



Texas Veterans Commission

Staff Contact: Kelly Kennedy

H.B. 3426 Flynn, et al. (Shapleigh)

Summary

The Texas Legislature established the Texas Veterans Commission (TVC) in 1927 as the lead state agency for veterans affairs, providing benefit information and assistance to Texas veterans. For nearly 80 years, TVC focused solely on providing claims assistance and benefit information for veterans filing claims with the U.S. Department of Veterans Affairs (VA), until 2005, when the Legislature transferred the Veterans Employment Services program from the Texas Workforce Commission to TVC. In addition, in 2006, TVC was designated by the Governor as the State Approving Agency for Veterans' Education, instead of the Workforce Commission. Today, TVC administers its programs with a budget of about \$15.3 million, derived from General Revenue and federal funds, and a staff of more than 300, most of whom are located in field offices throughout the state.

House Bill 3426 continues TVC for six years and contains the Sunset Commission's recommendations to help focus the agency's efforts to meet the demands of today's returning veterans. The list below summarizes the major provisions of H.B. 3426, and a more detailed discussion follows.

Sunset Provisions

1. Continue the Texas Veterans Commission for six years.
2. Improve TVC's rulemaking process, enabling the agency to respond to changes in its mission and the veterans it serves.
3. Provide TVC with management tools needed to ensure the highest quality claims counseling and representation services for Texas' veterans.
4. Strengthen the TVC's relationship with county service officers to more effectively reach veterans at the local level.

Sunset Provision Adopted in Other Legislation

1. Require TVC and the Veterans' Land Board to coordinate a statewide approach to making Texas veterans aware of available benefits and services.

Sunset Provisions

1. Continue the Texas Veterans Commission for six years.

The Legislature modified H.B. 3426 to continue TVC as an independent state agency for six years, instead of four, allowing the Commission additional time to assume its new functions – operating the Veterans Employment Services program and acting as the State Approving Agency for Veterans' Education – while providing the Legislature an opportunity to re-evaluate the Commission's progress and performance, before the standard 12-year Sunset renewal period.

2. Improve TVC's rulemaking process, enabling the agency to respond to changes in its mission and the veterans it serves.

The bill requires TVC to develop a process for providing stakeholders with the opportunity for a stronger role in the development of agency rules and policies, and for appointing advisory committees under the agency's delegated authority provided in the Administrative Procedure Act. If the Commission chooses to appoint advisory committees, the Commission must adopt rules regarding these committees, including rules that govern the purpose, role, and goals of the committee; size and quorum requirements; and qualifications of the members and selection criteria.

3. Provide TVC with management tools needed to ensure the highest quality claims counseling and representation services for Texas' veterans.

House Bill 3426 requires TVC to develop criteria, subject to the Commission's approval, to improve and streamline the claims assistance process. The standard procedures for helping veterans file claims must include:

- ◆ criteria for assessing the completeness and legal sufficiency of claims;
- ◆ a process for expediting claims based on specified needs and hardships;
- ◆ procedures for counseling veterans on merits and potential drawbacks of pursuing claims;
- ◆ steps needed to ensure adequate documentation and development of a claim;
- ◆ criteria for evaluating whether to appeal the VA's benefit; and
- ◆ a requirement to report to the VA on claims known to contain false or deceptive information.

The bill also requires TVC to consult with the VA when developing these procedures to ensure that agency staff are not improperly involved in adjudicating claims. Additionally, in assessing cases, TVC must better prioritize its efforts to help veterans with claims when appropriate, and help veterans find alternative sources for obtaining claims assistance services as necessary.

House Bill 3426 also requires TVC to work with the VA to establish broad areas of cooperation between the agencies to help streamline, and more closely align TVC's service delivery with the VA's own processes, such as expediting hardship cases and appeals, and providing needed data to better track the status and outcomes of claims.

4. Strengthen the TVC's relationship with county service officers to more effectively reach veterans at the local level.

House Bill 3426 requires TVC to more closely coordinate with county service officers (CSOs), and the county officials who oversee them. The bill requires the Commission to develop and adopt procedures that address broad areas of cooperation between the Commission, CSOs, and counties in serving veterans, and TVC's responsibilities in overseeing claims and appeals prepared by CSOs. The Legislature modified the provision to clarify that TVC does not have oversight authority over CSOs and that information about claims filed by CSOs will only be provided to county officials upon request. The Legislature also modified the provision to clarify that TVC employees providing technical assistance to CSOs will only review claims filed by CSOs where TVC acts as the veteran's agent under power of attorney.

The bill also requires TVC to develop and adopt standard course materials and exams for CSO certification and accreditation. The agency must maintain and regularly update its course materials, keeping all materials in a central location and providing easy accessibility to all field staff and CSOs via the Internet. In creating this curriculum, TVC must consult with the VA to ensure the training material is accurate, up-to-date, and meets the VA's requirements. TVC must also seek input from accredited CSOs, who work as an extension of TVC, to ensure that training topics cover veterans' issues emerging at the local level.

Finally, H.B. 3426 removes the statutory requirement for CSOs to attend at least one training conference each year and requires TVC to develop alternative ways of ensuring that CSOs meet initial and annual training requirements, including Internet-based seminars, via videoconference, or in cooperation with training conducted by the VA. The bill also requires TVC to develop a training handbook containing practical instruction and case examples regarding how to best serve the needs of veterans and their families while accurately supporting, completing, and filing claims; checking the claims progress; and pursuing appeals as necessary.

Sunset Provision Adopted in Other Legislation

1. Require TVC and the Veterans' Land Board to coordinate a statewide approach to making Texas veterans aware of available benefits and services.

The Legislature did not adopt as part of H.B. 3426 the provision requiring TVC and the Veterans' Land Board to coordinate development of an outreach strategy that offers veterans information about all benefits and services available to them. However, House Bill 3140, the Veterans' Land Board Sunset bill, contains provisions, modified by the Legislature, that apply to both the Veterans' Land Board and the Veterans Commission, and address the need to coordinate statewide outreach to Texas veterans.

Fiscal Implication Summary

House Bill 3426 will not have a significant fiscal impact to the State.