service delivery with United  
15 States Department of Veterans Affairs processes, including:

16                           (A) identifying processes to update changes to  
17 veterans' cases and power of attorney designation;

18                           (B) cooperating to expedite hardship cases and  
19 appeals; and

20                           (C) identifying opportunities for the United  
21 States Department of Veterans Affairs to provide the commission  
22 with necessary data to assist with tracking the progress and  
23 outcomes of claims.

24           SECTION 9. Subchapter A, Chapter 434, Government Code, is  
25 amended by adding Section 434.0091 to read as follows:

26           Sec. 434.0091. SEPARATION OF POLICYMAKING AND MANAGEMENT  
27 RESPONSIBILITIES. The commission shall develop and implement

1 policies that clearly separate the policymaking responsibilities  
2 of the commission and the management responsibilities of the  
3 executive director and the staff of the commission.

4 SECTION 10. Section 434.010, Government Code, is amended to  
5 read as follows:

6 Sec. 434.010. RULES. (a) The commission may adopt rules  
7 that it considers necessary for its administration.

8 (b) The commission shall adopt procedures for receiving  
9 input and recommendations from interested persons regarding the  
10 development of rules and policies.

11 SECTION 11. Subchapter A, Chapter 434, Government Code, is  
12 amended by adding Section 434.0101 to read as follows:

13 Sec. 434.0101. ADVISORY COMMITTEES. (a) In developing  
14 procedures under Section 434.010, the commission may establish and  
15 appoint members to an advisory committee to advise and make  
16 recommendations to the commission on programs, rules, and policies  
17 affecting the delivery of services to veterans.

18 (b) If the commission establishes an advisory committee  
19 under Subsection (a), the commission shall adopt rules regarding:

20 (1) the purpose, role, and goals of the committee;

21 (2) the size and quorum requirements of the committee;

22 (3) the qualifications of the members and the criteria  
23 for selecting members;

24 (4) the procedures for appointing members;

25 (5) the terms of service of members;

26 (6) the training requirements of members;

27 (7) the implementation of a needs assessment process

1 to regularly evaluate the continuing need for the committee; and

2 (8) a requirement that the committee comply with  
3 Chapter 551.

4 SECTION 12. Subchapter A, Chapter 434, Government Code, is  
5 amended by adding Section 434.0151 to read as follows:

6 Sec. 434.0151. PUBLIC PARTICIPATION. The commission shall  
7 develop and implement policies that provide the public with a  
8 reasonable opportunity to appear before the commission and to speak  
9 on any issue under the jurisdiction of the commission.

10 SECTION 13. Section 434.038, Government Code, is amended by  
11 amending Subsections (a) and (d) and adding Subsections (a-1), (e),  
12 and (f) to read as follows:

13 (a) An officer shall, within the time after the date of the  
14 officer's appointment that the commission prescribes, complete a  
15 course of initial training provided by the Texas Veterans  
16 Commission. The commission shall issue the officer a certificate  
17 of training after completion of the initial training course. To  
18 maintain certification, the officer shall complete continuing  
19 training to the extent required by the commission [~~attend at least~~  
20 ~~one commission training conference a year~~]. An officer must  
21 maintain certification to remain in office.

22 (a-1) The commission shall develop and implement methods  
23 for providing training to officers. The methods may include  
24 Internet-based seminars, participation through videoconference,  
25 cooperation with training provided by the United States Department  
26 of Veterans Affairs, and other methods as appropriate.

27 (d) The commission shall develop standard course materials,

1 training curriculum, and examinations to be used for county service  
2 officer certification and United States Department of Veterans  
3 Affairs accreditation. The members of the commission must approve  
4 the course materials, training curriculum, and examinations before  
5 the commission may distribute the materials and administer  
6 examinations.

7 (e) The commission shall:

8 (1) maintain course materials and examinations in a  
9 central location and provide county service offices and commission  
10 field staff with access to the course materials on the commission's  
11 Internet website;

12 (2) regularly update course materials, training  
13 curriculum, and examinations after consulting with:

14 (A) the United States Department of Veterans  
15 Affairs to ensure the course materials, training curriculum, and  
16 examinations are accurate and meet applicable United States  
17 Department of Veterans Affairs requirements; and

18 (B) accredited county service officers to ensure  
19 the materials, training curriculum, and examinations include  
20 issues developing at the county level; and

21 (3) develop a training handbook containing  
22 instruction and case studies addressing:

23 (A) general assistance techniques, including how  
24 to provide general information regarding state and federal benefits  
25 and referrals for other services and to other agencies, and general  
26 information regarding state and federal benefits;

27 (B) basic counseling approaches for assisting

1 veterans, their family members, and other eligible dependents  
2 filing benefit claims;

3 (C) basic information on United States  
4 Department of Veterans Affairs processes and procedures, including  
5 how to accurately complete claims and appeals forms and how to  
6 support claims;

7 (D) methods of collecting required documentation  
8 and developing claims and appeals;

9 (E) methods of documenting progress and updating  
10 a veteran's, a veteran's family member's, or another eligible  
11 dependent's case information;

12 (F) methods of assisting veterans, their family  
13 members, or other eligible dependents in pursuing appeals,  
14 including offering case knowledge in appeals hearings; and

15 (G) methods of representing veterans, their  
16 family members, or other eligible dependents during appeals  
17 hearings.

18 (f) The commission may establish rules to carry out the  
19 purposes of this section, including rules regarding carryover of  
20 credit for extra course attendance from one year into subsequent  
21 years and the anniversary date by which the continuing  
22 certification requirement must be met.

23 SECTION 14. Subchapter B, Chapter 434, Government Code, is  
24 amended by adding Section 434.039 to read as follows:

25 Sec. 434.039. COORDINATION WITH COUNTY SERVICE OFFICERS AND  
26 COMMISSIONERS COURTS. The commission shall develop and adopt  
27 procedures to coordinate with county service officers and county

1 commissioners courts to:

2 (1) identify the shared objectives of the commission,  
3 county service officers, and counties with a county service office  
4 in serving veterans;

5 (2) develop a plan for encouraging service officers to  
6 become accredited by the United States Department of Veterans  
7 Affairs;

8 (3) develop a procedure for consulting with counties  
9 to evaluate the state's overall approach to service delivery by  
10 county service officers and commission claims staff as part of the  
11 state's veterans assistance network;

12 (4) define the commission's responsibilities in  
13 overseeing claims and appeals prepared by county service officers  
14 for instances when the commission has been designated as a  
15 veteran's agent under a power of attorney;

16 (5) develop a process for collecting information  
17 regarding claims filed by county service officers for instances  
18 when the commission has been designated as a veteran's agent under a  
19 power of attorney, for providing technical assistance to county  
20 service officers, and for providing evaluative information, on  
21 request, to county judges or other local officials who supervise  
22 county service officers;

23 (6) incorporate county service officers into United  
24 States Department of Veterans Affairs appeals hearings either to  
25 represent veterans or to appear as witnesses, as needed;

26 (7) explore opportunities for funding county service  
27 officer travel to participate in United States Department of

1 Veterans Affairs appeals hearings; and

2 (8) develop procedures to regularly update county  
3 service officers on changes in United States Department of Veterans  
4 Affairs policies and procedures, and other information.

5 SECTION 15. Subchapter C, Chapter 434, Government Code, is  
6 amended by adding Section 434.107 to read as follows:

7 Sec. 434.107. USE OF TECHNOLOGY. The commission shall  
8 implement a policy requiring the commission to use appropriate  
9 technological solutions to improve the commission's ability to  
10 perform its functions. The policy must ensure that the public is  
11 able to interact with the commission on the Internet.

12 SECTION 16. Chapter 434, Government Code, is amended by  
13 adding Subchapter D to read as follows:

14 SUBCHAPTER D. TEXAS HOMEFRONT HEROES PROGRAM

15 Sec. 434.151. TEXAS HOMEFRONT HEROES PROGRAM. (a) The  
16 Texas Homefront Heroes program is a program of the commission and is  
17 established to provide temporary financial assistance and other  
18 services to the family members of personnel on active duty with the  
19 army, navy, air force, coast guard, or marine corps of the United  
20 States or an auxiliary service or reserve unit of one of those  
21 branches of the armed forces, or the state military forces, as  
22 defined by Section 431.001.

23 (b) The Texas Veterans Commission, in consultation with the  
24 advisory committee established under Section 434.153, shall adopt  
25 rules as necessary to implement the program.

26 Sec. 434.152. HOMEFRONT HEROES ACCOUNT. (a) The homefront  
27 heroes account is created in the general revenue fund.



1        (b) Money in the homefront heroes account may be  
2 appropriated only for the purposes of this subchapter.

3        (c) The Texas Veterans Commission may accept grants, gifts,  
4 or legislative appropriations from any public or private source for  
5 the purposes of the program and shall deposit any money received as  
6 a grant, gift, or appropriation to the credit of the homefront  
7 heroes account.

8        Sec. 434.153. ADVISORY COMMITTEE. (a) The Texas Veterans  
9 Commission shall establish a homefront heroes advisory committee to  
10 assist the commission in implementing the program created under  
11 this subchapter.

12        (b) The advisory committee is:

13                (1) composed of nine members who are family members of  
14 active duty military personnel; and

15                (2) appointed by the Texas Veterans Commission.

16        (c) Members of the advisory committee serve without  
17 compensation but may be reimbursed for actual and necessary  
18 expenses related to the performance of committee duties as provided  
19 by the General Appropriations Act.

20        (d) Reimbursement of expenses under Subsection (c) is  
21 subject to approval by the Texas Veterans Commission.

22        (e) The members of the advisory committee shall elect a  
23 presiding officer from among the members and shall adopt rules  
24 governing the operation of the committee.

25        (f) The advisory committee shall meet at the call of the  
26 presiding officer at least once each year.

27        (g) The committee shall make recommendations to the Texas

1 Veterans Commission regarding:

2 (1) eligibility criteria for the Texas Homefront  
3 Heroes program;

4 (2) the application process for the program; and

5 (3) the services that should be provided under the  
6 program, including:

7 (A) temporary financial assistance for recurring  
8 monthly expenses;

9 (B) child care services;

10 (C) health care;

11 (D) education; and

12 (E) employment and job training.

13 (h) Chapter 2110 does not apply to the advisory committee.

14 SECTION 17. Chapter 164, Natural Resources Code, is amended  
15 by adding Section 164.0052 to read as follows:

16 Sec. 164.0052. COLLECTING INFORMATION; REPORT. (a) The  
17 board shall collect information relating to the status and quality  
18 of health care provided to veterans in this state through all  
19 veterans homes operated by the state or by a private entity under  
20 contract with the state to provide the care.

21 (b) Not later than December 1 of each even-numbered year,  
22 the board shall publish a report on the status and quality of health  
23 care provided through veterans homes to veterans in this state  
24 based on the information collected under Subsection (a). The board  
25 shall submit the report to both houses of the legislature and the  
26 governor.

27 SECTION 18. (a) The Texas Veterans Commission may conduct a

1 study on male and female veterans who return from the war in  
2 Afghanistan or Iraq to determine what services are necessary to  
3 assist the veterans in their return from the war.

4 (b) The commission is encouraged to ensure that the  
5 diversity and contributions of all veterans of Texas are  
6 well-documented.

7 SECTION 19. The change in law made by Section 434.0061,  
8 Government Code, as added by this Act, regarding training for  
9 members of the Texas Veterans Commission does not affect the  
10 entitlement of a member serving on the commission immediately  
11 before September 1, 2007, to continue to serve and function as a  
12 member of the commission for the remainder of the member's term.  
13 The change in law described by Section 434.0061 applies only to a  
14 member appointed or reappointed on or after September 1, 2007.

15 SECTION 20. Not later than March 1, 2008, the Texas Veterans  
16 Commission shall comply with Sections 434.0076, 434.0078,  
17 434.0091, 434.010(b), 434.0151, 434.038(a-1) and (e), 434.039, and  
18 434.107, Government Code, as added by this Act, and with Section  
19 434.038(d), Government Code, as amended by this Act.

20 SECTION 21. The Texas Veterans Commission shall:

21 (1) comply with and implement any nonstatutory  
22 recommendations regarding the Texas Veterans Commission adopted by  
23 the Sunset Advisory Commission as a result of its review of the  
24 veterans commission; and

25 (2) report to the Sunset Advisory Commission the  
26 information that the sunset commission requires regarding the Texas  
27 Veterans Commission's implementation of the sunset commission's

1 nonstatutory recommendations not later than November 1, 2008.

2 SECTION 22. (a) The changes in law made by this Act in the  
3 prohibitions or qualifications applying to a member of the Texas  
4 Veterans Commission do not affect the entitlement of a member  
5 serving on the Texas Veterans Commission immediately before  
6 September 1, 2007, to continue to serve and function as a member of  
7 the Texas Veterans Commission for the remainder of the member's  
8 term. Those changes in law apply only to a member appointed on or  
9 after September 1, 2007.

10 (b) Section 434.0076, Government Code, as added by this Act,  
11 relating to complaints filed with the Texas Veterans Commission  
12 applies only to a complaint filed on or after September 1, 2007. A  
13 complaint filed with the commission before September 1, 2007, is  
14 governed by the law as it existed immediately before that date, and  
15 the former law is continued in effect for that purpose.

16 SECTION 23. This Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

*Atty Gen*  
Secretary of the Senate

By: FLYNN

H.B. No. 3426

Substitute the following for H.B. No. 3426

By: Primer

C.S. H.B. No. 3426

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Veterans Commission.

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

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

(a) The Texas Veterans Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2013 [~~2007~~].

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

(a) The commission is composed of five members appointed by the governor with the advice and consent of the senate. The governor shall make each appointment without regard to the race, color, disability [~~creed~~], sex, religion, age, or national origin of the appointee.

(e) A person may not be a member of the commission if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization, other than a veterans service organization, receiving money from the commission; or

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other

*21*

1 organization receiving money from the commission.

2 SECTION 3. Section 434.004, Government Code, is amended to  
3 read as follows:

4 Sec. 434.004. CONFLICT OF INTEREST. (a) In this section,  
5 "Texas trade association" means a cooperative and voluntarily  
6 joined statewide association of business or professional  
7 competitors in this state designed to assist its members and its  
8 industry or profession in dealing with mutual business or  
9 professional problems and in promoting their common interest.

10 (b) A person may not be a commission employee employed in a  
11 "bona fide executive, administrative, or professional capacity,"  
12 as that phrase is used for purposes of establishing an exemption to  
13 the overtime provisions of the federal Fair Labor Standards Act of  
14 1938 (29 U.S.C. Section 201 et seq.), if:

15 (1) the person is an officer, employee, or paid  
16 consultant of a Texas or national veterans service organization or  
17 a Texas trade association in the field of labor, workforce  
18 development, or career schools and colleges; or

19 (2) the person's spouse is an officer, manager, or paid  
20 consultant of a Texas or national veterans service organization or  
21 a Texas trade association in the field of labor, workforce  
22 development, or career schools and colleges.

23 (c) A person may not serve as a member of the commission if:

24 (1) the person is an officer, employee, or paid  
25 consultant of a Texas trade association in the field of labor,  
26 workforce development, or career schools and colleges; or

27 (2) the person's spouse is an officer, manager, or paid

  
2

1 consultant of a Texas trade association in the field of labor,  
2 workforce development, or career schools and colleges.

3 (d) A person required to register as a lobbyist under  
4 Chapter 305 because of activities on behalf of a veterans  
5 association may not serve as a member of or as general counsel to  
6 the commission.

7 SECTION 4. Section 434.005, Government Code, is amended to  
8 read as follows:

9 Sec. 434.005. REMOVAL. (a) It is a ground for removal from  
10 the commission if a member:

11 (1) does [~~did~~] not have at the time of taking office  
12 [~~when appointed~~], or does not maintain during the service on the  
13 commission, the qualifications required by Section 434.003 for  
14 appointment to the commission;

15 (2) violates a prohibition under Section 434.004; [~~or~~]

16 (3) fails to attend at least half of the regularly  
17 scheduled commission meetings held in a calendar year, excluding  
18 meetings held while the person was not a member of the commission  
19 without an excuse approved by a majority vote of the commission; or

20 (4) cannot, because of illness or disability,  
21 discharge the member's duties for a substantial part of the member's  
22 term.

23 (b) The validity of an action of the commission is not  
24 affected by the fact that it is taken when a ground for removal of a  
25 commission member exists.

26 (c) If the executive director has knowledge that a potential  
27 ground for removal exists, the executive director shall notify the

23

1 presiding officer of the commission of the potential ground. The  
2 presiding officer shall then notify the governor and the attorney  
3 general that a potential ground for removal exists. If the  
4 potential ground for removal involves the presiding officer, the  
5 executive director shall notify the next highest ranking officer of  
6 the commission, who shall then notify the governor and the attorney  
7 general that a potential ground for removal exists.

8 SECTION 5. Section 434.006, Government Code, is amended to  
9 read as follows:

10 Sec. 434.006. OFFICERS; COMMISSION ACTIONS. (a) The  
11 governor shall designate a member of the commission as the  
12 presiding officer of the commission to serve in that capacity at the  
13 pleasure of the governor.

14 (b) The commission annually shall elect from among its  
15 members an assistant presiding officer [~~a chairman, a~~  
16 ~~vice-chairman,~~] and a secretary. An officer shall serve until the  
17 officer's successor is appointed and qualified.

18 (c) [~~(b)~~] The commission shall meet at least once in each  
19 three-month period. No action may be taken by less than a majority  
20 of the commission.

21 SECTION 6. Subchapter A, Chapter 434, Government Code, is  
22 amended by adding Section 434.0061 to read as follows:

23 Sec. 434.0061. TRAINING. (a) A person who is appointed to  
24 and qualifies for office as a member of the commission may not vote,  
25 deliberate, or be counted as a member in attendance at a meeting of  
26 the commission until the person completes a training program that  
27 complies with this section.

24



1           **(b) The training program must provide the person with**  
2 **information regarding:**

3                   **(1) the legislation that created the commission;**

4                   **(2) the programs, functions, rules, and budget of the**  
5 **commission;**

6                   **(3) the results of the most recent formal audit of the**  
7 **commission;**

8                   **(4) the requirements of laws relating to open**  
9 **meetings, public information, administrative procedure, and**  
10 **conflicts of interest; and**

11                   **(5) any applicable ethics policies adopted by the**  
12 **commission or the Texas Ethics Commission.**

13           **(c) A person appointed to the commission is entitled to**  
14 **reimbursement, as provided by the General Appropriations Act, for**  
15 **the travel expenses incurred in attending the training program**  
16 **regardless of whether the attendance at the program occurs before**  
17 **or after the person qualifies for office.**

18           SECTION 7. Subchapter A, Chapter 434, Government Code, is  
19 amended by adding Sections 434.0076 through 434.0078 to read as  
20 follows:

21           **Sec. 434.0076. RECORD OF COMPLAINTS. (a) The commission**  
22 **shall maintain a system to promptly and efficiently act on**  
23 **complaints filed with the commission. The commission shall**  
24 **maintain information about parties to the complaint, the subject**  
25 **matter of the complaint, a summary of the results of the review or**  
26 **investigation of the complaint, and its disposition.**

27           **(b) The commission shall make information available**

25

1 describing its procedures for complaint investigation and  
2 resolution.

3 (c) The commission shall periodically notify the complaint  
4 parties of the status of the complaint until final disposition.

5 Sec. 434.0077. NEGOTIATED RULEMAKING AND ALTERNATIVE  
6 DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop  
7 and implement a policy to encourage the use of:

8 (1) negotiated rulemaking procedures under Chapter  
9 2008 for the adoption of commission rules; and

10 (2) appropriate alternative dispute resolution  
11 procedures under Chapter 2009 to assist in the resolution of  
12 internal and external disputes under the commission's  
13 jurisdiction.

14 (b) The commission's procedures relating to alternative  
15 dispute resolution shall conform, to the extent possible, to any  
16 model guidelines issued by the State Office of Administrative  
17 Hearings for the use of alternative dispute resolution by state  
18 agencies.

19 (c) The commission shall designate a trained person to:

20 (1) coordinate the implementation of the policy  
21 adopted under Subsection (a);

22 (2) serve as a resource for any training needed to  
23 implement the procedures for negotiated rulemaking or alternative  
24 dispute resolution; and

25 (3) collect data concerning the effectiveness of those  
26 procedures, as implemented by the commission.

27 Sec. 434.0078. CLAIMS ASSISTANCE SERVICES. (a) The

1 commission shall adopt procedures for administering claims  
2 assistance services under Section 434.007(5). The procedures shall  
3 include:

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

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

9 (A) is in immediate need;

10 (B) is terminally ill;

11 (C) has a verifiable financial hardship; or

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

14 (3) a procedure for counseling veterans on the  
15 potential merits or drawbacks of pursuing a claim;

16 (4) a process to ensure adequate documentation and  
17 development of a claim or appeal, including early client  
18 involvement, collection of needed evidence and records, and  
19 analysis of actions necessary to pursue and support a claim or  
20 appeal;

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

24 (6) a requirement that a claims counselor report to  
25 the United States Department of Veterans Affairs if the counselor  
26 has direct knowledge that a claim contains false or deceptive  
27 information; and

27

1           (7) a procedure for prioritizing a claim, when  
2 appropriate, or providing an alternative source for obtaining  
3 claims assistance services when it is not appropriate to  
4 prioritize.

5           (b) The commission shall consult with the United States  
6 Department of Veterans Affairs in developing the procedures under  
7 Subsection (a) to:

8           (1) ensure the services provided by the commission do  
9 not unnecessarily duplicate services provided through the United  
10 States Department of Veterans Affairs;

11           (2) ensure that the procedures will provide for  
12 resolving disputes at the lowest level of the United States  
13 Department of Veterans Affairs benefit decision process;

14           (3) ensure that commission employees are not  
15 improperly involved in adjudicating claims; and

16           (4) establish broad areas of cooperation between the  
17 commission and the United States Department of Veterans Affairs to  
18 streamline and align the commission's service delivery with United  
19 States Department of Veterans Affairs processes, including:

20           (A) identifying processes to update changes to  
21 veterans' cases and power of attorney designation;

22           (B) cooperating to expedite hardship cases and  
23 appeals; and

24           (C) identifying opportunities for the United  
25 States Department of Veterans Affairs to provide the commission  
26 with necessary data to assist with tracking the progress and  
27 outcomes of claims.

28

1 SECTION 8. Subchapter A, Chapter 434, Government Code, is  
2 amended by adding Section 434.0091 to read as follows:

3 Sec. 434.0091. SEPARATION OF POLICYMAKING AND MANAGEMENT  
4 RESPONSIBILITIES. The commission shall develop and implement  
5 policies that clearly separate the policymaking responsibilities  
6 of the commission and the management responsibilities of the  
7 executive director and the staff of the commission.

8 SECTION 9. Section 434.010, Government Code, is amended to  
9 read as follows:

10 Sec. 434.010. RULES. (a) The commission may adopt rules  
11 that it considers necessary for its administration.

12 (b) The commission shall adopt procedures for receiving  
13 input and recommendations from interested persons regarding the  
14 development of rules and policies.

15 SECTION 10. Subchapter A, Chapter 434, Government Code, is  
16 amended by adding Section 434.0101 to read as follows:

17 Sec. 434.0101. ADVISORY COMMITTEES. (a) In developing  
18 procedures under Section 434.010, the commission may establish and  
19 appoint members to an advisory committee to advise and make  
20 recommendations to the commission on programs, rules, and policies  
21 affecting the delivery of services to veterans.

22 (b) If the commission establishes an advisory committee  
23 under Subsection (a), the commission shall adopt rules regarding:

24 (1) the purpose, role, and goals of the committee;

25 (2) the size and quorum requirements of the committee;

26 (3) the qualifications of the members and the criteria  
27 for selecting members;

1                   (4) the procedures for appointing members;  
2                   (5) the terms of service of members;  
3                   (6) the training requirements of members;  
4                   (7) the implementation of a needs assessment process  
5 to regularly evaluate the continuing need for the committee; and  
6                   (8) a requirement that the committee comply with  
7 Chapter 551.

8           SECTION 11. Subchapter A, Chapter 434, Government Code, is  
9 amended by adding Section 434.0151 to read as follows:

10           Sec. 434.0151. PUBLIC PARTICIPATION. The commission shall  
11 develop and implement policies that provide the public with a  
12 reasonable opportunity to appear before the commission and to speak  
13 on any issue under the jurisdiction of the commission.

14           SECTION 12. Section 434.038, Government Code, is amended by  
15 amending Subsections (a) and (d) and adding Subsections (a-1), (e),  
16 and (f) to read as follows:

17           (a) An officer shall, within the time after the date of the  
18 officer's appointment that the commission prescribes, complete a  
19 course of initial training provided by the Texas Veterans  
20 Commission. The commission shall issue the officer a certificate  
21 of training after completion of the initial training course. To  
22 maintain certification, the officer shall complete continuing  
23 training to the extent required by the commission [~~attend at least~~  
24 ~~one commission training conference a year~~]. An officer must  
25 maintain certification to remain in office.

26           (a-1) The commission shall develop and implement methods  
27 for providing training to officers. The methods may include



1 Internet-based seminars, participation through videoconference,  
2 cooperation with training provided by the United States Department  
3 of Veterans Affairs, and other methods as appropriate.

4 (d) The commission shall develop standard course materials,  
5 training curriculum, and examinations to be used for county service  
6 officer certification and United States Department of Veterans  
7 Affairs accreditation. The members of the commission must approve  
8 the course materials, training curriculum, and examinations before  
9 the commission may distribute the materials and administer  
10 examinations.

11 (e) The commission shall:

12 (1) maintain course materials and examinations in a  
13 central location and provide county service offices and commission  
14 field staff with access to the course materials on the commission's  
15 Internet website;

16 (2) regularly update course materials, training  
17 curriculum, and examinations after consulting with:

18 (A) the United States Department of Veterans  
19 Affairs to ensure the course materials, training curriculum, and  
20 examinations are accurate and meet applicable United States  
21 Department of Veterans Affairs requirements; and

22 (B) accredited county service officers to ensure  
23 the materials, training curriculum, and examinations include  
24 issues developing at the county level; and

25 (3) develop a training handbook containing  
26 instruction and case studies addressing:

27 (A) general assistance techniques, including how

1 to provide general information regarding state and federal benefits  
2 and referrals for other services and to other agencies, and general  
3 information regarding state and federal benefits;

4 (B) basic counseling approaches for assisting  
5 veterans, their family members, and other eligible dependents  
6 filing benefit claims;

7 (C) basic information on United States  
8 Department of Veterans Affairs processes and procedures, including  
9 how to accurately complete claims and appeals forms and how to  
10 support claims;

11 (D) methods of collecting required documentation  
12 and developing claims and appeals;

13 (E) methods of documenting progress and updating  
14 a veteran's, a veteran's family member's, or another eligible  
15 dependent's case information;

16 (F) methods of assisting veterans, their family  
17 members, or other eligible dependents in pursuing appeals,  
18 including offering case knowledge in appeals hearings; and

19 (G) methods of representing veterans, their  
20 family members, or other eligible dependents during appeals  
21 hearings.

22 (f) The commission may establish rules to carry out the  
23 purposes of this section, including rules regarding carryover of  
24 credit for extra course attendance from one year into subsequent  
25 years and the anniversary date by which the continuing  
26 certification requirement must be met.

27 SECTION 13. Subchapter B, Chapter 434, Government Code, is

32



1 amended by adding Section 434.039 to read as follows:

2 Sec. 434.039. COORDINATION WITH COUNTY SERVICE OFFICERS AND  
3 COMMISSIONERS COURTS. The commission shall develop and adopt  
4 procedures to coordinate with county service officers and county  
5 commissioners courts to:

6 (1) identify the shared objectives of the commission,  
7 county service officers, and counties with a county service office  
8 in serving veterans;

9 (2) develop a plan for encouraging service officers to  
10 become accredited by the United States Department of Veterans  
11 Affairs;

12 (3) develop a procedure for consulting with counties  
13 to evaluate the state's overall approach to service delivery by  
14 county service officers and commission claims staff as part of the  
15 state's veterans assistance network;

16 (4) define the commission's responsibilities in  
17 overseeing claims and appeals prepared by county service officers  
18 for instances when the commission has been designated as a  
19 veteran's agent under a power of attorney;

20 (5) develop a process for collecting information  
21 regarding claims filed by county service officers for instances  
22 when the commission has been designated as a veteran's agent under a  
23 power of attorney, for providing technical assistance to county  
24 service officers, and for providing evaluative information, on  
25 request, to county judges or other local officials who supervise  
26 county service officers;

27 (6) incorporate county service officers into United

1 States Department of Veterans Affairs appeals hearings either to  
2 represent veterans or to appear as witnesses, as needed;

3 (7) explore opportunities for funding county service  
4 officer travel to participate in United States Department of  
5 Veterans Affairs appeals hearings; and

6 (8) develop procedures to regularly update county  
7 service officers on changes in United States Department of Veterans  
8 Affairs policies and procedures, and other information.

9 SECTION 14. Subchapter C, Chapter 434, Government Code, is  
10 amended by adding Section 434.107 to read as follows:

11 Sec. 434.107. USE OF TECHNOLOGY. The commission shall  
12 implement a policy requiring the commission to use appropriate  
13 technological solutions to improve the commission's ability to  
14 perform its functions. The policy must ensure that the public is  
15 able to interact with the commission on the Internet.

16 SECTION 15. The change in law made by Section 434.0061,  
17 Government Code, as added by this Act, regarding training for  
18 members of the Texas Veterans Commission does not affect the  
19 entitlement of a member serving on the commission immediately  
20 before September 1, 2007, to continue to serve and function as a  
21 member of the commission for the remainder of the member's term.  
22 The change in law described by Section 434.0061 applies only to a  
23 member appointed or reappointed on or after September 1, 2007.

24 SECTION 16. Not later than March 1, 2008, the Texas Veterans  
25 Commission shall comply with Sections 434.0076, 434.0078,  
26 434.0091, 434.010(b), 434.0151, 434.038(a-1) and (e), 434.039, and  
27 434.107, Government Code, as added by this Act, and with Section

1 434.038(d), Government Code, as amended by this Act.

2 SECTION 17. The Texas Veterans Commission shall:

3 (1) comply with and implement any nonstatutory  
4 recommendations regarding the Texas Veterans Commission adopted by  
5 the Sunset Advisory Commission as a result of its review of the  
6 veterans commission; and

7 (2) report to the Sunset Advisory Commission the  
8 information that the sunset commission requires regarding the Texas  
9 Veterans Commission's implementation of the sunset commission's  
10 nonstatutory recommendations not later than November 1, 2008.

11 SECTION 18. (a) The changes in law made by this Act in the  
12 prohibitions or qualifications applying to a member of the Texas  
13 Veterans Commission do not affect the entitlement of a member  
14 serving on the Texas Veterans Commission immediately before  
15 September 1, 2007, to continue to serve and function as a member of  
16 the Texas Veterans Commission for the remainder of the member's  
17 term. Those changes in law apply only to a member appointed on or  
18 after September 1, 2007.

19 (b) Section 434.0076, Government Code, as added by this Act,  
20 relating to complaints filed with the Texas Veterans Commission  
21 applies only to a complaint filed on or after September 1, 2007. A  
22 complaint filed with the commission before September 1, 2007, is  
23 governed by the law as it existed immediately before that date, and  
24 the former law is continued in effect for that purpose.

25 SECTION 19. This Act takes effect September 1, 2007.

35



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 18, 2007**

**TO:** Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3426** by Flynn (Relating to the continuation and functions of the Texas Veterans Commission.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would continue the Texas Veterans Commission (Commission) for six years.

The bill would require the commission to improve its rulemaking process, enabling the Commission to respond to changes in its mission and the veterans it serves.

The bill would require the members of the Texas Veterans Commission to complete training on a number of aspects of the commission before assuming their duties.

The bill would require the Commission to develop criteria and specific procedures for administering claims assistance services.

The bill would require the Commission to develop and implement alternative training methods for training veteran service county officers and develop standard course materials, training curriculum, and examinations. The bill would also require that training materials be accessible to veteran service county officers through the internet.

The bill would require that the Commission implement a policy and use appropriate technology solutions to improve the commission's ability to perform its functions.

The Veterans Commission estimates a cost of \$320,531 in fiscal year 2008 and a cost of \$295,531 in fiscal year 2009 to implement the provisions of the bill (\$175,000 for a computer-based case management system and \$441,062 for an agency career ladder). However, it is assumed that any changes to current processes and additional duties required by the bill can be performed using available resources within the Veterans Commission.

The bill would take effect September 1, 2007 and require the Veterans Commission to comply with the provisions of the bill no later than March 1, 2008 and require the commission to report to the Sunset Advisory Commission the status of implementing non-statutory recommendations no later than November 1, 2008.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 403 Veterans Commission

**LBB Staff:** JOB, DB, MN, ES, MS, EP



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3426** by Flynn (Relating to the continuation and functions of the Texas Veterans Commission and to certain veterans issues.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would continue the Texas Veterans Commission (Commission) for six years.

The bill would require the commission to improve its rulemaking process, enabling the Commission to respond to changes in its mission and the veterans it serves.

The bill would require the members of the Texas Veterans Commission to complete training on a number of aspects of the commission before assuming their duties.

The bill would require the Commission to develop criteria and specific procedures for administering claims assistance services.

The bill would require the Commission to collect certain information, including the status and quality of health care in certain veteran facilities, other than veterans homes, operated by this state, the federal government, or a private entity, by a December 1 of each even-numbered year and report to both houses of the legislature and the governor. The bill would require that the report be made available to the public.

The bill would require the Commission to develop and implement alternative training methods for training veteran service county officers and develop standard course materials, training curriculum, and examinations. The bill would also require that training materials be accessible to veteran service county officers through the internet.

The bill would require that the Commission implement a policy and use appropriate technology solutions to improve the commission's ability to perform its functions.

The bill would establish the Texas Homefront Heroes program to provide temporary financial assistance and other services to family members of active duty personnel.

The bill would create the Homefront Heroes account and allow the Commission to accept grants, gifts, or legislative appropriations from any public or private source and shall deposit these monies to the credit of the Homefront Heroes account.

The bill would require the Commission to establish a Homefront Heroes advisory committee to assist the commission in implementing the program. The bill would require the advisory council be composed of nine members who are family members of active duty personnel and appointed by the Commission. The bill would allow the advisory council to be reimbursed for actual and necessary expenses related to the performance of committee duties and reimbursement of expenses is subject to approval by the commission. The bill would require the advisory committee to make recommendations to the Commission regarding the eligibility criteria, the application process, and the services that should be provided under the Homefront Heroes Program, including temporary financial







assistance for recurring expenses, child care services, health care, education, and employment and job training.

The bill would require the Veterans Land Board (Board) to collect information relating to the status and quality of health care provided to veterans in this state through all veterans homes operated by the state or by a private entity under contract with the state to provide the care. The bill would require the Board not later than December 1 of each even-numbered year, to publish a report on the status and quality of health care provided through veterans' homes to veterans in this state based on the information collected. The bill would require the board to submit the report to both houses of the legislature and the governor.

The bill would allow the Commission to conduct a study on male and female veterans who return from war in the Afghanistan or Iraq to determine what services are necessary to assist the veterans in their return from the war.

The Veterans Commission estimates a cost of \$320,531 in fiscal year 2008 and a cost of \$295,531 in fiscal year 2009 to implement the provisions of the bill (\$175,000 for a computer-based case management system and \$441,062 for an agency career ladder). However, it is assumed that any changes to current processes and additional duties required by the bill can be performed using available resources within the Veterans Commission.

The cost of the Homefront Heroes program would depend on the scope of the recommendations made by the advisory council.

It is assumed that the costs associated with implementing the provisions of the bill related to the Veterans Land Board can be absorbed with existing resources.

The bill would take effect September 1, 2007 and require the Veterans Commission to comply with the provisions of the bill no later than March 1, 2008 and require the commission to report to the Sunset Advisory Commission the status of implementing non-statutory recommendations no later than November 1, 2008.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 305 General Land Office and Veterans' Land Board, 403 Veterans Commission

**LBB Staff:** JOB, MN, ES, MS, EP



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

April 19, 2007

**TO:** Honorable Frank Corte, Jr., Chair, House Committee on Defense Affairs & State-Federal Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3426** by Flynn (Relating to the continuation and functions of the Texas Veterans Commission. ) ,**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would continue the Texas Veterans Commission for six years.

The bill would require the commission to improve its rulemaking process, enabling the Commission to respond to changes in its mission and the veterans it serves.

The bill would require the members of the Texas Veterans Commission to complete training on a number of aspects of the commission before assuming their duties.

The bill would require the commission to develop criteria and specific procedures for administering claims assistance services.

The bill would require the commission to develop and implement alternative training methods for training veteran service county officers and develop standard course materials, training curriculum, and examinations. The bill would also require that training materials be accessible to veteran service county officers through the internet.

The bill would require that the commission implement a policy and use appropriate technology solutions to improve the commission's ability to perform its functions.

The Veterans Commission estimates a cost of \$320,531 in fiscal year 2008 and a cost of \$295,531 in fiscal year 2009 to implement the provisions of the bill (\$175,000 for a computer-based case management system and \$441,062 for an agency career ladder). However, it is assumed that any changes to current processes and additional duties required by the bill can be performed using available resources within the Veterans Commission.

The bill would take effect September 1, 2007 and require the Veterans Commission to comply with the provisions of the bill no later than March 1, 2008 and require the commission to report to the Sunset Advisory Commission the status of implementing non-statutory recommendations no later than November 1, 2008.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 403 Veterans Commission

**LBB Staff:** JOB, ES, MS, EP

4



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 3, 2007

TO: Honorable Frank Corte, Jr., Chair, House Committee on Defense Affairs & State-Federal Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3426** by Flynn (Relating to the continuation and functions of the Texas Veterans Commission.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would continue the Texas Veterans Commission for four years.

The bill would require the commission to improve its rulemaking process, enabling the Commission to respond to changes in its mission and the veterans it serves.

The bill would require the members of the Texas Veterans Commission to complete training on a number of aspects of the commission before assuming their duties.

The bill would require that the commission and the Veterans Land Board enter into a memorandum of understanding with each other to coordinate on outreach efforts including operating a joint communications center, combine direct mail efforts, sharing databases, sharing a joint website and a joint brochure, and holding joint seminars.

The bill would require the commission to develop criteria and specific procedures for administering claims assistance services.

The bill would require the commission to develop and implement alternative training methods for training veteran service county officers and develop standard course materials, training curriculum, and examinations. The bill would also require that training materials be accessible to veteran service county officers through the internet.

The bill would require that the commission implement a policy and use appropriate technology solutions to improve the commission's ability to perform its functions.

The Veterans Commission estimates a cost of \$320,531 in fiscal year 2008 and a cost of \$295,531 in fiscal year 2009 to implement the provisions of the bill (\$175,000 for a computer-based case management system and \$441,062 for an agency career ladder). However, it is assumed that any changes to current processes and additional duties required by the bill can be performed using available resources within the Veterans Commission.

The bill would take effect September 1, 2007 and require the Veterans Commission to comply with the provisions of the bill no later than March 1, 2008 and require the commission to report to the Sunset Advisory Commission the status of implementing non-statutory recommendations no later than November 1, 2008.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

5



**Source Agencies:** 116 Sunset Advisory Commission, 403 Veterans Commission

**LBB Staff:** JOB, ES, MS, EP

60

