

BILL ANALYSIS

Senate Research Center
80R18693 KEL-D

C.S.H.B. 3140
By: Flynn et al. (Shapleigh)
Government Organization
5/8/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas voters established the Veterans' Land Board (board) through a constitutional amendment in 1946 to honor the Texas veterans and their families by providing loans to purchase raw land. Today the board operates within the structure of the General Land Office and provides veterans with state benefits including below-market interest rates for purchasing raw land, homes, funding home improvement, long-term nursing care homes, and cemetery lands. In a full review of the board conducted in 2007, the Sunset Advisory Commission found that the functions performed by the board remain necessary, but certain changes are needed to help the board carry out the functions more efficiently.

C.S.H.B. 3140 implements changes to the board as recommended by the Sunset Advisory Commission.

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 161.001(a), Natural Resources Code, adding Subdivision (8) to define "commission."

SECTION 2. Amends Section 161.0111, Natural Resources Code, as follows:

Sec. 161.0111. SUNSET PROVISION. Extends the sunset date of the Veterans' Land Board (board) from 2007 to 2019. Makes a conforming change.

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

Sec. 161.023. New heading: TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of the board from voting, deliberating, or being 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) Requires that the training program provide the person with certain information.

(c) Entitles a person appointed to the board 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. Deletes existing text prohibiting certain persons from being an employee of the board.

Sec. 161.024. New heading: CONFLICTS OF INTEREST. (a) Defines "Texas trade association."

(b) Prohibits certain persons from being an appointed member of the board or 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.).

(c) Prohibits a person from being an appointed member of the board or acting as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board. Deletes existing text prohibiting a person 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, from acting as the general counsel to the board.

Sec. 161.025. EQUAL PROTECTION FOR BOARD MEMBERS. Requires that appointments to the board be made without regard to disability, rather than handicap.

Sec. 161.026. REMOVAL OF BOARD MEMBER. (a) Provides that it is a ground for removal from the board if an appointed member is ineligible for membership under Section 161.024.

(b) Makes no change in this subsection.

(c) Requires the executive secretary to notify the presiding officer, rather than the chairman, of the board of a potential ground of removal if the executive secretary has knowledge that a potential ground for removal exists. Requires the presiding officer, rather than the chairman, of the board to then notify the governor and the attorney general that a potential ground for removal exists. Requires the executive secretary to 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, if the potential ground for removal involves the presiding officer.

Sec. 161.0301. INTERNAL AUDITOR. Requires an internal auditor who performs an audit function for the board to perform certain tasks.

Sec. 161.034. COMPLAINTS. (a) Requires the board to maintain a system to promptly and efficiently act on complaints filed with the board. Requires the board to maintain certain information about the complaint.

(b) Requires the board to make information available describing its procedures for complaint investigation and resolution.

(c) Requires the board to periodically notify the complaint parties of the status of the complaint until final disposition.

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

Sec. 161.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) Requires the board to develop and implement a policy to encourage the use of certain negotiated rulemaking and appropriate alternative dispute resolution procedures.

(b) Requires the board's procedures relating to alternative dispute resolution to 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) Requires the board to designate a trained person to perform certain tasks relating to alternate dispute resolution.

SECTION 4. Amends Subchapter C, Chapter 161, Natural Resources Code, by amending Section 161.061 and adding Sections 161.076 through 161.079, as follows:

Sec. 161.061. GENERAL DUTIES OF BOARD. Requires the board to 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 and to obtain and review any internal audit reports that relate to board functions and discuss those reports during public meetings of the board.

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

- (b) Requires the memorandum to address board and commission coordination with respect to certain veterans benefits outreach activities.

- (c) Requires the memorandum to identify certain joint and separate powers and duties of the board and the commission as necessary to implement coordinated veterans benefits outreach activities.

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

- (e) Requires the commission and the board to 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.

Sec. 161.077. COMMUNICATIONS CENTER. (a) Requires the board, on behalf of the board and the commission, to operate a communications center to provide information regarding the benefits and services available to veterans of this state. Requires the communications center to 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). Requires the employees under board supervision to be compensated by their respective employing agencies.

- (b) Requires the employees to perform certain tasks in operating the communications center.

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

- (d) Provides that 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) Requires the board and the commission to jointly and sufficiently cross-train communications center employees.

Sec. 161.078. WEBSITE; BROCHURE. (a) Requires the board and the commission to jointly develop a single website and a single hard-copy brochure that provides, in a certain format, information about all available veterans benefits and services.

(b) Requires the single uniform resource locator (URL) for the website to be easily identifiable and prominently indicated in the brochure developed under this section.

(c) Provides that 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.

Sec. 161.079. BENEFITS SEMINARS. (a) Requires the board and the commission to perform certain tasks in coordination to ensure that the veterans of this state receive uniform information on all veterans benefits and services available.

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

SECTION 5. Requires the Veterans' Land Board to 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, not later than March 1, 2008.

SECTION 6. Provides that the change in law made by Section 161.023, Natural Resources Code, as amended by this Act, regarding training for members of the Veterans' Land Board does not affect the entitlement of a member serving on the board 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. Provides that 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) Provides that 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. Provides that those changes in law apply only to a member appointed on or after September 1, 2007.

(b) Makes application of Section 161.034, Natural Resources Code, as added by this Act, relating to complaints filed with the Veterans' Land Board, prospective to September 1, 2007.

SECTION 8. Effective date: September 1, 2007.