By:  Hancock S.B. No. 1859

(In the Senate - Filed March 8, 2023; March 20, 2023, read first time and referred to Committee on Veteran Affairs; April 5, 2023, reported favorably by the following vote: Yeas 6, Nays 0; April 5, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hancock         X

Parker          X

Blanco          X

Eckhardt                  X

Gutierrez       X

Hall            X

Sparks          X

A BILL TO BE ENTITLED

AN ACT

relating to benefits and services for veterans and certain other related benefits.

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

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

(a)  The commission shall adopt procedures for administering claims assistance services under Section 434.007(a)(5). The procedures must [~~shall~~] include:

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

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

(A)  is in immediate need;

(B)  is terminally ill;

(C)  has a verifiable financial hardship; or

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

(3)  a procedure for advising [~~counseling~~] veterans on the potential merits or drawbacks of pursuing a claim;

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

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

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

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

(c)  The commission shall regularly evaluate claims assistance services staffing to determine where advisors [~~counselors~~] and special team staff are most needed. The evaluation must include the:

(1)  workload of staff;

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

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

(e)  The commission shall regularly collect detailed information on the outcome of claims and use that information to evaluate and improve claims assistance services. The commission, 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.

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

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

(b)  [~~The performance incentive award may be monetary or nonmonetary.~~

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

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

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

(1)  each veterans county service officer; and

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

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

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

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

SECTION 4.  Section 434.153, Government Code, is amended to read as follows:

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

(1)  the Texas Veterans Commission;

(2)  the Veterans' Land Board;

(3)  the Texas Military Department;

(4)  the Health and Human Services Commission;

(5)  the State Bar of Texas;

(6)  the office of acquired brain injury of the Health and Human Services Commission;

(7)  the Department of State Health Services;

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

[~~(9)  the Department of Assistive and Rehabilitative Services;~~

[~~(10)~~]  the Department of Family and Protective Services;

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

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

(11) [~~(13)~~]  the Texas Higher Education Coordinating Board;

(12) [~~(14)~~]  the Texas Department of Licensing and Regulation;

(13) [~~(15)~~]  the Department of Public Safety;

(14) [~~(16)~~]  the Texas Department of Criminal Justice;

(15) [~~(17)~~]  the Commission on Jail Standards;

(16) [~~(18)~~]  the Texas Commission on Law Enforcement [~~Officer Standards and Education~~];

(17) [~~(19)~~]  the Texas Department of Housing and Community Affairs;

(18) [~~(20)~~]  the Texas Department of Transportation;

(19) [~~(21)~~]  the Texas Department of Motor Vehicles; and

(20) [~~(22)~~]  the Office of Public Utility Counsel.

SECTION 5.  The following provisions are repealed:

(1)  Section 54.344, Education Code;

(2)  Section 434.0072, Government Code;

(3)  Section 434.0078(f), Government Code; and

(4)  Section 434.106, Government Code.

SECTION 6.  This Act takes effect September 1, 2023.

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