

1-1 By: Flynn, et al. (Senate Sponsor - Shapleigh) H.B. No. 3140  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 April 27, 2007, read first time and referred to Committee on  
1-4 Government Organization; May 9, 2007, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 6,  
1-6 Nays 0; May 9, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3140 By: Brimer

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the review and functions of the Veterans' Land Board.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 161.001(a), Natural Resources Code, is  
1-13 amended by adding Subdivision (8) to read as follows:

1-14 (8) "Commission" means the Texas Veterans Commission.

1-15 SECTION 2. Section 161.0111, Natural Resources Code, is  
1-16 amended to read as follows:

1-17 Sec. 161.0111. SUNSET PROVISION. The Veterans' Land Board  
1-18 is subject to review under Chapter 325, Government Code (Texas  
1-19 Sunset Act), but is not abolished under that chapter. The board  
1-20 shall be reviewed during the period in which state agencies  
1-21 abolished in 2019 [~~2007~~] and every 12th year after 2019 [~~2007~~] are  
1-22 reviewed.

1-23 SECTION 3. Subchapter B, Chapter 161, Natural Resources  
1-24 Code, is amended by amending Sections 161.023 through 161.026 and  
1-25 adding Sections 161.0301, 161.034, 161.035, and 161.036 to read as  
1-26 follows:

1-27 Sec. 161.023. TRAINING [~~CONFLICTS OF INTEREST~~]. (a) A  
1-28 person who is appointed to and qualifies for office as a member of  
1-29 the board may not vote, deliberate, or be counted as a member in  
1-30 attendance at a meeting of the board until the person completes a  
1-31 training program that complies with this section.

1-32 (b) The training program must provide the person with  
1-33 information regarding:

1-34 (1) the legislation that created the board;

1-35 (2) the programs, functions, rules, and budget of the  
1-36 board;

1-37 (3) the results of the most recent formal audit of the  
1-38 board;

1-39 (4) the requirements of laws relating to open  
1-40 meetings, public information, administrative procedure, and  
1-41 conflicts of interest; and

1-42 (5) any applicable ethics policies adopted by the  
1-43 board or the Texas Ethics Commission.

1-44 (c) A person appointed to the board is entitled to  
1-45 reimbursement, as provided by the General Appropriations Act, for  
1-46 the travel expenses incurred in attending the training program  
1-47 regardless of whether the attendance at the program occurs before  
1-48 or after the person qualifies for office. [An officer, employee, or  
1-49 paid consultant of a veterans' association or of a trade  
1-50 association in the field of real estate sales, brokerage, or  
1-51 development may not be an employee of the board, nor may a person  
1-52 who cohabits with or is the spouse of an officer, managerial  
1-53 employee, or paid consultant of a veterans' association or of a  
1-54 trade association in the field of real estate sales, brokerage, or  
1-55 development be an employee of the board grade 17 and over, including  
1-56 exempt employees, according to the position classification  
1-57 schedule under the General Appropriations Act.]

1-58 Sec. 161.024. CONFLICTS OF INTEREST [~~LOBBYIST AS BOARD~~  
1-59 ~~EMPLOYEE~~]. (a) In this section, "Texas trade association" means a  
1-60 cooperative and voluntarily joined statewide association of  
1-61 business or professional competitors in this state designed to  
1-62 assist its members and its industry or profession in dealing with  
1-63 mutual business or professional problems and in promoting their

2-1 common interest.

2-2 (b) A person may not be an appointed member of the board and  
 2-3 may not be a board employee employed in a "bona fide executive,  
 2-4 administrative, or professional capacity," as that phrase is used  
 2-5 for purposes of establishing an exemption to the overtime  
 2-6 provisions of the federal Fair Labor Standards Act of 1938 (29  
 2-7 U.S.C. Section 201 et seq.) if:

2-8 (1) the person is an officer, employee, or paid  
 2-9 consultant of a Texas trade association in the field of real  
 2-10 property sales, brokerage, or development; or

2-11 (2) the person's spouse is an officer, manager, or paid  
 2-12 consultant of a Texas trade association in the field of real  
 2-13 property sales, brokerage, or development.

2-14 (c) A person may not be an appointed member of the board or  
 2-15 act as the general counsel to the board if the person is required to  
 2-16 register as a lobbyist under Chapter 305, Government Code, because  
 2-17 of the person's activities for compensation on behalf of a  
 2-18 profession related to the operation of the board [~~who is required to~~  
 2-19 register as a lobbyist under Chapter 305, Government Code, by  
 2-20 virtue of his activities for compensation in or on behalf of a  
 2-21 profession related to the operation of the board, may not act as the  
 2-22 general counsel to the board].

2-23 Sec. 161.025. EQUAL PROTECTION FOR BOARD MEMBERS.  
 2-24 Appointments to the board shall be made without regard to the race,  
 2-25 color, disability [~~handicap~~], sex, religion, age, or national  
 2-26 origin of the appointees.

2-27 Sec. 161.026. REMOVAL OF BOARD MEMBER. (a) It is a ground  
 2-28 for removal from the board if an appointed member:

2-29 (1) does not have at the time of appointment the  
 2-30 qualifications required by Article III, Section 49-b, of the Texas  
 2-31 Constitution for appointment to the board;

2-32 (2) does not maintain during the service on the board  
 2-33 the qualifications required by Article III, Section 49-b, of the  
 2-34 Texas Constitution for appointment to the board;

2-35 (3) is ineligible for membership under Section  
 2-36 161.024;

2-37 (4) is unable to discharge his duties for a  
 2-38 substantial portion of the term for which he was appointed because  
 2-39 of illness or disability; or

2-40 (5) [~~(4)~~] is absent from more than one-half of the  
 2-41 regularly scheduled board meetings which the member is eligible to  
 2-42 attend during each calendar year, except when the absence is  
 2-43 excused by a majority vote of the board.

2-44 (b) The validity of an action of the board is not affected by  
 2-45 the fact that it was taken when a ground for removal of an appointed  
 2-46 member of the board existed.

2-47 (c) If the executive secretary has knowledge that a  
 2-48 potential ground for removal exists, the executive secretary [~~he~~]  
 2-49 shall notify the presiding officer [~~chairman~~] of the board of the  
 2-50 potential [~~such~~] ground. The presiding officer [~~chairman~~] of the  
 2-51 board shall then notify the governor and the attorney general that a  
 2-52 potential ground for removal exists. If the potential ground for  
 2-53 removal involves the presiding officer, the executive secretary  
 2-54 shall notify the next highest ranking officer of the board, who  
 2-55 shall then notify the governor and the attorney general that a  
 2-56 potential ground for removal exists.

2-57 Sec. 161.0301. INTERNAL AUDITOR. An internal auditor who  
 2-58 performs an audit function for the board shall:

2-59 (1) submit to the board any parts of the applicable  
 2-60 internal audit plan that relate to the board; and

2-61 (2) report to the board regarding the results of any  
 2-62 internal audits that relate to the board.

2-63 Sec. 161.034. COMPLAINTS. (a) The board shall maintain a  
 2-64 system to promptly and efficiently act on complaints filed with the  
 2-65 board. The board shall maintain information about parties to the  
 2-66 complaint, the subject matter of the complaint, a summary of the  
 2-67 results of the review or investigation of the complaint, and the  
 2-68 disposition of the complaint.

2-69 (b) The board shall make information available describing

3-1 its procedures for complaint investigation and resolution.

3-2 (c) The board shall periodically notify the complaint  
3-3 parties of the status of the complaint until final disposition.

3-4 Sec. 161.035. USE OF TECHNOLOGY. The board shall implement  
3-5 a policy requiring the board to use appropriate technological  
3-6 solutions to improve the board's ability to perform its functions.  
3-7 The policy must ensure that the public is able to interact with the  
3-8 board on the Internet.

3-9 Sec. 161.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE  
3-10 RESOLUTION. (a) The board shall develop and implement a policy to  
3-11 encourage the use of:

3-12 (1) negotiated rulemaking procedures under Chapter  
3-13 2008, Government Code, for the adoption of board rules; and

3-14 (2) appropriate alternative dispute resolution  
3-15 procedures under Chapter 2009, Government Code, to assist in the  
3-16 resolution of internal and external disputes under the board's  
3-17 jurisdiction, other than disputes governed by Section 161.311.

3-18 (b) The board's procedures relating to alternative dispute  
3-19 resolution shall conform, to the extent possible, to any model  
3-20 guidelines issued by the State Office of Administrative Hearings  
3-21 for the use of alternative dispute resolution by state agencies.

3-22 (c) The board shall designate a trained person to:  
3-23 (1) coordinate the implementation of the policy  
3-24 adopted under Subsection (a);

3-25 (2) serve as a resource for any training needed to  
3-26 implement the procedures for negotiated rulemaking or alternative  
3-27 dispute resolution; and

3-28 (3) collect data concerning the effectiveness of those  
3-29 procedures, as implemented by the board.

3-30 SECTION 4. Subchapter C, Chapter 161, Natural Resources  
3-31 Code, is amended by amending Section 161.061 and adding Sections  
3-32 161.076 through 161.079 to read as follows:

3-33 Sec. 161.061. GENERAL DUTIES OF BOARD. The board shall:  
3-34 (1) authorize and execute negotiable bonds as provided

3-35 by law;  
3-36 (2) provide by resolution for use of the fund in a  
3-37 manner that will effectuate the intent of the constitution and the  
3-38 law;

3-39 (3) prescribe the interest rates as provided by law;  
3-40 (4) provide for the forfeiture of contracts of sale  
3-41 and purchase and resale of forfeited land;

3-42 (5) conduct investigations it considers necessary;  
3-43 (6) obtain and review any components of internal audit  
3-44 plans that relate to board functions and approve those plans as  
3-45 appropriate during public meetings of the board;

3-46 (7) obtain and review any internal audit reports that  
3-47 relate to board functions and discuss those reports during public  
3-48 meetings of the board; and

3-49 (8) [~~6~~] formulate policies and rules necessary and  
3-50 not in conflict with the law to ensure the proper administration and  
3-51 to carry out the intent and purposes of the law.

3-52 Sec. 161.076. MEMORANDUM OF UNDERSTANDING. (a) The board  
3-53 shall enter into a memorandum of understanding with the commission.  
3-54 The memorandum of understanding must specify the guidelines,  
3-55 powers, and duties necessary for the board and the commission to  
3-56 coordinate veterans benefits outreach activities.

3-57 (b) The memorandum of understanding must address board and  
3-58 commission coordination with respect to the following veterans  
3-59 benefits outreach activities:

3-60 (1) operation by the board of a consolidated  
3-61 communications center;

3-62 (2) combined direct mail efforts;

3-63 (3) sharing veterans contact databases;

3-64 (4) dissemination of information through integrated  
3-65 websites and a joint brochure;

3-66 (5) veterans benefits seminars; and

3-67 (6) any other veterans benefits outreach activity  
3-68 determined by the board and the commission to be appropriate for  
3-69 coordination by those agencies.

4-1           (c) The memorandum of understanding must identify the joint  
4-2 and separate powers and duties of the board and the commission as  
4-3 necessary to implement coordinated veterans benefits outreach  
4-4 activities, including powers and duties relating to:

- 4-5                 (1) reimbursements for coordinated activities;  
4-6                 (2) the management and funding of a consolidated  
4-7 communications center;  
4-8                 (3) operating expenses associated with the  
4-9 coordinated activities, including expenses relating to office  
4-10 space, printing, and postage;  
4-11                 (4) the development and maintenance of integrated web  
4-12 services regarding veterans benefits and services;  
4-13                 (5) the development and dissemination of a joint  
4-14 brochure regarding veterans benefits and services; and  
4-15                 (6) joint presentations at or sponsorship of veterans  
4-16 benefits seminars.

4-17           (d) The commission and the board shall periodically update  
4-18 the memorandum of understanding and continue to explore additional  
4-19 opportunities for coordination between the agencies regarding  
4-20 their respective veterans benefits outreach activities.

4-21           (e) The commission and the board shall consider the  
4-22 appropriate use of authorized bond proceeds and federal money to  
4-23 ensure that each agency complies with applicable funding  
4-24 constraints in entering into the memorandum of understanding.

4-25           Sec. 161.077. COMMUNICATIONS CENTER. (a) Based on the  
4-26 memorandum of understanding described by Section 161.076, the board  
4-27 shall operate a consolidated communications center to provide  
4-28 information regarding the benefits and services available to  
4-29 veterans of this state, including benefits and services offered by  
4-30 the board and the commission.

4-31           (b) In operating the communications center, employees must  
4-32 be knowledgeable about the functions of the center and be able to  
4-33 access information regarding all available veterans benefits and  
4-34 services and shall:

- 4-35                 (1) answer the veterans toll-free hotline; and  
4-36                 (2) disseminate to veterans, including newly  
4-37 discharged veterans, information regarding the benefits and  
4-38 services, as appropriate.

4-39           Sec. 161.078. WEBSITE; BROCHURE. (a) Based on the  
4-40 memorandum of understanding described by Section 161.076, the board  
4-41 shall integrate web services and develop a hard-copy brochure that  
4-42 provides in a centralized, comprehensive, and simplified format  
4-43 information about all available veterans benefits and services,  
4-44 including benefits and services offered by the board and the  
4-45 commission. In integrating web services, the board shall develop a  
4-46 single entry point to allow public access to information related to  
4-47 all available veterans benefits and services.

4-48           (b) This section does not preclude the board or commission  
4-49 from operating additional websites or disseminating other  
4-50 information as determined appropriate by the board or the  
4-51 commission, in accordance with the memorandum of understanding  
4-52 provided under Section 161.076.

4-53           Sec. 161.079. BENEFITS SEMINARS. (a) To ensure that the  
4-54 veterans of this state receive uniform information on all veterans  
4-55 benefits and services available, the board and the commission  
4-56 shall:

- 4-57                 (1) jointly plan and provide state-sponsored veterans  
4-58 benefits seminars; and  
4-59                 (2) coordinate the involvement of each agency in  
4-60 seminars hosted for veterans by other organizations.

4-61           (b) Planning and coordination under this section must  
4-62 ensure the consistent presentation of benefits and services  
4-63 information by the board or the commission at seminars described by  
4-64 this section.

4-65           SECTION 5. Not later than March 1, 2008, the Veterans' Land  
4-66 Board shall enter into a memorandum of understanding with the Texas  
4-67 Veterans Commission as required by Section 161.076, Natural  
4-68 Resources Code, as added by this Act.

4-69           SECTION 6. The change in law made by Section 161.023,

5-1 Natural Resources Code, as amended by this Act, regarding training  
5-2 for members of the Veterans' Land Board does not affect the  
5-3 entitlement of a member serving on the board immediately before  
5-4 September 1, 2007, to continue to serve and function as a member of  
5-5 the board for the remainder of the member's term, unless otherwise  
5-6 removed as provided by law. The change in law described by Section  
5-7 161.023, Natural Resources Code, applies only to a member appointed  
5-8 or reappointed on or after September 1, 2007.

5-9 SECTION 7. (a) The changes in law made by this Act in the  
5-10 prohibitions or qualifications applying to a member of the  
5-11 Veterans' Land Board do not affect the entitlement of a member  
5-12 serving on the Veterans' Land Board immediately before September 1,  
5-13 2007, to continue to serve and function as a member of the Veterans'  
5-14 Land Board for the remainder of the member's term, unless otherwise  
5-15 removed as provided by law. Those changes in law apply only to a  
5-16 member appointed on or after September 1, 2007.

5-17 (b) Section 161.034, Natural Resources Code, as added by  
5-18 this Act, relating to complaints filed with the Veterans' Land  
5-19 Board applies only to a complaint filed on or after September 1,  
5-20 2007. A complaint filed with the board before September 1, 2007, is  
5-21 governed by the law as it existed immediately before that date, and  
5-22 the former law is continued in effect for that purpose.

5-23 SECTION 8. On September 1, 2007:

5-24 (1) a full-time equivalent position of the Texas  
5-25 Veterans Commission assigned to primarily perform functions  
5-26 related to the operation of the commission's existing call center  
5-27 becomes a full-time equivalent position of the Veterans' Land Board  
5-28 for the purpose of performing those functions;

5-29 (2) all money appropriated by the legislature to the  
5-30 Texas Veterans Commission to fund a full-time equivalent position  
5-31 described by Subdivision (1) of this section is transferred to the  
5-32 Veterans' Land Board; and

5-33 (3) a function or activity performed by the Texas  
5-34 Veterans Commission in relation to the commission's existing call  
5-35 center is transferred to the Veterans' Land Board to be performed by  
5-36 employees as provided by this Act.

5-37 SECTION 9. The Texas Veterans Commission and the Veterans'  
5-38 Land Board shall establish a transition plan for the transfer  
5-39 described in Section 8 of this Act.

5-40 SECTION 10. This Act takes effect immediately if it  
5-41 receives a vote of two-thirds of all the members elected to each  
5-42 house, as provided by Section 39, Article III, Texas Constitution.  
5-43 If this Act does not receive the vote necessary for immediate  
5-44 effect, this Act takes effect September 1, 2007.

5-45 \* \* \* \* \*