

By: Flynn

H.B. No. 50

A BILL TO BE ENTITLED

AN ACT

relating to renaming the adjutant general's department as the Texas Military Department.

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

SECTION 1. Section 7.111(a), Education Code, is amended to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations, including administration by the Texas Military Department [~~adjutant general's department~~] for students described by Subdivision (2)(C). A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

(1) over 17 years of age;

(2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the Texas Military Department's [~~adjutant general's department's~~] Seaborne Challenge Corps; or

(3) required to take the examination under a justice

1 or municipal court order issued under Article 45.054(a)(1)(C), Code
2 of Criminal Procedure.

3 SECTION 2. Section 411.121(b), Government Code, is amended
4 to read as follows:

5 (b) The adjutant general is entitled to obtain from the
6 department criminal history record information maintained by the
7 department that relates to a person who is:

- 8 (1) a member of the state military forces;
- 9 (2) an employee of the Texas Military Department
10 [~~adjutant general's department~~];
- 11 (3) an applicant for enlistment in the state military
12 forces; or
- 13 (4) an applicant for employment with the Texas
14 Military Department [~~adjutant general's department~~].

15 SECTION 3. Section 421.021(a), Government Code, is amended
16 to read as follows:

17 (a) The Homeland Security Council is composed of the
18 governor or the governor's designee, the speaker of the house of
19 representatives or the speaker's designee, the lieutenant governor
20 or the lieutenant governor's designee, and one representative of
21 each of the following entities, appointed by the single statewide
22 elected or appointed governing officer, administrative head, or
23 chair, as appropriate, of the entity:

- 24 (1) Department of Agriculture;
- 25 (2) office of the attorney general;
- 26 (3) General Land Office;
- 27 (4) Public Utility Commission of Texas;

- 1 (5) Department of State Health Services;
- 2 (6) Department of Information Resources;
- 3 (7) Department of Public Safety of the State of Texas;
- 4 (8) Texas Division of Emergency Management;
- 5 (9) Texas Military Department [~~adjutant-general's~~
6 ~~department~~];
- 7 (10) Texas Commission on Environmental Quality;
- 8 (11) Railroad Commission of Texas;
- 9 (12) Texas Strategic Military Planning Commission;
- 10 (13) Texas Department of Transportation;
- 11 (14) Commission on State Emergency Communications;
- 12 (15) Office of State-Federal Relations;
- 13 (16) secretary of state;
- 14 (17) Senate Committee on Transportation and Homeland
15 Security;
- 16 (18) House Committee on Defense and Veterans' Affairs;
- 17 (19) Texas Animal Health Commission;
- 18 (20) Texas Association of Regional Councils;
- 19 (21) Texas Commission on Law Enforcement Officer
20 Standards and Education;
- 21 (22) state fire marshal's office;
- 22 (23) Texas Education Agency;
- 23 (24) Texas Commission on Fire Protection;
- 24 (25) Parks and Wildlife Department;
- 25 (26) Texas Forest Service; and
- 26 (27) Texas Water Development Board.

27 SECTION 4. The heading to Subchapter B, Chapter 431,

1 Government Code, is amended to read as follows:

2 SUBCHAPTER B. TEXAS MILITARY [~~ADJUTANT GENERAL'S~~] DEPARTMENT

3 SECTION 5. Section 431.021(2), Government Code, is amended
4 to read as follows:

5 (2) "Department" means the Texas Military Department
6 [~~adjutant general's department~~].

7 SECTION 6. Subchapter B, Chapter 431, Government Code, is
8 amended by adding Section 431.0211 to read as follows:

9 Sec. 431.0211. REFERENCE IN OTHER LAW. A reference in law
10 to the adjutant general's department means the Texas Military
11 Department.

12 SECTION 7. Section 431.022(a), Government Code, is amended
13 to read as follows:

14 (a) The adjutant general is the head of the Texas Military
15 Department [~~adjutant general's department~~] and controls the
16 military department of the state. The adjutant general is
17 subordinate only to the governor in matters pertaining to the
18 military department of the state and the state military forces. The
19 adjutant general has the rank not to exceed lieutenant general at
20 the discretion of the governor. Federal recognition is at the rank
21 authorized by the National Guard Bureau, not to exceed lieutenant
22 general.

23 SECTION 8. Section 431.023, Government Code, is amended to
24 read as follows:

25 Sec. 431.023. SUNSET PROVISION. The Texas Military
26 Department [~~adjutant general's department~~] is subject to Chapter
27 325 (Texas Sunset Act). Unless continued in existence as provided

1 by that chapter, the department is abolished and this subchapter
2 expires September 1, 2019.

3 SECTION 9. Section 431.0304, Government Code, is amended to
4 read as follows:

5 Sec. 431.0304. TRANSFER TO STATE. When property that the
6 Texas Public Finance Authority owns in accordance with Section
7 431.0307 is fully paid for and free of liens, and all obligations
8 incurred in connection with the acquisition and construction of the
9 property have been fully paid, the Texas Public Finance Authority
10 may donate and transfer the property to the state by appropriate
11 instruments of transfer. The instruments of transfer shall be kept
12 in the custody of the [~~adjutant general's~~] department.

13 SECTION 10. Section 431.040(d), Government Code, is amended
14 to read as follows:

15 (d) A post exchange may sell, lease, or rent goods and
16 services only to:

17 (1) active, retired, and reserve members of the United
18 States armed services;

19 (2) active and retired members of the state military
20 forces;

21 (3) full-time employees of the [~~adjutant general's~~]
22 department; and

23 (4) dependents of an individual described by
24 Subdivisions (1)-(3).

25 SECTION 11. Section 432.072(a), Government Code, is amended
26 to read as follows:

27 (a) A person not subject to this chapter commits an offense

1 if the person:

2 (1) has been duly subpoenaed to appear as a witness or
3 to produce books and records before a military court or before a
4 military or civil officer or peace officer designated to take a
5 deposition to be read in evidence before a court;

6 (2) has been duly paid or tendered by the Texas
7 Military Department [~~adjutant general's department~~] the fees and
8 mileage of a witness at the rates allowed to witnesses under Section
9 432.192; and

10 (3) wilfully neglects or refuses to appear, qualify as
11 a witness, testify, or produce evidence that the person may have
12 been legally subpoenaed to produce.

13 SECTION 12. Section 432.109(a), Government Code, is amended
14 to read as follows:

15 (a) The Texas Court of Military Appeals, located for
16 administrative purposes only in the Texas Military Department
17 [~~adjutant general's department~~], consists of five judges appointed
18 by the adjutant general on the advice and recommendation of the
19 state judge advocate general for staggered six-year terms. A judge
20 appointed to fill a vacancy occurring before the expiration of the
21 term for which the judge's predecessor was appointed shall be
22 appointed only for the unexpired term of his predecessor. The
23 adjutant general, on the advice and recommendation of the state
24 judge advocate general, shall appoint the chief judge of the court.
25 A person is eligible for appointment to the court if the person:

26 (1) is a member of the State Bar of Texas;

27 (2) is a commissioned officer of the state military

1 forces, active or retired, or a retired commissioned officer in the
2 reserves of the armed forces of the United States; and

3 (3) has been engaged in the active practice of law for
4 at least five years and has at least five years' experience as a
5 staff judge advocate, judge advocate, or legal officer with the
6 state military forces, except that the requirements of this
7 subdivision are satisfied by equivalent experience or practice in
8 the armed forces of the United States.

9 SECTION 13. Section 432.192(b), Government Code, is amended
10 to read as follows:

11 (b) A person not in the employ of this state and not
12 belonging to its active military forces, who has been duly summoned
13 to appear as a witness before a military court, is entitled to
14 receive \$50 a day for each day actually in attendance on the court,
15 and 12 cents a mile for going from his place of residence to the
16 place of trial or hearing, and 12 cents a mile for returning.
17 Civilian witnesses will be paid by the Texas Military Department
18 [~~adjutant general's department~~].

19 SECTION 14. Section 432.194, Government Code, is amended to
20 read as follows:

21 Sec. 432.194. EXPENSES OF ADMINISTRATION. The adjutant
22 general may pay all expenses incurred in the administration of
23 state military justice, including the expenses of courts-martial
24 and expenses incurred under Sections 432.109, 432.184, and 432.192,
25 from any funds appropriated to the Texas Military Department
26 [~~adjutant general's department~~].

27 SECTION 15. Section 434.153, Government Code, is amended to

1 read as follows:

2 Sec. 434.153. COMPOSITION OF COUNCIL. The council is
3 composed of the executive head of the following agencies, or that
4 person's designated representative:

5 (1) the Texas Veterans Commission;

6 (2) the Veterans' Land Board;

7 (3) the Texas Military Department [~~adjutant general's~~
8 ~~department~~];

9 (4) the Health and Human Services Commission; and

10 (5) the State Bar of Texas.

11 SECTION 16. Section 1232.101(a), Government Code, is
12 amended to read as follows:

13 (a) With respect to all bonds authorized to be issued by or
14 on behalf of the Texas Military Department [~~adjutant general's~~
15 ~~department~~], Parks and Wildlife Department, Texas Agricultural
16 Finance Authority, Texas Low-Level Radioactive Waste Disposal
17 Authority, Midwestern State University, and Texas Southern
18 University, the authority has the exclusive authority to act on
19 behalf of those entities in issuing bonds on their behalf. In
20 connection with those issuances and with the issuance of refunding
21 bonds on behalf of those entities, the authority is subject to all
22 rights, duties, and conditions surrounding issuance previously
23 applicable to the issuing entity under the statute authorizing the
24 issuance. A reference in an authorizing statute to the entity on
25 whose behalf the bonds are being issued applies equally to the
26 authority in its capacity as issuer on behalf of the entity.

27 SECTION 17. Section 161.552(d), Health and Safety Code, is

1 amended to read as follows:

2 (d) The department and commission shall develop and
3 maintain the directory in collaboration with local, state, and
4 national private and government organizations, including:

- 5 (1) the United States Veterans Health Administration;
6 (2) the United States Department of Defense;
7 (3) the Texas Military Department [~~adjutant general's~~
8 ~~department~~];

9 (4) the Texas Veterans Commission; and

10 (5) other public and private national and
11 community-based organizations that provide support to
12 servicemembers and their families.

13 SECTION 18. Section 461.017(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) The Drug Demand Reduction Advisory Committee is
16 composed of the following members:

17 (1) five representatives of the public from different
18 geographic regions of the state who have knowledge and expertise in
19 issues relating to reducing drug demand and who are appointed by the
20 commissioner of state health services [~~the Department of State~~
21 ~~Health Services~~]; and

22 (2) one representative of each of the following
23 agencies or offices who is appointed by the executive director or
24 commissioner of the agency or office and who is directly involved in
25 the agency's or office's policies, programs, or funding activities
26 relating to reducing drug demand:

27 (A) the criminal justice division of the

1 governor's office;

2 (B) the Criminal Justice Policy Council;

3 (C) the Department of Family and Protective
4 Services;

5 (D) the Department of Public Safety of the State
6 of Texas;

7 (E) the Health and Human Services Commission;

8 (F) the Texas Alcoholic Beverage Commission;

9 (G) the Department of State Health Services;

10 (H) the Texas Council on Offenders with Mental
11 Impairments;

12 (I) the Texas Department of Criminal Justice;

13 (J) the Health and Human Services Commission;

14 (K) the Department of Aging and Disability
15 Services;

16 (L) the Texas Education Agency;

17 (M) the Texas Juvenile Justice Department
18 [~~Probation Commission~~;

19 [~~(N) the Texas Youth Commission~~];

20 (N) [~~(O)~~] the Department of Assistive and
21 Rehabilitative Services;

22 (O) [~~(P)~~] the Texas Workforce Commission;

23 (P) [~~(Q)~~] the Texas Department of Motor
24 Vehicles;

25 (Q) [~~(R)~~] the comptroller of public accounts;

26 and

27 (R) [~~(S)~~] the Texas Military Department

1 [~~adjutant general's department~~].

2 SECTION 19. Section 31.156(e), Natural Resources Code, is
3 amended to read as follows:

4 (e) In any year that the division will evaluate real
5 property under the management and control of the Texas Military
6 Department [~~adjutant general's department~~], the division shall
7 notify the department before the division begins the evaluation.

8 SECTION 20. Section 31.157(d), Natural Resources Code, is
9 amended to read as follows:

10 (d) If under the adjutant general's report submitted as
11 provided by Section 431.030, Government Code, the adjutant general
12 determines that real property under the management and control of
13 the Texas Military Department [~~adjutant general's department~~] is
14 used for military purposes, the commissioner may not recommend a
15 real estate transaction involving that real property in the final
16 report submitted as provided by Subsection (e).

17 SECTION 21. Sections 74.404(b), (c), and (d), Property
18 Code, are amended to read as follows:

19 (b) A military award or decoration delivered to the
20 comptroller under this chapter:

21 (1) may not be sold under Section 74.401 or destroyed;
22 and

23 (2) shall be delivered by the comptroller to the Texas
24 Military Department [~~adjutant general's department~~].

25 (c) The Texas Military Department [~~adjutant general's~~
26 ~~department~~] shall conduct a reasonable search of public records to
27 locate the person to whom the military award or decoration was

1 awarded. If the department cannot locate the person, the
2 department shall attempt to locate the person's next of kin. If the
3 department locates the person or the person's next of kin, the
4 department shall deliver the award or decoration to the person or
5 the person's next of kin, as applicable.

6 (d) If the Texas Military Department [~~adjutant general's~~
7 ~~department~~] cannot locate the person to whom a military award or
8 decoration was awarded or the person's next of kin, the award or
9 decoration shall be held in trust for the comptroller at:

- 10 (1) a museum established by the department; or
11 (2) if no museum exists, any other public facility
12 designated by the department.

13 SECTION 22. This Act takes effect September 1, 2013.