

BILL ANALYSIS

Senate Research Center

S.B. 601
By: Hall et al.
Veteran Affairs & Border Security
6/11/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Veterans Commission (TVC) is the state's main advocate for the 1.6 million veterans residing in Texas. TVC supports veterans and their families by providing direct services as well as technical assistance, training, and grant funding to organizations that help veterans. TVC is subject to abolishment under the Sunset Act on September 1, 2019, unless continued by the legislature.

The Sunset Advisory Commission found TVC works diligently to fulfill its many legislative mandates. However, the commission's recommendations are meant to push the agency out of a business-as-usual mentality and strive toward continuous improvement. The commission recommends having the agency set clear goals and performance targets, collect information to accurately measure impact to veterans, and better plan for future veteran needs across all its programs, especially its claims counseling and grant programs. Other recommended changes would help modernize the agency's customer service and more cost-effectively target the agency's training resources to employees and partners that need it most.

Major Provisions in Sunset Legislation

- Continues TVC for 12 years, until 2031. (Page 1, Lines 7-9)
- Requires TVC to annually create, set priorities for, and evaluate meaningful outcome measures for all its programs. (Page 4, Line 9 to Page 5, Line 2)
- Requires TVC to track, evaluate, and strategically adjust claims staffing and special teams, and better track and analyze claims outcome data to guide program success. (Page 6, Line 10 to Page 7, Line 15)
- Removes a statutory military service requirement for veteran county service officers (VCOSOs), but adds a statutory requirement for a veterans preference for VCOSOs and require counties to adopt their own veterans preference policies for VCOSOs. (Page 8, Lines 2-17)
- Requires TVC's executive director to create a training manual for commission members and requires commission members to acknowledge receipt of the manual. (Page 2, Lines 7-13) (Original Author's/Sponsor's Statement of Intent)

S.B. 601 amends current law relating to the continuation and functions of the Texas Veterans Commission.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 434.002(a), Government Code, as follows:

- (a) Provides that the Texas Veterans Commission (TVC) is subject to Chapter 325 (Texas Sunset Act). Provides that, unless continued in existence as provided by that chapter, TVC is abolished September 1, 2031, rather than September 1, 2019.

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

(b) Makes nonsubstantive changes and creates Subdivision (4)(A) from existing text. Requires the training program for a person who is appointed to and qualifies for office as a member of TVC to provide the person with information regarding:

(1) the law governing TVC operations, rather than the legislation that created TVC;

(2)–(3) makes no changes to these subdivisions;

(4) the requirements of:

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

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

(5) makes a nonsubstantive change to this subdivision; and

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

(d) Requires the executive director of TVC (executive director) to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each member of TVC. Requires each member of TVC to sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 3. Amends Section 434.007, Government Code, as follows:

Sec. 434.007. DUTIES. (a) Creates this subsection from existing text and makes a nonsubstantive change. Requires TVC to:

(1)–(9) makes no changes to these subdivisions;

(10)–(11) makes nonsubstantive changes to these subdivisions;

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

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

(14) establish success measures and corresponding targets for each program administered by TVC and report the program's progress in meeting the measures and targets in any annual internal report for that program and in TVC's strategic plan under Section 2056.002 (Strategic Plans).

(b) Requires TVC, in setting priorities under Subsection (a)(12), to consider the existing strategic plan under Section 2056.002 and the needs assessment under Section 434.017(c-1) (relating to an assessment of needs and services), complaint data, performance outcomes, veteran survey results, staff input, and any other available information.

SECTION 4. Amends Section 434.0078, Government Code, by amending Subsection (a) and adding Subsections (c), (d), (e), and (f), as follows:

(a) Requires TVC to adopt procedures for administering claims assistance services under Section 434.007(a)(5), rather than Section 434.007(5).

(c) Requires TVC to regularly evaluate claims assistance services staffing to determine where counselors and special team staff are most needed. Requires the evaluation to include the workload of staff, the number of veterans denied claims assistance services, and the quality of claims prepared at each of the claims assistance services offices.

(d) Requires TVC to regularly evaluate the needs and performance of any special claims assistance resources provided by the legislature, including the state strike force team and the fully developed claims team, and to request to adjust staffing for those resources as appropriate.

(e) Requires TVC to regularly collect detailed information on the outcome of claims and to use that information to evaluate and improve claims assistance services. Requires TVC, at a minimum, to 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 Veteran Affairs (VA);

(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 VA.

(f) Requires TVC, in documenting the success rate of claims and appeals as required by Subsection (e), to include in a consolidated report each claim, the corresponding decision made by the VA, and the status and outcome of any appeal.

SECTION 5. Amends Section 434.017, Government Code, by adding Subsection (c-4) to require TVC to publish the most recent needs assessment under Subsection (c-1) on TVC's Internet website.

SECTION 6. Amends Section 434.033, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Deletes existing Subdivision (3) requiring a person to have certain service experience or fit certain other criteria to be appointed as an officer of a veterans county service office and makes nonsubstantive changes.

(b-1) Requires the commissioners court of a county, in appointing an officer, to give preference to a veteran who qualifies for a veteran's employment preference under Chapter 657 (Veteran's Employment Preferences). Requires a commissioners court to adopt and implement a county policy to give preference in appointing officers to veterans.

SECTION 7. Amends Section 434.352(c), Government Code, as follows:

(c) Makes a nonsubstantive change. Requires the executive director, subject to Section 434.3525, to appoint a program director to administer the mental health program for veterans.

SECTION 8. Amends Subchapter H, Chapter 434, Government Code, by adding Section 434.3525, as follows:

Sec. 434.3525. MENTAL HEALTH PROGRAM DIRECTOR ELIGIBILITY. Requires an individual, to be eligible for appointment under Section 434.352(c), to:

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

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

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

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

SECTION 9. Repealer: Section 434.033(c) (relating to service experience requirements for veterans county service officers), Government Code.

SECTION 10. (a) Provides that, except as provided by Subsection (b) of this section, Section 434.0061, Government Code, as amended by this Act, applies to a member of TVC who is appointed before, on, or after the effective date of this Act.

(b) Provides that a member of TVC who, before the effective date of this Act, completed the training program required by Section 434.0061, Government Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 434.0061, Government Code, as amended by this Act. Prohibits a TVC member described by this subsection from voting, deliberating, or being counted as a member in attendance at a meeting of TVC held on or after December 1, 2019, until the member completes the additional training.

SECTION 11. Requires TVC, not later than December 1, 2019, to complete the initial annual evaluation of and set priorities for each program administered by TVC as required by Section 434.007(a)(12), Government Code, as added by this Act.

SECTION 12. (a) Requires TVC, not later than December 1, 2019, to establish success measures and corresponding targets for each program administered by TVC as required by Section 434.007(a)(14), Government Code, as added by this Act.

(b) Requires TVC, not later than February 1, 2020, to include the success measures and corresponding targets described by Subsection (a) of this section and any preliminary data from those measures in any annual internal reports for those programs.

(c) Requires TVC, not later than June 1, 2020, to include in TVC's strategic plan under Section 2056.002, Government Code, the success measures and corresponding targets described by Subsection (a) of this section.

SECTION 13. Makes application of Section 434.033, Government Code, as amended by this Act, prospective.

SECTION 14. (a) Makes application of Section 434.3525, Government Code, as added by this Act, prospective with respect to an individual appointed to the position of program director under Section 434.352(c), Government Code, as amended by this Act, subject to Subsection (b) of this section.

(b) Provides that an individual appointed to the position of program director under Section 434.352(1), Government Code, before the effective date of this Act is not eligible to hold the position after September 1, 2021, unless the individual satisfies the eligibility requirements under Section 434.3525, Government Code, as added by this Act, on or before September 1, 2021.

SECTION 15. Effective date: September 1, 2019.