

By: Hall, et al.

S.B. No. 601

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, 2031 ~~[2019]~~.

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

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

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

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

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

(4) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

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

3                   (5) any applicable ethics policies adopted by the  
4 commission or the Texas Ethics Commission; and

5                   (6) the scope of and limitations on the rulemaking  
6 authority of the commission.

7                   (d) The executive director of the commission shall create a  
8 training manual that includes the information required by  
9 Subsection (b). The executive director shall distribute a copy of  
10 the training manual annually to each member of the commission. Each  
11 member of the commission shall sign and submit to the executive  
12 director a statement acknowledging that the member received and has  
13 reviewed the training manual.

14                 SECTION 3. Section [434.007](#), Government Code, is amended to  
15 read as follows:

16                 Sec. 434.007. DUTIES. (a) The commission shall:

17                   (1) compile federal, state, and local laws enacted to  
18 benefit members of the armed forces, veterans, and their families  
19 and dependents;

20                   (2) collect information relating to services and  
21 facilities available to veterans;

22                   (3) cooperate with veterans service agencies in the  
23 state;

24                   (4) inform members and veterans of the armed forces,  
25 their families and dependents, and military and civilian  
26 authorities about the existence or availability of:

27                   (A) educational training and retraining

1 facilities;

2 (B) health, medical, rehabilitation, and housing  
3 services and facilities;

4 (C) employment and reemployment services;

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

8 (E) other similar, related, or appropriate  
9 matters;

10 (5) assist veterans and their families and dependents  
11 in presenting, proving, and establishing claims, privileges,  
12 rights, and benefits they may have under federal, state, or local  
13 law;

14 (6) cooperate with all government and private agencies  
15 securing services or benefits to veterans and their families and  
16 dependents;

17 (7) investigate, and if possible correct, abuses or  
18 exploitation of veterans or their families or dependents, and  
19 recommend necessary legislation for full correction;

20 (8) coordinate the services and activities of state  
21 departments and divisions having services and resources affecting  
22 veterans or their families or dependents;

23 (9) provide training and certification of veterans  
24 county service officers and assistant veterans county service  
25 officers in accordance with Section [434.038](#);

26 (10) through surveys or other reasonable and accurate  
27 methods of estimation, collect and maintain for each county in the

1 state the number of servicemembers and veterans residing in the  
2 county and annually update and publish the information on the  
3 commission's website; ~~and~~

4 (11) with the assistance and cooperation of the  
5 comptroller, inform and assist veterans and their families and  
6 dependents with respect to discovering and initiating claims for  
7 unclaimed property held by the United States Department of Veterans  
8 Affairs;

9 (12) annually evaluate and set priorities for each  
10 program administered by the commission to meet the changing needs  
11 of veterans in this state;

12 (13) annually set concrete goals for staff and measure  
13 the staff's performance; and

14 (14) establish success measures and corresponding  
15 targets for each program administered by the commission and report  
16 the program's progress in meeting the measures and targets in:

17 (A) any annual internal report for that program;  
18 and

19 (B) the commission's strategic plan under  
20 Section 2056.002.

21 (b) In setting priorities under Subsection (a)(12), the  
22 commission shall consider:

23 (1) the existing strategic plan under Section 2056.002  
24 and the needs assessment under Section 434.017(c-1);

25 (2) complaint data;

26 (3) performance outcomes;

27 (4) veteran survey results;

1           (5) staff input; and

2           (6) any other available information.

3           SECTION 4. Section [434.0078](#), Government Code, is amended by  
4 amending Subsection (a) and adding Subsections (c), (d), (e), and  
5 (f) to read as follows:

6           (a) The commission shall adopt procedures for administering  
7 claims assistance services under Section [434.007\(a\)\(5\)](#)  
8 [~~[434.007\(5\)](#)~~]. The procedures shall include:

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

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

14                   (A) is in immediate need;

15                   (B) is terminally ill;

16                   (C) has a verifiable financial hardship; or

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

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

21           (4) a process to ensure adequate documentation and  
22 development of a claim or appeal, including early client  
23 involvement, collection of needed evidence and records, and  
24 analysis of actions necessary to pursue and support a claim or  
25 appeal;

26           (5) criteria for evaluating whether a decision of the  
27 United States Department of Veterans Affairs contains sufficient

1 cause for filing an appeal;

2 (6) a requirement that a claims counselor report to  
3 the United States Department of Veterans Affairs if the counselor  
4 has direct knowledge that a claim contains false or deceptive  
5 information; and

6 (7) a procedure for prioritizing a claim, when  
7 appropriate, or providing an alternative source for obtaining  
8 claims assistance services when it is not appropriate to  
9 prioritize.

10 (c) The commission shall regularly evaluate claims  
11 assistance services staffing to determine where counselors and  
12 special team staff are most needed. The evaluation must include  
13 the:

14 (1) workload of staff;

15 (2) number of veterans denied claims assistance  
16 services; and

17 (3) quality of claims prepared at each of the claims  
18 assistance services offices.

19 (d) The commission shall regularly evaluate the needs and  
20 performance of any special claims assistance resources provided by  
21 the legislature, including the state strike force team and the  
22 fully developed claims team, and request to adjust staffing for  
23 those resources as appropriate.

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

claims district:

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

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

(3) the success rate of claims and appeals developed through claims assistance services; and

(4) the average processing time for claims and appeals by the United States Department of Veterans Affairs.

(f) In documenting the success rate of claims and appeals as required by Subsection (e), the commission shall include in a consolidated report each claim, the corresponding decision by the United States Department of Veterans Affairs, and the status and outcome of any appeal.

SECTION 5. Section [434.017](#), Government Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) The commission shall publish the most recent needs assessment under Subsection (c-1) on the commission's Internet website.

SECTION 6. Section [434.033](#), Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

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

(1) be qualified by education and training for the duties of the office; and

(2) be experienced in the law, regulations, and

1 rulings of the United States Department of Veterans Affairs  
2 controlling cases that come before the commission[, and

3 ~~[(3) have the service experience specified by~~  
4 ~~Subsection (c) or be.~~

5 ~~[(A) a widowed Cold Star Mother or unremarried~~  
6 ~~widow of a serviceman or veteran whose death resulted from service,~~

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

11 ~~[(C) the spouse of a retired veteran who served a~~  
12 ~~minimum of 20 years on active duty].~~

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

18 SECTION 7. Section 434.033(c), Government Code, is  
19 repealed.

20 SECTION 8. (a) Except as provided by Subsection (b) of  
21 this section, Section 434.0061, Government Code, as amended by this  
22 Act, applies to a member of the Texas Veterans Commission who is  
23 appointed before, on, or after the effective date of this Act.

24 (b) A member of the Texas Veterans Commission who, before  
25 the effective date of this Act, completed the training program  
26 required by Section 434.0061, Government Code, as that law existed  
27 before the effective date of this Act, is required to complete

1 additional training only on subjects added by this Act to the  
2 training program as required by Section 434.0061, Government Code,  
3 as amended by this Act. A commission member described by this  
4 subsection may not vote, deliberate, or be counted as a member in  
5 attendance at a meeting of the commission held on or after December  
6 1, 2019, until the member completes the additional training.

7 SECTION 9. Not later than December 1, 2019, the Texas  
8 Veterans Commission shall complete the initial annual evaluation of  
9 and set priorities for each program administered by the commission  
10 as required by Section 434.007(a)(12), Government Code, as added by  
11 this Act.

12 SECTION 10. (a) Not later than December 1, 2019, the Texas  
13 Veterans Commission shall establish success measures and  
14 corresponding targets for each program administered by the  
15 commission as required by Section 434.007(a)(14), Government Code,  
16 as added by this Act.

17 (b) Not later than February 1, 2020, the commission shall  
18 include the success measures and corresponding targets described by  
19 Subsection (a) of this section and any preliminary data from those  
20 measures in any annual internal reports for those programs.

21 (c) Not later than June 1, 2020, the commission shall  
22 include in the commission's strategic plan under Section 2056.002,  
23 Government Code, the success measures and corresponding targets  
24 described by Subsection (a) of this section.

25 SECTION 11. The changes in law made by this Act to Section  
26 434.033, Government Code, apply only to the appointment of a  
27 veterans county service officer that occurs on or after the

1 effective date of this Act. A person who is serving as a veterans  
2 county service officer immediately before the effective date of  
3 this Act may continue to serve for the remainder of the officer's  
4 term, and that officer's qualifications for serving as an officer  
5 for that term are governed by the law in effect immediately before  
6 the effective date of this Act.

7 SECTION 12. This Act takes effect September 1, 2019.