

1-1 By: Flynn, et al. (Senate Sponsor - Hall) H.B. No. 1326
1-2 (In the Senate - Received from the House April 8, 2019;
1-3 April 9, 2019, read first time and referred to Committee on Veteran
1-4 Affairs & Border Security; April 29, 2019, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; April 29, 2019, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-------------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | <u>Campbell</u> | X | | |
| 1-10 | <u>Hall</u> | X | | |
| 1-11 | <u>Johnson</u> | | X | |
| 1-12 | <u>Lucio</u> | X | | |
| 1-13 | <u>Menéndez</u> | X | | |
| 1-14 | <u>Schwertner</u> | X | | |
| 1-15 | <u>Seliger</u> | X | | |

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1326 By: Campbell

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the continuation and functions of the Texas Military
1-20 Department.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 437.001(6), Government Code, is amended
1-23 to read as follows:

1-24 (6) "Director of state administration" [~~"Executive~~
1-25 ~~director"~~] means the administrative head of the department who is
1-26 responsible for managing the department.

1-27 SECTION 2. Section 437.051, Government Code, is amended to
1-28 read as follows:

1-29 Sec. 437.051. SUNSET PROVISION. The department is subject
1-30 to Chapter 325 (Texas Sunset Act). Unless continued in existence as
1-31 provided by that chapter, the department is abolished [~~and this~~
1-32 ~~subchapter expires~~] September 1, 2031 [~~2019~~].

1-33 SECTION 3. Section 437.052(b), Government Code, is amended
1-34 to read as follows:

1-35 (b) The adjutant general shall adopt and implement
1-36 regulations or policies that clearly separate the adjutant
1-37 general's responsibilities from the administrative
1-38 responsibilities of the department's [~~executive~~] director of state
1-39 administration and staff.

1-40 SECTION 4. Section 437.053, Government Code, is amended to
1-41 read as follows:

1-42 Sec. 437.053. ADJUTANT GENERAL: DUTIES. The adjutant
1-43 general shall:

1-44 (1) perform duties assigned by the governor relating
1-45 to the military affairs of this state;

1-46 (2) assume responsibility for the overall leadership,
1-47 management, accountability, and operations of the Texas military
1-48 forces, including the transportation of troops, munitions,
1-49 military equipment, and property in this state;

1-50 (3) assume responsibility for all administration of
1-51 the department, including ensuring compliance with applicable
1-52 state law and priorities and overseeing state employees;

1-53 (4) oversee the preparation of returns and reports
1-54 required of this state by the United States;

1-55 (5) [~~(4)~~] maintain a register of all officers of the
1-56 Texas military forces;

1-57 (6) [~~(5)~~] publish at state expense, when necessary,
1-58 state military law and regulations;

1-59 (7) [~~(6)~~] make available annual reports concerning
1-60 the Texas military forces;

2-1 (8) [~~(7)~~] establish reasonable and necessary fees
 2-2 for the administration of this subtitle;
 2-3 (9) [~~(8)~~] employ and arm, as the adjutant general
 2-4 determines appropriate, persons licensed under Title 10,
 2-5 Occupations Code, to protect property that is under the adjutant
 2-6 general's authority and to satisfy applicable security
 2-7 requirements;
 2-8 (10) [~~(9)~~] define and prescribe the kind and amount
 2-9 of supplies, including operational munitions for use in this state,
 2-10 to be purchased for the Texas military forces;
 2-11 (11) [~~(10)~~] prescribe general regulations for the
 2-12 maintenance of supplies and for the transportation and distribution
 2-13 of supplies from the place of purchase to camps, stations,
 2-14 companies, or other necessary places of safekeeping;
 2-15 (12) [~~(11)~~] have supplies, whether the property of
 2-16 the United States or this state, properly cared for and kept in good
 2-17 order and ready for use; and
 2-18 (13) [~~(12)~~] as the adjutant general determines
 2-19 appropriate, sell or destroy property and supplies or exchange
 2-20 property and supplies for other military property and supplies.

2-21 SECTION 5. Sections 437.060(a), (b), and (c), Government
 2-22 Code, are amended to read as follows:

2-23 (a) A person may not be appointed adjutant general, a deputy
 2-24 adjutant general, a general officer, judge advocate general, or
 2-25 [~~executive~~] director of state administration if the person is
 2-26 required to register as a lobbyist under Chapter 305 because of the
 2-27 person's activities for compensation on behalf of a profession
 2-28 related to the operation of the department.

2-29 (b) An officer, employee, or paid consultant of a Texas
 2-30 trade association in the field of defense or veterans affairs may
 2-31 not be appointed adjutant general, a deputy adjutant general, a
 2-32 general officer, judge advocate general, or [~~executive~~] director of
 2-33 state administration.

2-34 (c) A person who is the spouse of an officer, manager, or
 2-35 paid consultant of a Texas trade association in the field of defense
 2-36 or veterans affairs may not be appointed adjutant general, a deputy
 2-37 adjutant general, a general officer, judge advocate general, or
 2-38 [~~executive~~] director of state administration.

2-39 SECTION 6. Section 437.062(b), Government Code, is amended
 2-40 to read as follows:

2-41 (b) A deputy adjutant general, general officer, or
 2-42 [~~executive~~] director of state administration employed under this
 2-43 chapter is entitled to a salary subject to the classification and
 2-44 salary schedule provisions defined in the General Appropriations
 2-45 Act.

2-46 SECTION 7. Section 437.063, Government Code, is amended to
 2-47 read as follows:

2-48 Sec. 437.063. ADJUTANT GENERAL: DELEGATION OF EXPENDITURE
 2-49 APPROVAL AUTHORITY. The adjutant general may delegate the authority
 2-50 to approve department expenditures to the [~~executive~~] director of
 2-51 state administration.

2-52 SECTION 8. Section 437.101, Government Code, is amended to
 2-53 read as follows:

2-54 Sec. 437.101. [~~EXECUTIVE~~] DIRECTOR OF STATE
 2-55 ADMINISTRATION. (a) The [~~executive~~] director of state
 2-56 administration is a senior-level [~~an~~] employee of the department
 2-57 and is appointed by and serves at the pleasure of the adjutant
 2-58 general.

2-59 (b) Subject to Sections 437.052 and 437.054, the
 2-60 [~~executive~~] director of state administration may enter into
 2-61 contracts related to the purposes or duties of the department and
 2-62 may have and use a corporate seal.

2-63 (c) The [~~executive~~] director of state administration is
 2-64 responsible for the daily administration of the department's state
 2-65 support operations [~~department~~] and the operational compliance
 2-66 with the cooperative agreements between the department and the
 2-67 National Guard Bureau.

2-68 (d) The adjutant general shall adopt and implement a policy
 2-69 outlining the director of state administration's responsibility

3-1 for state administrative interests across all department programs,
3-2 including evaluating procedures for oversight of state employees
3-3 and mitigating administrative and other compliance risks.

3-4 SECTION 9. Section 437.102, Government Code, is amended to
3-5 read as follows:

3-6 Sec. 437.102. DEPARTMENT PERSONNEL. (a) The [~~executive~~]
3-7 director of state administration may hire employees as necessary to
3-8 carry on the state support operations of the department.

3-9 (b) The [~~executive~~] director of state administration or the
3-10 director of state administration's [~~executive director's~~] designee
3-11 shall provide to the adjutant general and to department employees,
3-12 as often as necessary, information regarding the requirements for
3-13 office or employment under this chapter, including information
3-14 regarding a person's responsibilities under applicable laws
3-15 relating to standards of conduct for state officers or employees.

3-16 SECTION 10. Section 437.104, Government Code, is amended to
3-17 read as follows:

3-18 Sec. 437.104. CAREER LADDER PROGRAM; PERFORMANCE
3-19 EVALUATIONS. (a) The [~~executive~~] director of state administration
3-20 shall develop a career ladder program. The program must require
3-21 intra-agency postings of all non-entry level positions
3-22 concurrently with any public posting.

3-23 (b) The [~~executive~~] director of state administration shall
3-24 develop a system of employee performance evaluations. The system
3-25 must require that evaluations be conducted at least annually. All
3-26 merit pay for department employees must be based on the system
3-27 established under this subsection.

3-28 SECTION 11. Section 437.108, Government Code, is amended to
3-29 read as follows:

3-30 Sec. 437.108. TECHNOLOGY POLICY. The department shall
3-31 develop and implement a policy requiring the [~~executive~~] director
3-32 of state administration and department's employees to research and
3-33 propose appropriate technological solutions to improve the
3-34 department's ability to perform its functions. The technological
3-35 solutions must:

3-36 (1) ensure that the public is able to easily find
3-37 information about the department on the Internet;

3-38 (2) ensure that persons who want to use the
3-39 department's services are able to:

3-40 (A) interact with the department through the
3-41 Internet; and

3-42 (B) access any service that can be provided
3-43 effectively through the Internet; and

3-44 (3) be cost-effective and developed through the
3-45 department's planning processes.

3-46 SECTION 12. Section 437.151(a), Government Code, is amended
3-47 to read as follows:

3-48 (a) The real property advisory council is composed of the
3-49 following eight members:

3-50 (1) two deputy adjutants general;

3-51 (2) the [~~executive~~] director of state administration;
3-52 and

3-53 (3) five public members who are not actively serving
3-54 in the Texas National Guard and who have experience in
3-55 architecture, construction management, engineering, property
3-56 management, facilities maintenance management, real estate
3-57 services, or real property law.

3-58 SECTION 13. This Act takes effect September 1, 2019.

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