

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

Same as House version.

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.

Same as House version.

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 information regarding:

Same as House version.

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) the legislation that created the board;
(2) the programs, functions, rules, and budget of the board;
(3) the results of the most recent formal audit of the board;
(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and
(5) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

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

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

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

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

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

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

Sec. 161.025. EQUAL PROTECTION FOR BOARD MEMBERS. Appointments to the board shall be made

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

without regard to the race, color, disability [~~handicap~~], sex, religion, age, or national origin of the appointees.

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

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

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

(3) is ineligible for membership under Section 161.024;

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

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

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

(c) If the executive secretary has knowledge that a potential ground for removal exists, the executive secretary [~~he~~] shall notify the presiding officer [~~chairman~~] of the board of the potential [~~such~~] ground. The presiding officer [~~chairman~~] of the board shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

executive secretary shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

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

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

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

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

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

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

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

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

and

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

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

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

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

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

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

SECTION 4. Subchapter C, Chapter 161, Natural Resources Code, is amended by amending Section 161.061 and adding Sections 161.076 through 161.079 to

SECTION 4. Subchapter C, Chapter 161, Natural Resources Code, is amended by amending Section 161.061 and adding Sections 161.076 through 161.079 to

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

read as follows:

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

- (1) authorize and execute negotiable bonds as provided by law;
- (2) provide by resolution for use of the fund in a manner that will effectuate the intent of the constitution and the law;
- (3) prescribe the interest rates as provided by law;
- (4) provide for the forfeiture of contracts of sale and purchase and resale of forfeited land;
- (5) conduct investigations it considers necessary;
- (6) obtain and review any components of internal audit plans that relate to board functions and approve those plans as appropriate during public meetings of the board;
- (7) obtain and review any internal audit reports that relate to board functions and discuss those reports during public meetings of the board; and
- (8) [(6)] formulate policies and rules necessary and not in conflict with the law to ensure the proper administration and to carry out the intent and purposes of the law.

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

(b) The memorandum of understanding must address

SENATE VERSION

read as follows:

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

- (1) authorize and execute negotiable bonds as provided by law;
- (2) provide by resolution for use of the fund in a manner that will effectuate the intent of the constitution and the law;
- (3) prescribe the interest rates as provided by law;
- (4) provide for the forfeiture of contracts of sale and purchase and resale of forfeited land;
- (5) conduct investigations it considers necessary;
- (6) obtain and review any components of internal audit plans that relate to board functions and approve those plans as appropriate during public meetings of the board;
- (7) obtain and review any internal audit reports that relate to board functions and discuss those reports during public meetings of the board; and
- (8) [(6)] formulate policies and rules necessary and not in conflict with the law to ensure the proper administration and to carry out the intent and purposes of the law.

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

(b) The memorandum of understanding must address

CONFERENCE

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

board and commission coordination with respect to the following veterans benefits outreach activities:

(1) operation of a **joint** communications center;

(2) combined direct mail efforts;

(3) sharing veterans contact databases;

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

(5) veterans benefits seminars; and

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

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

(1) reimbursements for coordinated activities;

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

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

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

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

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

(d) The memorandum of understanding must identify

SENATE VERSION

board and commission coordination with respect to the following veterans benefits outreach activities:

(1) operation **by the board** of a **consolidated** communications center;

(2) combined direct mail efforts;

(3) sharing veterans contact databases;

(4) dissemination of information through **integrated websites** and a joint brochure;

(5) veterans benefits seminars; and

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

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

(1) reimbursements for coordinated activities;

(2) the management and funding of **a consolidated communications center;**

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

(4) the development and maintenance of **integrated web services** regarding veterans benefits and services;

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

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

CONFERENCE

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

the degree to which the board and the commission may operate independent websites and disseminate independent information to implement a veterans benefits outreach activity.

(e) The commission and the board shall periodically update the memorandum of understanding and continue to explore additional opportunities for coordination between the agencies regarding their respective veterans benefits outreach activities.

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

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

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

- (1) answer the veterans toll-free hotline;
- (2) maintain and improve any existing veterans contact

SENATE VERSION

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

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

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

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

- (1) answer the veterans toll-free hotline; and
- (2) disseminate to veterans, including newly discharged

CONFERENCE

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

databases and create additional databases as necessary; and

(3) engage in direct mail efforts to veterans, as appropriate.

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

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

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

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

(b) The single uniform resource locator (URL) for the website must be easily identifiable and prominently

SENATE VERSION

veterans, information regarding the benefits and services, as appropriate.

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

CONFERENCE

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

indicated in the brochure developed under this section.

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

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

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

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

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

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

SECTION 6. The change in law made by Section 161.023, Natural Resources Code, as amended by this

SENATE VERSION

related to all available veterans benefits and services.

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

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

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

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

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

Same as House version.

Same as House version.

CONFERENCE

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

SENATE VERSION

Same as House version.

CONFERENCE

House Bill 3140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION 8. On September 1, 2007:
(1) a full-time equivalent position of the Texas Veterans Commission assigned to primarily perform functions related to the operation of the commission's existing call center becomes a full-time equivalent position of the Veterans' Land Board for the purpose of performing those functions;
(2) all money appropriated by the legislature to the Texas Veterans Commission to fund a full-time equivalent position described by Subdivision (1) of this section is transferred to the Veterans' Land Board; and
(3) a function or activity performed by the Texas Veterans Commission in relation to the commission's existing call center is transferred to the Veterans' Land Board to be performed by employees as provided by this Act.

No equivalent provision.

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

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

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

