

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 by the board of a consolidated  
26 communications center;

27           (2) combined direct mail efforts;

1           (3) sharing veterans contact databases;

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

4           (5) veterans benefits seminars; and

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

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

12           (1) reimbursements for coordinated activities;

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

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

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

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

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

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



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

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

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

15             (1) answer the veterans toll-free hotline; and

16             (2) disseminate to veterans, including newly  
17 discharged veterans, information regarding the benefits and  
18 services, as appropriate.

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

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

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

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

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

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

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

22        SECTION 6. The change in law made by Section 161.023,  
23 Natural Resources Code, as amended by this Act, regarding training  
24 for members of the Veterans' Land Board does not affect the  
25 entitlement of a member serving on the board immediately before  
26 September 1, 2007, to continue to serve and function as a member of  
27 the board for the remainder of the member's term, unless otherwise

1 removed as provided by law. The change in law described by Section  
2 161.023, Natural Resources Code, applies only to a member appointed  
3 or reappointed on or after September 1, 2007.

4 SECTION 7. (a) The changes in law made by this Act in the  
5 prohibitions or qualifications applying to a member of the  
6 Veterans' Land Board do not affect the entitlement of a member  
7 serving on the Veterans' Land Board immediately before September 1,  
8 2007, to continue to serve and function as a member of the Veterans'  
9 Land Board for the remainder of the member's term, unless otherwise  
10 removed as provided by law. Those changes in law apply only to a  
11 member appointed on or after September 1, 2007.

12 (b) Section 161.034, Natural Resources Code, as added by  
13 this Act, relating to complaints filed with the Veterans' Land  
14 Board applies only to a complaint filed on or after September 1,  
15 2007. A complaint filed with the board before September 1, 2007, is  
16 governed by the law as it existed immediately before that date, and  
17 the former law is continued in effect for that purpose.

18 SECTION 8. On September 1, 2007:

19 (1) a full-time equivalent position of the Texas  
20 Veterans Commission assigned to primarily perform functions  
21 related to the operation of the commission's existing call center  
22 becomes a full-time equivalent position of the Veterans' Land Board  
23 for the purpose of performing those functions;

24 (2) all money appropriated by the legislature to the  
25 Texas Veterans Commission to fund a full-time equivalent position  
26 described by Subdivision (1) of this section is transferred to the  
27 Veterans' Land Board; and

1           (3) a function or activity performed by the Texas  
2 Veterans Commission in relation to the commission's existing call  
3 center is transferred to the Veterans' Land Board to be performed by  
4 employees as provided by this Act.

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

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

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 3140 was passed by the House on April 25, 2007, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3140 on May 21, 2007, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3140 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Datsy Jaw

Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK

JUN 15 2007

Roger Williams  
Secretary of State