

CHAPTER 266

S.B. No. 398

An Act relating to changing the name of the Veterans Affairs Commission to the Texas Veterans Commission; amending Article 5787, Revised Statutes, as amended, by amending Subsection (b), Section (1), and the section heading and Subsections (b), (b-1), (c), (e), and (f), Section 3; amending Subdivision (7), Section 162.001, Natural Resources Code; and amending Subsection (a), Section 3, and Subsection (b), Section 10, Chapter 874, Acts of the 67th Legislature, Regular Session, 1981, as amended (Article 4447w, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivision (7), Section 162.001, Natural Resources Code, is amended to read as follows:

"(7) 'Commission' means the *Texas Veterans* [~~Veterans Affairs~~] Commission."

SECTION 2. Subsection (a), Section 3, Chapter 874, Acts of the 67th Legislature, Regular Session, 1981, as amended (Article 4447w, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The department shall compile and evaluate information submitted under this Act into a report to be distributed annually to members of the legislature and to the Veterans Administration, the *Texas Veterans* [~~Affairs~~] Commission, and other veterans' groups. The report shall contain statistical information and current research findings on the effects of exposure to chemical defoliant or herbicides or other causative agents, including Agent Orange."

SECTION 3. Subsection (b), Section 10, Chapter 874, Acts of the 67th Legislature, Regular Session, 1981 (Article 4447w, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The committee is composed of 12 members. One member is the Attorney General of the State of Texas or his designee, one member is the chairman of the *Texas Veterans* [~~Affairs~~] Commission or his designee, and one member is the chairman of The University of Texas Agent Orange project. The commissioner of health shall appoint 9 members as follows:

"(1) five members must be researchers from The University of Texas System who are expert in the fields of cytogenetic evaluations, birth defects, sperm analyses, immunological studies, neurological studies, or other specialty relevant to the purposes of this Act whose knowledge may contribute to the implementation of this Act;

"(2) one member must represent the Veterans' Administration hospitals in this state; and

"(3) three members must be veterans who served in Vietnam, Cambodia, or Laos during the Vietnam conflict."

SECTION 4. Subsection (b), Section 1, Article 5787, Revised Statutes, as amended, is amended to read as follows:

"(b) Appointment of officers, term, qualifications. Such Veterans County Service Officer and/or Assistant Veterans County Service Officers, shall, if so appointed, serve for the remainder of the current county fiscal year during which they are appointed and thereafter shall be appointed for and serve for, a term of two (2) years, unless sooner removed for cause by the appointing authority. Such Veterans County Service Officer and such Assistant Veterans County Service Officer shall be qualified by education and training for the duties of such office. They shall be experienced in the law, regulations, and rulings of the United States Veterans Administration controlling cases before them, and shall themselves have served in the active Military, Naval or other Armed Forces or Nurses Corps of the United States or Canada

during the Spanish American War, World War I, World War II, the Korean War (commonly referred to as the Korean Conflict or the Korean Police Action) or during the period from July 1953 through the Viet Nam conflict, for a period of at least four (4) months or, if less than four (4) months have a service-connected disability, and have been honorably discharged from such service, or a widowed Gold Star Mother or un-remarried widow of a serviceman or veteran whose death resulted from service, and shall have been given a certificate of approval by the Texas Veterans [Affairs] Commission, and/or a letter of approval from the State Commander of a veterans organization chartered by Congress; provided however, that lack of such certificate or letter shall not disqualify a person otherwise qualified. A statement showing that applicant possess the above necessary qualifications shall be filed with the county Commissioners Court at or before the time said appointments are made, and the filing thereof shall be a condition precedent to such appointment."

SECTION 5. The section heading of Section 3, Article 5787, Revised Statutes, is amended to read as follows: "TEXAS VETERANS [AFFAIRS] COMMISSION."

SECTION 6. Subsections (b), (b-1), (c), (e), and (f), Section 3, Article 5787, Revised Statutes, as amended, are amended to read as follows:

"(b) Creation, membership: There is hereby created and established by this Act *the Texas [; a] Veterans [Affairs] Commission [of the State of Texas]*. The Commission shall be composed of six (6) members who shall be appointed by the Governor, with the advice, consent and confirmation of the Senate. Appointments to the Commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees. The members of the Commission shall be citizens and bona fide residents of the State of Texas, and at least four (4) members of the Commission shall have been honorably discharged or honorably released from active military service of the United States. At all times at least one member of the Commission shall be a person who is classified as a disabled veteran by the Veterans Administration of the United States or the successor to that agency or by the branch of the Armed Forces of the United States in which he served, and whose disability is service-connected and compensable. No member of the Commission shall have a discharge from military service that is less than honorable. No two (2) members of the Commission shall reside in the same Senatorial District, and not more than one (1) shall be from a Senatorial District composed of one (1) county. A person who, because of his activities on behalf of a veterans association, is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as a member of the Commission or act as the general counsel to the Commission. Members shall be appointed for staggered terms of six (6) years. Each member shall serve until the appointment and qualification of his successor. Each member of the Commission is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the Commission. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as prescribed by the General Appropriations Act.

"(b-1) The Texas Veterans [Affairs] Commission [of the State of Texas] is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1993. The Commission is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

"(c) Duties. It shall be the duty of the Commission to:

"(1) Make a compilation of the laws, federal, state and local, enacted for the benefit of members of the Armed Forces; for veterans and their families and dependents; collect data and information as to services and facilities available to veterans; to cooperate with veterans service agencies throughout the state; to inform members of the Armed Forces, veterans, their families and dependents, and military and civilian authorities regarding the existence or availability of (i) educational training and re-training facilities; (ii) health, medical, rehabilitation and housing services and facilities; (iii) employment and re-employment services; (iv) provisions of federal, state and local laws affording rights, privileges, and benefits to members of the Armed Forces, veterans, their families, and dependents; and (v) other matters of similar, related or appropriate nature.

"(2) Assist veterans and their families and dependents in presentation, proof and establishment of such claims, privileges, rights and other benefits as they may have under federal, state or local laws.

"(3) Cooperate with all national, state and local governmental and private agencies securing services or any benefits to veterans, their families and dependents.

"(4) Investigate abuses or exploitation of veterans, their families or dependents, to correct where possible, and to recommend legislation where necessary for full correction.

"(5) Coordinate the services and activities of all state departments or divisions having services and resources affecting veterans, their families or their dependents.

"(6) Cooperate with and assist in training of county service officers. No fees, either directly or indirectly, shall be charged applicant for any service rendered by the *Texas Veterans [Affairs] Commission*, nor shall the Commission permit the payment of any fee by applicant to any third person for services that may be rendered."

"(e) Offices and expenses. Suitable offices and office equipment shall be provided by the State of Texas for the *Texas Veterans [Affairs] Commission* in the City of Austin. The Commission may incur the necessary expenses for office furniture, stationery, printing, incidentals, and other expenses necessary to perform its work, and sufficient office personnel, stenographers, typists, and clerical help shall be employed to maintain the efficient operation of the office. The Commission shall be authorized to pay the expenses provided in paragraph (e) hereof from the appropriation hereinafter transferred to the Commission.

"(f) Executive Director. The Commission shall employ a well-qualified Executive Director. He shall be appointed with due regard to his fitness by past experience and training and should be well-qualified to administer the policies of the Commission. He shall devote his entire time to the duties of the office, as prescribed by this Act, and shall not actively engage or be employed in any other business, vocation, or profession while serving as Executive Director. The Director shall be responsible for placing into operation the policies and instructions promulgated by the *Texas Veterans [Affairs] Commission*, and shall serve as Executive Officer of the Commission, but he shall not have the power to vote. The Director shall be in charge of the offices of the Commission, shall direct the paid personnel of the Commission, and be responsible to the Commission for all reports, data, and so forth, required by the Commission."

SECTION 7. This Act takes effect September 1, 1985.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 20, 1985, by a viva-voce vote; passed the House on May 16, 1985, by a non-record vote.

Approved: June 5, 1985

Effective: September 1, 1985