

AN ACT

relating to the powers and duties of the Veterans' Land Board.

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

SECTION 1. Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.149 to read as follows:

Sec. 2155.149. CERTAIN PURCHASES BY VETERANS' LAND BOARD.

(a) The Veterans' Land Board is delegated all purchasing functions relating to veterans homes and veterans cemeteries.

(b) The Veterans' Land Board shall acquire goods and services under Subsection (a) by any procurement method that provides the best value to the Veterans' Land Board. The Veterans' Land Board shall consider the best value standards listed in Section 2155.074.

(c) At the request of the Veterans' Land Board, the commission shall procure goods and services described by Subsection (a) for the Veterans' Land Board. The Veterans' Land Board may use the services of the commission in procuring goods and services described by Subsection (a).

SECTION 2. Subsection (a), Section 2166.003, Government Code, is amended to read as follows:

(a) Unless otherwise provided, this chapter does not apply to:

(1) a project constructed by and for the Texas Department of Transportation;

1 (2) a project constructed by and for a state  
2 institution of higher education;

3 (3) a pen, shed, or ancillary building constructed by  
4 and for the Department of Agriculture for the processing of  
5 livestock before export;

6 (4) a project constructed by the Parks and Wildlife  
7 Department;

8 (5) a repair or rehabilitation project, except a major  
9 renovation, of buildings and grounds on the commission inventory;

10 (6) a repair and rehabilitation project of another  
11 using agency, if all labor for the project is provided by the  
12 regular maintenance force of the using agency under specific  
13 legislative authorization and the project does not require the  
14 advance preparation of working plans or drawings;

15 (7) a repair and rehabilitation project involving the  
16 use of contract labor, if the project has been excluded from this  
17 chapter by commission rule and does not require the advance  
18 preparation of working plans or drawings;

19 (8) an action taken by the Texas [~~Natural Resource~~  
20 ~~Conservation~~] Commission on Environmental Quality under Subchapter  
21 F or I, Chapter 361, Health and Safety Code; [~~or~~]

22 (9) a repair, rehabilitation, or construction project  
23 on property owned by the Texas Department of Housing and Community  
24 Affairs or the Texas State Affordable Housing Corporation; or

25 (10) a project constructed by and for the Veterans'  
26 Land Board.

27 SECTION 3. Subdivision (7), Subsection (a), Section

1 161.001, Natural Resources Code, is amended to read as follows:

2 (7) "Veteran" means a person who:

3 (A)(i) served not less than 90 [~~continuous~~] days,  
4 unless sooner discharged by reason of a service-connected  
5 disability, on active duty in the Army, Navy, Air Force, Coast  
6 Guard, United States Public Health Service (as constituted under 42  
7 U.S.C. Section 201 et seq.), or Marine Corps of the United States  
8 after September 16, 1940, and who on the date of filing an  
9 application under the program has not been dishonorably discharged  
10 from the branch of the service in which the person served;

11 (ii) has at least 20 years of active or  
12 reserve military service as computed when determining the person's  
13 eligibility to receive retired pay under applicable federal law;

14 (iii) has enlisted or received an  
15 appointment in the Texas National Guard, who has completed all  
16 initial active duty training required as a condition of the  
17 enlistment or appointment, and who on the date of filing the  
18 person's application has not been dishonorably discharged from the  
19 Texas National Guard; or

20 (iv) served in the armed forces of the  
21 Republic of Vietnam between February 28, 1961, and May 7, 1975, if  
22 the board adopts a rule regarding these veterans under Subsection  
23 (b);

24 (B) at the time of the person's enlistment,  
25 induction, commissioning, appointment, or drafting was a bona fide  
26 resident of this state or has resided in this state at least one  
27 year immediately before the date of filing an application under

1 this chapter; and

2 (C) at the time of the person's application under  
3 this chapter is a bona fide resident of this state. The term  
4 includes the unmarried surviving spouse of a veteran who died or who  
5 is identified as missing in action if the deceased or missing  
6 veteran meets the requirements of this section, with the exception  
7 that the deceased or missing veteran need not have served 90  
8 [~~continuous~~] days under Paragraph (A)(i) of this subdivision, and  
9 if the deceased or missing veteran was a bona fide resident of this  
10 state at the time of enlistment, induction, commissioning,  
11 appointment, or drafting.

12 SECTION 4. The changes in law made by Sections 1 and 2 of  
13 this Act apply only to a contract or project for which the Veterans'  
14 Land Board first advertises or otherwise solicits bids, proposals,  
15 offers, or qualifications on or after the effective date of this  
16 Act. A contract or project for which the Veterans' Land Board, or a  
17 state agency acting on behalf of the Veterans' Land Board, first  
18 advertised or otherwise solicited bids, offers, or qualifications  
19 before that date is governed by the law in effect when the first  
20 advertisement or solicitation was given, and the former law is  
21 continued in effect for that purpose.

22 SECTION 5. This Act takes effect September 1, 2005.

David Newkumst  
President of the Senate

John Caddell  
Speaker of the House

I hereby certify that S.B. No. 581 passed the Senate on March 31, 2005, by the following vote: Yeas 28, Nays 0; and that the Senate concurred in House amendment on April 21, 2005, by the following vote: Yeas 30, Nays 0.

Patsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 581 passed the House, with amendment, on April 19, 2005, by the following vote: Yeas 145, Nays 0, one present not voting.

Robert Harvey  
Chief Clerk of the House

Approved:

3 MAY '05

Date

RICK PERRY  
Governor

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

Roger Williams  
Secretary of State