

By: Flynn

H.B. No. 1763

A BILL TO BE ENTITLED

AN ACT

relating to the organization of the adjutant general's department.

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

SECTION 1. Section 431.026, Government Code, is amended to read as follows:

Sec. 431.026. DEPUTY AND ASSISTANT ADJUTANTS GENERAL.

(a) On recommendation of the adjutant general, the governor shall appoint a deputy [~~an assistant~~] adjutant general for army[~~, a deputy assistant adjutant general for army,~~] and a deputy [~~an assistant~~] adjutant general for air. To be qualified for appointment a person must have the qualifications required for appointment as adjutant general under Section 431.022(b).

(a-1) The adjutant general shall appoint three assistant adjutants general for army and one assistant adjutant general for air. The assistant adjutants general shall be paid with federal money. The assistant adjutant general positions must be filled by regular part-time Texas National Guard members. The adjutant general may appoint an additional assistant adjutant general for army for every 5,000-person increase in Texas Army National Guard personnel from the number of personnel as of September 1, 2009, and an additional assistant adjutant general for air for every 2,000-person increase in Texas Air National Guard personnel from the number of personnel as of September 1, 2009.

(b) Before taking office an appointee shall take and

1 subscribe to the oath of office prescribed for officers of the Texas  
2 National Guard. This oath shall be filed in the adjutant general's  
3 office.

4 (c) A [~~An assistant or~~] deputy or assistant adjutant general  
5 has the rank prescribed by the governor, not to exceed the grade  
6 authorized for federal recognition in the position, and is entitled  
7 to the rights, privileges, and immunities granted officers of that  
8 rank in the Texas National Guard. The [~~assistant or~~] deputy or  
9 assistant adjutant general may be removed from office by the  
10 governor.

11 (d) A [~~An assistant or~~] deputy or assistant adjutant  
12 general shall aid the adjutant general by performing assigned  
13 duties. If the adjutant general is dead, absent, or unable to act,  
14 the deputy [~~assistant~~] adjutant general who is senior in rank shall  
15 perform the duties of the adjutant general.

16 SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2009.