

SUBJECT: Creating additional assistant adjutant positions

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Corte, Vaught, Chavez, Edwards, Farias, Ortiz, Pickett  
0 nays  
2 absent — Maldonado, C. Turner

WITNESSES: For — (*Registered, but did not testify*: James Cunningham, Texas Council of Chapters Military Officers Association of America)  
Against — None  
On — Jose Mayorga, Adjutant's Department

BACKGROUND: Government Code, subch. B establishes the Adjutant's Department, which controls the military department of the state. Sec. 431.026 requires the governor, on recommendation of the Adjutant, to appoint assistant adjutants for army and air and a deputy adjutant general for army.

At the time of appointment, the appointees are required to be serving in the Texas National Guard as a federally recognized officer of not less than field grade, have previously served or trained on active duty with the Army, Air Force, or Marines, and have completed at least 10 years' service as a federally recognized reserve or active duty commissioned officer with an active unit of the United States armed forces, the National Guard, or the Texas National Guard, including at least five years with the Texas National Guard.

DIGEST: HB 1763 would amend the general officer positions provided for by statute by requiring the governor, on recommendation of the adjutant, to appoint a deputy adjutant general for army and a deputy adjutant general for air. The appointees would have to meet the existing requirements for appointment. If the adjutant were dead, absent, or unable to act, the senior ranking deputy adjutant general would perform the Adjutant's duties.

The adjutant would be required to appoint three assistant adjutants general for army and one for air, each of whom would be paid with federal funds and all of whom would have to be regular part-time Texas National Guard members. The adjutant would be able to appoint an additional assistant adjutant for army for every 5,000-person increase in Texas Army National Guard personnel, and an additional assistant adjutant for air every 2,000-person increase in Texas Air National Guard personnel, from the number of personnel as of September 1, 2009.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.