

SUBJECT: Continuing the Texas Veterans Commission

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 6 ayes — Flynn, Tinderholt, Lopez, Lozano, Reynolds, Romero

0 nays

3 absent — Ashby, Hinojosa, Ramos

SENATE VOTE: On final passage, April 4 — 31-0

WITNESSES: *On House companion bill, HB 1327:*

For — (*Registered, but did not testify:* Lee Johnson, Texas Council of Community Centers)

Against — Manuel Jimenez, ATX Veterans; Zach Migura, Veterans County Service Officers Association of Texas; Steven Price, The Voices of Our Veterans; Fidel Acevedo; Bryan Register

On — Tamara Aronstein, Sunset Advisory Commission; (*Registered, but did not testify:* Jim Brennan, Texas Coalition of Veterans Organizations; Thomas Palladino, Texas Veterans Commission)

BACKGROUND: The Texas Veterans Commission (TVC) was created in 1927 by the Legislature as a division of the Adjutant General's Department and was made an independent agency in 1947. Its mission is to support Texas veterans and their families by providing direct services and technical assistance, training, and grant funding to organizations that help veterans.

Functions. TVC assists veterans and their families in filing claims for benefits from the U.S. Department of Veterans Affairs (VA), helps them find jobs and start businesses, oversees educational programs that receive federal GI Bill funds, awards grant funding to organizations that support veterans and their families, connects veterans and their families to health care services and other resources, and provides training and technical

assistance to community partners that serve veterans.

Governing structure. The commission is governed by a five-person board whose members are appointed by the governor to staggered six-year terms. At least three members must be honorably discharged from active service in the U.S. military, and at least one member must be a disabled veteran. Four advisory committees give input and recommendations on the grant program, veterans county service officers, veterans employment and training, and communication and outreach.

Funding. TVC took in about \$55.9 million in fiscal 2017 and spent the same amount. About \$27.1 million in funding came from general revenue funds, \$16.1 million from the lottery-funded Fund for Veterans' Assistance, \$10.2 million from federal funds, and \$2.4 million from interagency contracts.

Staffing. The commission's staff consists of 380 employees, including 80 in its Austin headquarters, 151 in local workforce development boards under the Texas Workforce Commission, and 127 working as benefit claims counselors in VA hospitals and clinics.

Veterans county service officers. State law requires counties with populations of 200,000 or more to appoint a veterans county service officer whose duties are to help process and submit claims to the VA. To be appointed as an officer, a person must meet certain criteria laid out in Government Code ch. 434, subch. B. There currently are 256 veteran county service officers in Texas.

The Texas Veterans Commission would be discontinued September 1, 2019, unless continued in statute.

DIGEST: CSSB 601 would continue the Texas Veterans Commission (TVC) until September 1, 2031, and would require the commission to set goals for and measure the performance of its staff, annually evaluate its programs, issue reports on claims decisions, add eligibility requirements for appointment as the director of the mental health program for veterans, and expand its

training program for commission members. The bill also would allow county commissioners courts to appoint individuals who did not meet certain existing criteria for appointment as veterans county service officers under certain circumstances.

Duties. CSSB 601 would require TVC to:

- annually evaluate and set priorities for each program it administered to meet the changing needs of veterans in Texas;
- annually set concrete goals for staff and measure performance; and
- establish success measures and corresponding targets for each program it administered and report the program's progress in meeting these measures and targets in any annual internal report for that program and the commission's strategic plan.

In setting priorities for staff, TVC would have to consider its strategic plan, the needs assessment, complaint data, performance outcomes, veteran survey results, staff input, and any other available information.

Evaluations. The commission would be required to evaluate claims assistance services staffing regularly to determine where counselors and special team staff were most needed. Evaluations would have to include the staff workload, number of veterans who requested but did not receive claims assistance the same day, percentage of these veterans who received assistance at a later date, and quality of claims prepared at each of the claims assistance services offices.

TVC would have to evaluate regularly 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 request to adjust staffing for these resources as appropriate.

The commission would be required to regularly collect detailed information on the outcome of claims and use that information to evaluate and improve claims assistance services. At a minimum, the commission would have to track and evaluate for each claims district:

- the quality of claims submitted to the state strike force team;
- the percentage of claims developed through claims assistance services that were processed as fully developed claims by the U.S. Department of Veterans Affairs (VA);
- the success rate of claims and appeals developed through claims assistance services; and
- the average processing time for claims and appeals by the VA.

By December 1, 2019, TVC would have to complete the initial annual evaluation and set priorities, success measures, and corresponding targets for each program it administered. The commission would have to include the success measures and corresponding targets and any preliminary data from those measures in any annual internal reports for the relevant programs by February 1, 2020. TVC would have to include these measures and targets in its strategic plan by June 1, 2020.

Reports. TVC would have to create a consolidated report that included each claim, the corresponding decision by the VA, and the status and outcome of any appeal. The commission also would be required to publish its most recent needs assessment on its website.

Veterans county service officers. Before selecting an individual for an appointment as a veterans county service officer or assistant officer, a commissioners court that operated and maintained a veterans county service office would be required to solicit applications from individuals interested in the appointment. In soliciting applications, a commissioners court would have to post notice for at least 30 consecutive days on the TVC website and on the online system for listing state agency employment openings maintained by the Texas Workforce Commission (TWC).

If a commissioners court was unable to appoint an individual who met current statutory requirements for becoming a veterans county service officer, the commissioners court could appoint an individual who did not meet those requirements if the commissioners court provided to TVC:

- certified letters from local chapters of the Veterans of Foreign Wars and the American Legion stating that the commissioners court solicited applications from members of those chapters; and
- proof that the commissioners court posted notice soliciting applications on the commission's website and on the TWC online system for state employment openings for at least 90 days.

An individual whose appointment was approved by TVC under the above circumstances would be eligible for certification as a veterans county service officer if the individual satisfied training and certification requirements in current law.

These provisions would apply only to the appointment of an officer that occurred on or after the bill's effective date.

Mental health program director eligibility. CSSB 601 would add eligibility requirements for a director of the mental health program for veterans. Under the bill, an individual would have to:

- have at least a master's degree in a recognized mental health field;
- be licensed in Texas to practice a mental health profession;
- 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;
- have experience in providing mental health services with primary care teams, with preference given to a candidate with at least four years of that experience;
- have experience in providing population-based care, with preference given to a candidate with at least two years of that experience; and
- have experience in providing trauma-informed care, with preference given to a candidate with at least two years of that experience.

An individual would not be eligible to hold the position of director of the

mental health program for veterans after December 1, 2019, if the individual did not meet the eligibility requirements added by the bill.

Training. CSSB 601 would apply standard Sunset recommendations to TVC regarding updates to commission member training.

The bill would take effect September 1, 2019.

SUPPORTERS
SAY:

CSSB 601 would enable the Texas Veterans Commission (TVC) to better serve Texas veterans by continuing the agency and by implementing recommendations made by the Sunset Advisory Commission.

Evaluation and reporting. The bill would allow TVC to better serve veterans in the state by requiring the commission to set performance goals for its staff, monitor staff performance, establish success measures and targets, and evaluate its claims assistance services staffing. Providing assistance to veterans in filing claims with the U.S. Department of Veterans Affairs (VA) is an essential part of the commission's responsibilities towards veterans. Requiring TVC to collect data on claims success and feedback from veterans would ensure that veterans were served with the highest possible levels of competency and efficiency.

Requiring the commission to publish its claims evaluation report and its veterans' needs assessment would ensure that all stakeholders benefited from this information while setting the priorities for TVC programs. Additionally, requiring TVC to create performance goals and provide updates on these goals would help the commission gauge its success in assisting veterans and help it identify areas for improvement.

Veterans county service officers. CSSB 601 would provide claims services to more veterans in the state by allowing county commissioners courts to appoint non-veterans as county service officers in certain cases. Twelve counties in the state reported difficulty in finding eligible candidates for veterans county service officers. While veteran peer-to-peer service is the ideal, veterans in certain counties could miss out on needed claims assistance if no county officer could be appointed that fit current

requirements. The bill would remedy this problem by enabling certain non-veterans to serve in these roles, provided that they possessed the requisite knowledge of the VA claims process. This change also would align eligibility standards for veterans county service officers with those at TVC, the U.S. Department of Veterans Affairs, and nonprofits serving veterans in Texas.

The bill would ensure that veterans were always given preference for appointment as a county service officer by requiring a county commissioners court to publicize the open position on the TVC and Texas Workforce Commission websites and to consult with local chapters of the Veterans of Foreign Wars and the American Legion.

Training. CSSB 601 would ensure that all members of TVC were cognizant of best practices in good government by requiring training and the creation of a training manual. This would allow the commission to prevent problems from arising in administering its programs and services, rather than reacting to problems after they arose.

OPPONENTS
SAY:

CSSB 601 should not allow non-veterans to serve as veterans county service officers due to the special nature of the veteran experience and the knowledge of military service that comes only from having served. Removing the veteran-to-veteran aspect of county veterans service offices could undermine veteran confidence in the claims process and the trust between claims assistants and veterans.

The problem of a shortage of veterans could be solved by providing greater state funding for county programs or by allowing Gold Star fathers and spouses to serve as veterans service county officers rather than by lowering the standards for veterans county service officers.