

BILL ANALYSIS

H.B. 3936
By: King, Phil
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article XVI, Texas Constitution, allows civil officials to hold more than one office of emolument only in certain circumstances, mainly when that official is also serving as an officer of a branch of the military, including the National Guard. At the time these provisions were added to constitution, the Texas State Guard and other branches of the Texas Military Forces were not very active and were overlooked during the writing of this section. Over the past several years the Texas State Guard and other branches of the Texas Military Forces have become much more active and are providing vital services to Texas in times of disaster. Many civil officials are active or would like to become active in the Texas Military Forces.

H.B. 3936 is the enabling legislation for H.J.R. 127, and provides that a position in or membership in the state military forces is not considered to be a civil office of emolument.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3936 amends the Government Code to provide that a position in or membership in the state military forces is not considered to be a civil office of emolument.

EFFECTIVE DATE

January 1, 2010, if the constitutional amendment authorizing an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices is approved by the voters.