

BILL ANALYSIS

Senate Research Center

S.B. 1655
By: Van de Putte
Veteran Affairs & Military Installations
9/2/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Veterans Commission (TVC) is a state agency whose mission is to provide superior service through agency programs of claims assistance, employment services, and education that will significantly improve the quality of life of Texas veterans and their families. The fundamental ingredient to quality is a dedicated, professional, well-trained, and well-paid work force, provided at the state, local workforce development areas, and the county levels. This workforce and the service it provides must be readily available to the population it serves. The services must be tailored to the needs of veterans and their families. To this end, TVC must take the lead in coordinating efforts of service providers, sharing of resources, providing innovative and effective training, and developing a partnership with other levels of government to achieve the highest quality of service in assisting the veterans, their families, and their survivors.

Recently, TVC grew from fewer than 100 employees to more than 300, growth which included the addition of two programs. It is because of this growth that it is necessary to make modifications to enable changes that would allow TVC to meet the added responsibilities of the additional staff and programs.

S.B. 1655 amends current law relating to the organization, duties, and functions of TVC and to providing funding for assistance for veterans through a lottery game.

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 434.014(a), Government Code, to require that the career ladder program require that openings in all positions except entry level positions be posted within the Texas Veterans Commission (TVC) concurrently with any public posting, rather than for at least 10 days before they are posted for the public.

SECTION 2. Amends Subchapter A, Chapter 434, Government Code, by adding Section 434.0161 and 434.021, as follows:

Sec. 434.0161. USE OF FUNDS TO SUPPORT OUTREACH AND TRAINING. Authorizes TVC to use appropriated funds to purchase, for use at outreach and training functions, food and beverages and promotional items that include TVC's name and contact information to be distributed to veterans.

Sec. 434.021. CONFIDENTIAL INFORMATION RECEIVED BY THE COMMISSION. Provides that information received by TVC that is confidential under Chapter 552 (Public Information), remains confidential regardless of the format in which TVC maintains the information.

SECTION 3. Amends Sections 434.017(a) and (e), Government Code, as amended by Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular Session, 2007, as follows:

(a) Provides that the fund for veterans' assistance (fund) is composed of money transferred to the fund from proceeds of the lottery game operated under Section 466.027 or transferred to the fund under Section 466.408(b).

(e) Authorizes TVC to solicit, accept, or refuse a gift or grant of money, services, or property for any purpose related to the fund for veterans assistance. Deletes existing text authorizing the comptroller of public accounts to solicit and accept gifts and grants to the fund.

SECTION 4. (a) Amends Subchapter B, Chapter 466, Government Code, by adding Section 466.027, as follows:

Sec. 466.027. VETERANS' ASSISTANCE GAME. (a) Requires the Texas Lottery Commission (lottery commission) to operate an instant-ticket lottery game to benefit the fund established by Section 434.017, as amended by Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular Session, 2007.

(b) Requires the lottery commission to determine the ticket price, payout amounts, and manner in which the game is conducted; make tickets to the game available for sale continuously to the extent practicable; and change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the lottery commission.

(c) Requires the lottery commission to market and advertise the lottery game operated under this section in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund veterans programs in this state. Requires that the ticket clearly state that the game proceeds are used to benefit the veterans in this state. Authorizes TVC to make recommendations to the lottery commission relating to the marketing and advertising of the game.

(d) Requires the lottery commission to encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the game operated under this section.

(e) Provides that no organization that would otherwise be eligible to receive funds from the state lottery account attributable to any lottery game authorized by this section is authorized to receive any such funds if it conducts illegal gambling or the illegal operation of gambling devices as defined by Chapter 47 (Gambling), Penal Code, or allows illegal gambling or the illegal operation of gambling devices to be conducted on its property or in its facilities.

(b) Provides that this section takes effect only if S.B. 1969, Acts of the 81st Legislature, Regular Session, does not become law.

SECTION 5. (a) Amends Subchapter B, Chapter 466, Government Code, by adding Section 466.027, as follows:

Sec. 466.027. VETERANS' ASSISTANCE GAME. (a) Requires the Texas Lottery Commission (lottery commission) to operate an instant-ticket lottery game to benefit the fund established by Section 434.017.

(b) Requires the lottery commission to determine the ticket price, payout amounts, and manner in which the game is conducted; make tickets to the game available for sale continuously to the extent practicable; and change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the lottery commission.

(c) Requires the lottery commission to market and advertise the lottery game operated under this section in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund veterans programs in this state. Requires that the game tickets clearly state that the game proceeds are used to benefit the veterans in this state. Authorizes TVC to make recommendations to the lottery commission relating to the marketing and advertising of the game.

(d) Requires the lottery commission to encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the game operated under this section.

(e) Provides that no organization that would otherwise be eligible to receive funds from the state lottery account attributable to any lottery game authorized by this section is authorized to receive any such funds if it conducts illegal gambling or the illegal operation of gambling devices as defined by Chapter 47, Penal Code, or allows illegal gambling or the illegal operation of gambling devices to be conducted on its property or in its facilities.

(b) Provides that this section takes effect only if S.B. 1969, Acts of the 81st Legislature, Regular Session, becomes law.

SECTION 6. (a) Amends Section 466.355(b), Government Code, to authorize money in the state lottery account to be only used for certain purposes and is required to be distributed in a certain manner, including the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1)-(3), to be transferred on or before the 15th day of each month as follows:

(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veteran's assistance established by Section 434.017, as amended by Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular Session, 2007; and

(B) the remainder to the foundation school fund.

Makes a nonsubstantive change.

(b) Provides that this section takes effect only if S.B. 1969, Acts of the 81st Legislature, Regular Session, 2009, does not become law.

SECTION 7. (a) Amends Subsection (b), Section 466.355, Government Code, to authorize money in the state lottery account to be only used for certain purposes and is required to be distributed in a certain manner, including the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1)-(3), to be transferred on or before the 15th day of each month as follows:

(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veteran's assistance established by Section 434.017, as amended by Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular Session, 2007; and

(B) the remainder to the foundation school fund.

Makes a nonsubstantive change.

(b) Provides that this section takes effect only if S.B. 1969, Acts of the 81st Legislature, Regular Session, 2009, becomes law.

SECTION 8. Amends Section 466.408(b), Government Code, as follows:

(b) Requires that the prize money, if a claim is not made for prize money on or before the 180th day after the date on which the winner was selected, be used in the following order of priority:

(1) authorizing not more than \$20 million in prize money each year, subject to legislative appropriation, to be deposited to or appropriated from the Texas Department of Health (TDH) state-owned multicategorical teaching hospital account, which is an account in the general revenue fund;

(2) to provide that not more than \$5 million in prize money each year is authorized to be appropriated to the Health and Human Services Commission (HHSC) and is required to be used to support the provision of inpatient hospital services in hospitals located in the 15 counties that comprise the Texas-Mexico border area, with payment for those services to be not less than the amount established under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement methodology for the hospital providing the services;

(3) requiring that the remaining amount, not to exceed \$5 million in prize money in each state fiscal year less any amount deposited in the fund in that year attributable to the lottery game operated under Section 466.027, be deposited to the fund; and

(4) requiring that all prize money subject to this section and not appropriated from TDH state-owned multicategorical teaching hospital account, not appropriated to HHSC for the purpose specified in Subdivision (2), and not deposited under Subdivision 3, be deposited in the general revenue fund and is may be appropriated for any purpose as determined by the legislature, including the provision of indigent health care services as specified in Chapter 61 (Indigent Health Care and Treatment Act), Health and Safety Code.

Makes nonsubstantive changes.

SECTION 9. Amends Section 2167.001(b), Government Code, to provide that this chapter does not apply to space leased by TVC to administer the veterans employment services program. Makes a nonsubstantive change.

SECTION 10. (a) Makes application of Section 466.355, Government Code, as amended by this Act prospective.

(b) Requires the lottery commission to establish and begin selling tickets to the lottery game as required by Section 466.027, Government Code, as added by this Act, not later than March 2, 2010.

SECTION 11. Makes application of Section 2167.001(b), Government Code, of this Act prospective.

SECTION 12. Effective date: September 1, 2009.