

BILL ANALYSIS

Senate Research Center
86R2713 SRA-D

S.B. 602
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Veteran Affairs & Border Security
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As Filed

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 (commission) recommends clarifying statute to better integrate state administration into TMD's leadership structure to ensure broader oversight across all TMD's diverse state programs and functions. The commission also recommends that TMD better support 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-funding tuition assistance program for guard members.

Major provisions in Sunset legislation:

- continue TMD for 12 years (Page 1, Line 15);
- clarify that the adjutant general has responsibility over all aspects of TMD and strengthen internal oversight of state administration;
- remove the existing title of "executive director" and reclassifies the position as a senior-level "director of state administration" (Page 1, Lines 7–8);
- require the adjutant general to appoint the director of state administration and adopt a policy outlining the position's responsibilities for overseeing state administrative interests across all TMD programs (Page 4, Lines 19–22; Page 5, Lines 5–9); and
- clarify that ultimate responsibility for all administration of TMD, including compliance with applicable law and priorities overseeing state employees, rests with the adjutant general (Page 2, Lines 9–11).

As proposed, S.B. 602 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."

SECTION 2. Amends Section 437.051, Government Code, to provide that unless continued in existence as provide by Chapter 325 (Texas Sunset Act), the Texas Military Department (TMD) is abolished and this subchapter expires September 1, 2031, rather than 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:

(1)–(2) makes no changes to these subdivisions;

(3) assume responsibility for all administration of TMD, including ensuring compliance with applicable state law and priorities and overseeing state employees; and

(4)–(13) renumbers existing Subdivisions (3)–(12) as Subdivisions (4)–(13).

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, to make a conforming change.

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 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.

(c) Makes a conforming change.

(d) Requires the adjutant general to adopt and implement a policy outlining the director of state administration's responsibility for state administrative interest 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, to make a conforming change.

SECTION 10. Amends Section 437.104, Government Code, to make conforming changes.

SECTION 11. Amends Section 437.108, Government Code, to make a conforming change.

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

SECTION 13. Effective date: September 1, 2019.