

By: Hall, et al.
(Flynn)

S.B. No. 601

Substitute the following for S.B. No. 601:

By: Flynn

C.S.S.B. No. 601

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Texas Veterans
3 Commission.

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

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

7 (a) The Texas Veterans Commission is subject to Chapter 325
8 (Texas Sunset Act). Unless continued in existence as provided by
9 that chapter, the commission is abolished September 1, 2031 [~~2019~~].

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

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

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

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

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

21 (4) the requirements of:

22 (A) laws relating to open meetings, public
23 information, administrative procedure, and disclosure of conflicts
24 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 who requested claims assistance
16 services at a claims assistance services office and failed to
17 receive assistance the same day;

18 (3) percentage of veterans described by Subdivision
19 (2) who received assistance at a later date; and

20 (4) quality of claims prepared at each of the claims
21 assistance services offices.

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

27 (e) The commission shall regularly collect detailed

1 information on the outcome of claims and use that information to
2 evaluate and improve claims assistance services. The commission,
3 at a minimum, shall track and evaluate the following information by
4 claims district:

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

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

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

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

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

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

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

24 SECTION 6. Section 434.033, Government Code, is amended by
25 amending Subsection (b) and adding Subsections (c-1), (c-2), and
26 (c-3) to read as follows:

27 (b) Except as provided by Subsection (c-2), to [To] be

1 appointed as an officer a person must:

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

4 (2) be experienced in the law, regulations, and
5 rulings of the United States Department of Veterans Affairs
6 controlling cases that come before the commission; and

7 (3) have the service experience specified by
8 Subsection (c) or be:

9 (A) a widowed Gold Star Mother or unremarried
10 widow of a serviceman or veteran whose death resulted from service;

11 (B) the spouse of a disabled veteran who has a
12 total disability rating based either on having a service-connected
13 disability with a disability rating of 100 percent or on individual
14 unemployability; or

15 (C) the spouse of a retired veteran who served a
16 minimum of 20 years on active duty.

17 (c-1) Before selecting an individual for appointment as an
18 officer, a commissioners court described by Subsection (a) shall
19 solicit applications from individuals interested in being
20 appointed as an officer, including by posting notice for at least 30
21 consecutive days on:

22 (1) the commission's Internet website; and

23 (2) the online system for listing state agency
24 employment openings maintained by the Texas Workforce Commission.

25 (c-2) If the commissioners court is unable to appoint an
26 individual who meets the requirements under Subsection (b)(3), the
27 commissioners court may apply to the commission for approval to

1 appoint an individual who does not meet those requirements. The
2 commission shall approve the appointment if the commissioners court
3 provides to the commission:

4 (1) a certified letter from a local chapter of the
5 Veterans of Foreign Wars and from a local chapter of the American
6 Legion stating that the commissioners court solicited applications
7 from members of those chapters; and

8 (2) proof that the commissioners court posted notice
9 soliciting applications on the commission's Internet website and
10 the online system described by Subsection (c-1)(2) for at least 90
11 days.

12 (c-3) An individual whose appointment is approved by the
13 commission under Subsection (c-2) is eligible for certification
14 under Section 434.038 if the individual satisfies the requirements
15 provided by that section.

16 SECTION 7. Section 434.352(c), Government Code, is amended
17 to read as follows:

18 (c) Subject to Section 434.3525, the [~~The~~] executive
19 director of the commission shall appoint a program director to
20 administer the mental health program for veterans.

21 SECTION 8. Subchapter H, Chapter 434, Government Code, is
22 amended by adding Section 434.3525 to read as follows:

23 Sec. 434.3525. MENTAL HEALTH PROGRAM DIRECTOR ELIGIBILITY.
24 To be eligible for appointment under Section 434.352(c), an
25 individual must:

26 (1) have at least a master's degree in a recognized
27 mental health field;

1 (2) be licensed in this state to practice a mental
2 health profession;

3 (3) have multiple years of postgraduate experience in
4 a human services setting, such as a community mental health center,
5 chemical dependency rehabilitation center, or residential
6 treatment facility;

7 (4) have experience in providing mental health
8 services with primary care teams, with preference given to a
9 candidate with at least four years of that experience;

10 (5) have experience in providing population-based
11 care, with preference given to a candidate with at least two years
12 of that experience; and

13 (6) have experience in providing trauma-informed
14 care, with preference given to a candidate with at least two years
15 of that experience.

16 SECTION 9. (a) Except as provided by Subsection (b) of
17 this section, Section 434.0061, Government Code, as amended by this
18 Act, applies to a member of the Texas Veterans Commission who is
19 appointed before, on, or after the effective date of this Act.

20 (b) A member of the Texas Veterans Commission who, before
21 the effective date of this Act, completed the training program
22 required by Section 434.0061, Government Code, as that law existed
23 before the effective date of this Act, is required to complete
24 additional training only on subjects added by this Act to the
25 training program as required by Section 434.0061, Government Code,
26 as amended by this Act. A commission member described by this
27 subsection may not vote, deliberate, or be counted as a member in

1 attendance at a meeting of the commission held on or after December
2 1, 2019, until the member completes the additional training.

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

8 SECTION 11. (a) Not later than December 1, 2019, the Texas
9 Veterans Commission shall establish success measures and
10 corresponding targets for each program administered by the
11 commission as required by Section 434.007(a)(14), Government Code,
12 as added by this Act.

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

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

21 SECTION 12. The changes in law made by this Act to Section
22 434.033, Government Code, apply only to the appointment of a
23 veterans county service officer that occurs on or after the
24 effective date of this Act. A person who is serving as a veterans
25 county service officer immediately before the effective date of
26 this Act may continue to serve for the remainder of the officer's
27 term, and that officer's qualifications for serving as an officer

1 for that term are governed by the law in effect immediately before
2 the effective date of this Act.

3 SECTION 13. Regardless of when an individual was first
4 appointed to the position, an individual is not eligible to hold the
5 position of program director under Section 434.352(c), Government
6 Code, as amended by this Act, after December 1, 2019, unless the
7 individual satisfies the eligibility requirements under Section
8 434.3525, Government Code, as added by this Act.

9 SECTION 14. This Act takes effect September 1, 2019.