

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1326
By: Flynn et al. (Hall)
Veteran Affairs & Border Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Military Department (TMD) comprises both the Texas Military Forces—the Texas Army National Guard, the Texas Air National Guard, and the Texas State Guard—and the state agency that provides civilian administrative support to those forces. TMD plays a vital role in responding to international military deployments and to both state and national disasters. TMD is subject to abolishment under the Sunset Act on September 1, 2019, unless continued by the legislature.

TMD's Sunset review focused on the internal management and operations of TMD, finding TMD struggles somewhat to safeguard state administrative interests and policy concerns given its perpetual need to shift attention to military and emergency matters. The Sunset Advisory Commission (Sunset) recommends clarifying statute to better integrate state administration into TMD's leadership structure, to ensure broader oversight across all of the TMD's diverse state programs and functions. Sunset also recommends the TMD better support efficient purchasing across its decentralized programs by adopting improved tools for collecting data and sharing information. Finally, other recommendations provide a course correction for several TMD programs, including the Texas State Guard, the Texas Challenge Academy for at-risk youth, and the state-funded tuition assistance program for guard members.

C.S.H.B. 1326 amends current law relating to the continuation and functions of the Texas Military Department.

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 437.001(6), Government Code, to define "director of state administration," rather than "executive director," as the administrative head of the Texas Military Department (TMD) who is responsible for managing TMD.

SECTION 2. Amends Section 437.051, Government Code, as follows:

Sec. 437.051. SUNSET PROVISION. Provides that TMD, unless continued in existence as provided by Chapter 325 (Texas Sunset Act), Government Code, is abolished September 1, 2031, rather than providing that TMD is abolished and this subchapter expires September 1, 2019.

SECTION 3. Amends Section 437.052(b), Government Code, to make a conforming change.

SECTION 4. Amends Section 437.053, Government Code, as follows:

Sec. 437.053. ADJUTANT GENERAL: DUTIES. Requires the adjutant general to perform certain actions, including assuming responsibility for all administration of TMD, including ensuring compliance with applicable state law and priorities and overseeing

state employees. Creates Subdivision (4) from existing text and renumbers the following subdivisions accordingly.

SECTION 5. Amends Sections 437.060(a), (b), and (c), Government Code, to make conforming changes.

SECTION 6. Amends Section 437.062(b), Government Code, to make a conforming change.

SECTION 7. Amends Section 437.063, Government Code, as follows:

Sec. 437.063. ADJUTANT GENERAL: DELEGATION OF EXPENDITURE APPROVAL AUTHORITY. Makes a conforming change to this section.

SECTION 8. Amends Section 437.101, Government Code, as follows:

Sec. 437.101. New heading: DIRECTOR OF STATE ADMINISTRATION. (a) Provides that the director of state administration, rather than the executive director, is a senior-level employee of TMD and is appointed by and serves at the pleasure of the adjutant general.

(b) Makes a conforming change to this subsection.

(c) Provides that the director of state administration is responsible for the daily administration of TMD's state support operations, rather than providing that the executive director is responsible for the daily administration of TMD and the operational compliance with the cooperative agreements between TMD and the National Guard Bureau.

(d) Requires the adjutant general to adopt and implement a policy outlining the director of state administration's responsibility for state administrative interests across all TMD programs, including evaluating procedures for oversight of state employees and mitigating administrative and other compliance risks.

SECTION 9. Amends Section 437.102, Government Code, as follows:

Sec. 437.102. DEPARTMENT PERSONNEL. (a) Authorizes the director of state administration, rather than the executive director, to hire employees as necessary to carry on the state support operations of TMD.

(b) Makes conforming changes to this subsection.

SECTION 10. Amends Section 437.104, Government Code, as follows:

Sec. 437.104. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS. Makes conforming changes to this section.

SECTION 11. Amends Section 437.108, Government Code, as follows:

Sec. 437.108. TECHNOLOGY POLICY. Makes a conforming change to this section.

SECTION 12. Amends Section 437.151(a), Government Code, to make a conforming change.

SECTION 13. Effective date: September 1, 2019.