

By: Flynn

H.B. No. 1326

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Texas Military
3 Department.

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

5 SECTION 1. Section 437.001(6), Government Code, is amended
6 to read as follows:

7 (6) "Director of state administration" [~~"Executive~~
8 ~~director"~~] means the administrative head of the department who is
9 responsible for managing the department.

10 SECTION 2. Section 437.051, Government Code, is amended to
11 read as follows:

12 Sec. 437.051. SUNSET PROVISION. The department is subject
13 to Chapter 325 (Texas Sunset Act). Unless continued in existence as
14 provided by that chapter, the department is abolished and this
15 subchapter expires September 1, 2031 [~~2019~~].

16 SECTION 3. Section 437.052(b), Government Code, is amended
17 to read as follows:

18 (b) The adjutant general shall adopt and implement
19 regulations or policies that clearly separate the adjutant
20 general's responsibilities from the administrative
21 responsibilities of the department's [~~executive~~] director of state
22 administration and staff.

23 SECTION 4. Section 437.053, Government Code, is amended to
24 read as follows:

1 Sec. 437.053. ADJUTANT GENERAL: DUTIES. The adjutant
2 general shall:

3 (1) perform duties assigned by the governor relating
4 to the military affairs of this state;

5 (2) assume responsibility for the overall leadership,
6 management, accountability, and operations of the Texas military
7 forces, including the transportation of troops, munitions,
8 military equipment, and property in this state;

9 (3) assume responsibility for all administration of
10 the department, including ensuring compliance with applicable
11 state law and priorities and overseeing state employees;

12 (4) oversee the preparation of returns and reports
13 required of this state by the United States;

14 (5) [~~(4)~~] maintain a register of all officers of the
15 Texas military forces;

16 (6) [~~(5)~~] publish at state expense, when necessary,
17 state military law and regulations;

18 (7) [~~(6)~~] make available annual reports concerning
19 the Texas military forces;

20 (8) [~~(7)~~] establish reasonable and necessary fees
21 for the administration of this subtitle;

22 (9) [~~(8)~~] employ and arm, as the adjutant general
23 determines appropriate, persons licensed under Title 10,
24 Occupations Code, to protect property that is under the adjutant
25 general's authority and to satisfy applicable security
26 requirements;

27 (10) [~~(9)~~] define and prescribe the kind and amount

1 of supplies, including operational munitions for use in this state,
2 to be purchased for the Texas military forces;

3 (11) [~~(10)~~] prescribe general regulations for the
4 maintenance of supplies and for the transportation and distribution
5 of supplies from the place of purchase to camps, stations,
6 companies, or other necessary places of safekeeping;

7 (12) [~~(11)~~] have supplies, whether the property of
8 the United States or this state, properly cared for and kept in good
9 order and ready for use; and

10 (13) [~~(12)~~] as the adjutant general determines
11 appropriate, sell or destroy property and supplies or exchange
12 property and supplies for other military property and supplies.

13 SECTION 5. Sections 437.060(a), (b), and (c), Government
14 Code, are amended to read as follows:

15 (a) A person may not be appointed adjutant general, a deputy
16 adjutant general, a general officer, judge advocate general, or
17 [~~executive~~] director of state administration if the person is
18 required to register as a lobbyist under Chapter 305 because of the
19 person's activities for compensation on behalf of a profession
20 related to the operation of the department.

21 (b) An officer, employee, or paid consultant of a Texas
22 trade association in the field of defense or veterans affairs may
23 not be appointed adjutant general, a deputy adjutant general, a
24 general officer, judge advocate general, or [~~executive~~] director of
25 state administration.

26 (c) A person who is the spouse of an officer, manager, or
27 paid consultant of a Texas trade association in the field of defense

1 or veterans affairs may not be appointed adjutant general, a deputy
2 adjutant general, a general officer, judge advocate general, or
3 ~~[executive]~~ director of state administration.

4 SECTION 6. Section 437.062(b), Government Code, is amended
5 to read as follows:

6 (b) A deputy adjutant general, general officer, or
7 ~~[executive]~~ director of state administration employed under this
8 chapter is entitled to a salary subject to the classification and
9 salary schedule provisions defined in the General Appropriations
10 Act.

11 SECTION 7. Section 437.063, Government Code, is amended to
12 read as follows:

13 Sec. 437.063. ADJUTANT GENERAL: DELEGATION OF EXPENDITURE
14 APPROVAL AUTHORITY. The adjutant general may delegate the authority
15 to approve department expenditures to the ~~[executive]~~ director of
16 state administration.

17 SECTION 8. Section 437.101, Government Code, is amended to
18 read as follows:

19 Sec. 437.101. ~~[EXECUTIVE]~~ DIRECTOR OF STATE
20 ADMINISTRATION. (a) The ~~[executive]~~ director of state
21 administration is a senior-level ~~[an]~~ employee of the department
22 and is appointed by and serves at the pleasure of the adjutant
23 general.

24 (b) Subject to Sections 437.052 and 437.054, the
25 ~~[executive]~~ director of state administration may enter into
26 contracts related to the purposes or duties of the department and
27 may have and use a corporate seal.

1 (c) The [~~executive~~] director of state administration is
2 responsible for the daily administration of the department and the
3 operational compliance with the cooperative agreements between the
4 department and the National Guard Bureau.

5 (d) The adjutant general shall adopt and implement a policy
6 outlining the director of state administration's responsibility
7 for state administrative interests across all department programs,
8 including evaluating procedures for oversight of state employees
9 and mitigating administrative and other compliance risks.

10 SECTION 9. Section 437.102, Government Code, is amended to
11 read as follows:

12 Sec. 437.102. DEPARTMENT PERSONNEL. (a) The [~~executive~~]
13 director of state administration may hire employees as necessary to
14 carry on the operations of the department.

15 (b) The [~~executive~~] director of state administration or the
16 director of state administration's [~~executive director's~~] designee
17 shall provide to the adjutant general and to department employees,
18 as often as necessary, information regarding the requirements for
19 office or employment under this chapter, including information
20 regarding a person's responsibilities under applicable laws
21 relating to standards of conduct for state officers or employees.

22 SECTION 10. Section 437.104, Government Code, is amended to
23 read as follows:

24 Sec. 437.104. CAREER LADDER PROGRAM; PERFORMANCE
25 EVALUATIONS. (a) The [~~executive~~] director of state administration
26 shall develop a career ladder program. The program must require
27 intra-agency postings of all non-entry level positions

1 concurrently with any public posting.

2 (b) The [~~executive~~] director of state administration shall
3 develop a system of employee performance evaluations. The system
4 must require that evaluations be conducted at least annually. All
5 merit pay for department employees must be based on the system
6 established under this subsection.

7 SECTION 11. Section 437.108, Government Code, is amended to
8 read as follows:

9 Sec. 437.108. TECHNOLOGY POLICY. The department shall
10 develop and implement a policy requiring the [~~executive~~] director
11 of state administration and department's employees to research and
12 propose appropriate technological solutions to improve the
13 department's ability to perform its functions. The technological
14 solutions must:

15 (1) ensure that the public is able to easily find
16 information about the department on the Internet;

17 (2) ensure that persons who want to use the
18 department's services are able to:

19 (A) interact with the department through the
20 Internet; and

21 (B) access any service that can be provided
22 effectively through the Internet; and

23 (3) be cost-effective and developed through the
24 department's planning processes.

25 SECTION 12. Section 437.151(a), Government Code, is amended
26 to read as follows:

27 (a) The real property advisory council is composed of the

1 following eight members:

2 (1) two deputy adjutants general;

3 (2) the [~~executive~~] director of state administration;

4 and

5 (3) five public members who are not actively serving
6 in the Texas National Guard and who have experience in
7 architecture, construction management, engineering, property
8 management, facilities maintenance management, real estate
9 services, or real property law.

10 SECTION 13. This Act takes effect September 1, 2019.