

By: Flynn

H.B. No. 3140

Substitute the following for H.B. No. 3140:

By: Garcia

C.S.H.B. No. 3140

A BILL TO BE ENTITLED

AN ACT

relating to the review and functions of the Veterans' Land Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.001(a), Natural Resources Code, is amended by adding Subdivision (8) to read as follows:

(8) "Commission" means the Texas Veterans Commission.

SECTION 2. Section 161.0111, Natural Resources Code, is amended to read as follows:

Sec. 161.0111. SUNSET PROVISION. The Veterans' Land Board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2019 [~~2007~~] and every 12th year after 2019 [~~2007~~] are reviewed.

SECTION 3. Subchapter B, Chapter 161, Natural Resources Code, is amended by amending Sections 161.023 through 161.026 and adding Sections 161.0301, 161.034, 161.035, and 161.036 to read as follows:

Sec. 161.023. TRAINING [~~CONFLICTS OF INTEREST~~]. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with

1 information regarding:

2 (1) the legislation that created the board;

3 (2) the programs, functions, rules, and budget of the
4 board;

5 (3) the results of the most recent formal audit of the
6 board;

7 (4) the requirements of laws relating to open
8 meetings, public information, administrative procedure, and
9 conflicts of interest; and

10 (5) any applicable ethics policies adopted by the
11 board or the Texas Ethics Commission.

12 (c) A person appointed to the board is entitled to
13 reimbursement, as provided by the General Appropriations Act, for
14 the travel expenses incurred in attending the training program
15 regardless of whether the attendance at the program occurs before
16 or after the person qualifies for office. [An officer, employee, or
17 paid consultant of a veterans' association or of a trade
18 association in the field of real estate sales, brokerage, or
19 development may not be an employee of the board, nor may a person
20 who cohabits with or is the spouse of an officer, managerial
21 employee, or paid consultant of a veterans' association or of a
22 trade association in the field of real estate sales, brokerage, or
23 development be an employee of the board grade 17 and over, including
24 exempt employees, according to the position classification
25 schedule under the General Appropriations Act.]

26 Sec. 161.024. CONFLICTS OF INTEREST [~~LOBBYIST AS BOARD~~
27 ~~EMPLOYEE~~]. (a) In this section, "Texas trade association" means a

1 cooperative and voluntarily joined statewide association of
2 business or professional competitors in this state designed to
3 assist its members and its industry or profession in dealing with
4 mutual business or professional problems and in promoting their
5 common interest.

6 (b) A person may not be an appointed member of the board and
7 may not be a board employee employed in a "bona fide executive,
8 administrative, or professional capacity," as that phrase is used
9 for purposes of establishing an exemption to the overtime
10 provisions of the federal Fair Labor Standards Act of 1938 (29
11 U.S.C. Section 201 et seq.) if:

12 (1) the person is an officer, employee, or paid
13 consultant of a Texas trade association in the field of real
14 property sales, brokerage, or development; or

15 (2) the person's spouse is an officer, manager, or paid
16 consultant of a Texas trade association in the field of real
17 property sales, brokerage, or development.

18 (c) A person may not be an appointed member of the board or
19 act as the general counsel to the board if the person is required to
20 register as a lobbyist under Chapter 305, Government Code, because
21 of the person's activities for compensation on behalf of a
22 profession related to the operation of the board [~~who is required to~~
23 ~~register as a lobbyist under Chapter 305, Government Code, by~~
24 ~~virtue of his activities for compensation in or on behalf of a~~
25 ~~profession related to the operation of the board, may not act as the~~
26 ~~general counsel to the board].~~

27 Sec. 161.025. EQUAL PROTECTION FOR BOARD MEMBERS.

1 Appointments to the board shall be made without regard to the race,
2 color, disability [~~handicap~~], sex, religion, age, or national
3 origin of the appointees.

4 Sec. 161.026. REMOVAL OF BOARD MEMBER. (a) It is a ground
5 for removal from the board if an appointed member:

6 (1) does not have at the time of appointment the
7 qualifications required by Article III, Section 49-b, of the Texas
8 Constitution for appointment to the board;

9 (2) does not maintain during the service on the board
10 the qualifications required by Article III, Section 49-b, of the
11 Texas Constitution for appointment to the board;

12 (3) is ineligible for membership under Section
13 161.024;

14 (4) is unable to discharge his duties for a
15 substantial portion of the term for which he was appointed because
16 of illness or disability; or

17 (5) [~~4~~] is absent from more than one-half of the
18 regularly scheduled board meetings which the member is eligible to
19 attend during each calendar year, except when the absence is
20 excused by a majority vote of the board.

21 (b) The validity of an action of the board is not affected by
22 the fact that it was taken when a ground for removal of an appointed
23 member of the board existed.

24 (c) If the executive secretary has knowledge that a
25 potential ground for removal exists, the executive secretary [~~he~~]
26 shall notify the presiding officer [~~chairman~~] of the board of the
27 potential [~~such~~] ground. The presiding officer [~~chairman~~] of the

1 board shall then notify the governor and the attorney general that a
2 potential ground for removal exists. If the potential ground for
3 removal involves the presiding officer, the executive secretary
4 shall notify the next highest ranking officer of the board, who
5 shall then notify the governor and the attorney general that a
6 potential ground for removal exists.

7 Sec. 161.0301. INTERNAL AUDITOR. An internal auditor who
8 performs an audit function for the board shall:

9 (1) submit to the board any parts of the applicable
10 internal audit plan that relate to the board; and

11 (2) report to the board regarding the results of any
12 internal audits that relate to the board.

13 Sec. 161.034. COMPLAINTS. (a) The board shall maintain a
14 system to promptly and efficiently act on complaints filed with the
15 board. The board shall maintain information about parties to the
16 complaint, the subject matter of the complaint, a summary of the
17 results of the review or investigation of the complaint, and the
18 disposition of the complaint.

19 (b) The board shall make information available describing
20 its procedures for complaint investigation and resolution.

21 (c) The board shall periodically notify the complaint
22 parties of the status of the complaint until final disposition.

23 Sec. 161.035. USE OF TECHNOLOGY. The board shall implement
24 a policy requiring the board to use appropriate technological
25 solutions to improve the board's ability to perform its functions.
26 The policy must ensure that the public is able to interact with the
27 board on the Internet.

1 Sec. 161.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
2 RESOLUTION. (a) The board shall develop and implement a policy to
3 encourage the use of:

4 (1) negotiated rulemaking procedures under Chapter
5 2008, Government Code, for the adoption of board rules; and

6 (2) appropriate alternative dispute resolution
7 procedures under Chapter 2009, Government Code, to assist in the
8 resolution of internal and external disputes under the board's
9 jurisdiction, other than disputes governed by Section 161.311.

10 (b) The board's procedures relating to alternative dispute
11 resolution shall conform, to the extent possible, to any model
12 guidelines issued by the State Office of Administrative Hearings
13 for the use of alternative dispute resolution by state agencies.

14 (c) The board shall designate a trained person to:

15 (1) coordinate the implementation of the policy
16 adopted under Subsection (a);

17 (2) serve as a resource for any training needed to
18 implement the procedures for negotiated rulemaking or alternative
19 dispute resolution; and

20 (3) collect data concerning the effectiveness of those
21 procedures, as implemented by the board.

22 SECTION 4. Subchapter C, Chapter 161, Natural Resources
23 Code, is amended by amending Section 161.061 and adding Sections
24 161.076 through 161.079 to read as follows:

25 Sec. 161.061. GENERAL DUTIES OF BOARD. The board shall:

26 (1) authorize and execute negotiable bonds as provided
27 by law;

1 (2) provide by resolution for use of the fund in a
2 manner that will effectuate the intent of the constitution and the
3 law;

4 (3) prescribe the interest rates as provided by law;

5 (4) provide for the forfeiture of contracts of sale
6 and purchase and resale of forfeited land;

7 (5) conduct investigations it considers necessary;

8 (6) obtain and review any components of internal audit
9 plans that relate to board functions and approve those plans as
10 appropriate during public meetings of the board;

11 (7) obtain and review any internal audit reports that
12 relate to board functions and discuss those reports during public
13 meetings of the board; and

14 (8) [~~6~~] formulate policies and rules necessary and
15 not in conflict with the law to ensure the proper administration and
16 to carry out the intent and purposes of the law.

17 Sec. 161.076. MEMORANDUM OF UNDERSTANDING. (a) The board
18 shall enter into a memorandum of understanding with the commission.
19 The memorandum of understanding must specify the guidelines,
20 powers, and duties necessary for the board and the commission to
21 coordinate veterans benefits outreach activities.

22 (b) The memorandum of understanding must address board and
23 commission coordination with respect to the following veterans
24 benefits outreach activities:

25 (1) operation of a joint communications center;

26 (2) combined direct mail efforts;

27 (3) sharing veterans contact databases;

1 (4) dissemination of information through a joint
2 website and joint brochure;

3 (5) veterans benefits seminars; and

4 (6) any other veterans benefits outreach activity
5 determined by the board and the commission to be appropriate for
6 coordination by those agencies.

7 (c) The memorandum of understanding must identify the joint
8 and separate powers and duties of the board and the commission as
9 necessary to implement coordinated veterans benefits outreach
10 activities, including powers and duties relating to:

11 (1) reimbursements for coordinated activities;

12 (2) the management and funding of any collocated
13 employees and the cross-training of those employees;

14 (3) operating expenses associated with the
15 coordinated activities, including expenses relating to office
16 space, printing, and postage;

17 (4) the development and maintenance of a joint website
18 regarding veterans benefits and services;

19 (5) the development and dissemination of a joint
20 brochure regarding veterans benefits and services; and

21 (6) joint presentations at or sponsorship of veterans
22 benefits seminars.

23 (d) The memorandum of understanding must identify the
24 degree to which the board and the commission may operate
25 independent websites and disseminate independent information to
26 implement a veterans benefits outreach activity.

27 (e) The commission and the board shall periodically update

1 the memorandum of understanding and continue to explore additional
2 opportunities for coordination between the agencies regarding
3 their respective veterans benefits outreach activities.

4 (f) The commission and the board shall consider the
5 appropriate use of authorized bond proceeds and federal money to
6 ensure that each agency complies with applicable funding
7 constraints in entering into the memorandum of understanding.

8 Sec. 161.077. COMMUNICATIONS CENTER. (a) On behalf of the
9 board and the commission, the board shall operate a communications
10 center to provide information regarding the benefits and services
11 available to veterans of this state. The communications center
12 must be operated through the use of board and commission employees
13 who are cross-trained by the board and the commission as provided by
14 Subsection (e). The employees are under board supervision and
15 shall be compensated by their respective employing agencies.

16 (b) In operating the communications center, employees
17 shall:

- 18 (1) answer the veterans toll-free hotline;
19 (2) maintain and improve any existing veterans contact
20 databases and create additional databases as necessary; and
21 (3) engage in direct mail efforts to veterans, as
22 appropriate.

23 (c) As part of the direct mail efforts described by
24 Subsection (b)(3), communications center employees shall
25 coordinate to identify newly discharged veterans, promote benefits
26 seminars for veterans, and provide specific and current information
27 regarding the services available to veterans.

1 (d) Communications center employees have equal access to
2 the veterans contact databases maintained by the communications
3 center regardless of whether the communications center employees
4 are employees of the board or the commission.

5 (e) The board and the commission jointly shall cross-train
6 communications center employees to be knowledgeable and proficient
7 about the activities performed and services provided by the board
8 and the commission.

9 Sec. 161.078. WEBSITE; BROCHURE. (a) The board and the
10 commission jointly shall develop a single website and a single
11 hard-copy brochure that provide in a centralized, comprehensive,
12 and simplified format information about all available veterans
13 benefits and services.

14 (b) The single uniform resource locator (URL) for the
15 website must be easily identifiable and prominently indicated in
16 the brochure developed under this section.

17 (c) This section does not preclude the board or commission
18 from operating additional websites or disseminating other
19 information as determined appropriate by the board or the
20 commission, in accordance with the memorandum of understanding
21 provided under Section 161.076.

22 Sec. 161.079. BENEFITS SEMINARS. (a) To ensure that the
23 veterans of this state receive uniform information on all veterans
24 benefits and services available, the board and the commission
25 shall:

26 (1) jointly plan and provide state-sponsored veterans
27 benefits seminars; and

1 (2) coordinate the involvement of each agency in
2 seminars hosted for veterans by other organizations.

3 (b) Planning and coordination under this section must
4 ensure the consistent presentation of benefits and services
5 information by the board or the commission at seminars described by
6 this section.

7 SECTION 5. Not later than March 1, 2008, the Veterans' Land
8 Board shall enter into a memorandum of understanding with the Texas
9 Veterans Commission as required by Section 161.076, Natural
10 Resources Code, as added by this Act.

11 SECTION 6. The change in law made by Section 161.023,
12 Natural Resources Code, as amended by this Act, regarding training
13 for members of the Veterans' Land Board does not affect the
14 entitlement of a member serving on the board immediately before
15 September 1, 2007, to continue to serve and function as a member of
16 the board for the remainder of the member's term, unless otherwise
17 removed as provided by law. The change in law described by Section
18 161.023, Natural Resources Code, applies only to a member appointed
19 or reappointed on or after September 1, 2007.

20 SECTION 7. (a) The changes in law made by this Act in the
21 prohibitions or qualifications applying to a member of the
22 Veterans' Land Board do not affect the entitlement of a member
23 serving on the Veterans' Land Board immediately before September 1,
24 2007, to continue to serve and function as a member of the Veterans'
25 Land Board for the remainder of the member's term, unless otherwise
26 removed as provided by law. Those changes in law apply only to a
27 member appointed on or after September 1, 2007.

1 (b) Section 161.034, Natural Resources Code, as added by
2 this Act, relating to complaints filed with the Veterans' Land
3 Board applies only to a complaint filed on or after September 1,
4 2007. A complaint filed with the board before September 1, 2007, is
5 governed by the law as it existed immediately before that date, and
6 the former law is continued in effect for that purpose.

7 SECTION 8. This Act takes effect September 1, 2007.