

By: Hopper

H.B. No. 208

A BILL TO BE ENTITLED

AN ACT

relating to the organization, powers, and authority of the Texas State Guard, including the powers and authority of the adjutant general and governor relating to the Texas State Guard.

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

SECTION 1. Section 437.001, Government Code, is amended by amending Subdivisions (2) and (13) and adding Subdivision (3-a) to read as follows:

(2) "Adjutant general" means the military commander of the Texas National Guard ~~[military forces]~~.

(3-a) "Director" means the military commander of the Texas State Guard.

(13) "Texas Military Department" means the state agency charged with administrative activities in support of the Texas National Guard ~~[military forces]~~.

SECTION 2. Section 437.002(b), Government Code, is amended to read as follows:

(b) If the governor is unable to perform the duties of commander-in-chief, the successor to the governor's authority as provided by the state constitution or other state law ~~[adjutant general]~~ shall command the Texas military forces ~~[, unless the state constitution or other state law requires the lieutenant governor or the president of the senate to perform the duties of governor]~~. The authority of the adjutant general under this section to command the

1 Texas military forces applies only to the Texas National Guard.

2 SECTION 3. Sections 437.003(a), (b), and (c), Government
3 Code, are amended to read as follows:

4 (a) The governor, with the advice and consent of the senate,
5 shall appoint an adjutant general to a two-year term expiring
6 February 1 of each even-numbered year. The adjutant general is
7 responsible for leading and managing the Texas National Guard
8 ~~[military forces]~~. The adjutant general is subordinate only to the
9 governor in matters pertaining to the Texas National Guard
10 ~~[military forces]~~. The adjutant general's rank is assigned at the
11 discretion of the governor and may not exceed lieutenant general.
12 Federal recognition is at the rank authorized by the National Guard
13 Bureau. ~~[The adjutant general may be referred to as the commanding~~
14 ~~general of the Texas military forces.]~~

15 (b) On recommendation of the adjutant general, the governor
16 shall appoint a deputy adjutant general for army and ~~[7]~~ a deputy
17 adjutant general for air~~[7, and the commander of the Texas State~~
18 ~~Guard]~~. The deputy adjutants general ~~[and commander]~~ serve until
19 replaced. To be qualified for appointment as a deputy adjutant
20 general, a service member must have the qualifications required for
21 appointment as adjutant general.

22 (c) The governor, with the advice and consent of the senate,
23 shall appoint a director of the Texas State Guard to a two-year term
24 expiring February 1 of each even-numbered year. To be qualified for
25 appointment as director, a person must have the qualifications
26 required by Section 437.302. The director is responsible for
27 leading and managing the Texas State Guard. The director is

1 subordinate only to the governor in matters pertaining to the Texas
2 State Guard. The governor shall~~[7]~~ commission~~[7]~~ and assign the
3 Texas State Guard general officers. The governor may remove or
4 reassign an officer. To be eligible for appointment as a general
5 officer, a service member must have:

6 (1) been an ~~[a federally recognized]~~ officer of not
7 less than field grade of the Texas National Guard or a regular or
8 reserve component of the United States military or served at least
9 15 years of combined service as a commissioned officer in the Texas
10 military forces or a regular or reserve component of the United
11 States military; and

12 (2) served at least three years as a commissioned
13 officer in the Texas State Guard.

14 SECTION 4. Section 437.004(e), Government Code, is amended
15 to read as follows:

16 (e) The governor may delegate to the adjutant general the
17 powers granted by this section with respect to the Texas National
18 Guard and may delegate to the director the powers granted by this
19 section with respect to the Texas State Guard ~~[to the adjutant~~
20 ~~general]~~.

21 SECTION 5. Sections 437.005(a), (b), and (c), Government
22 Code, are amended to read as follows:

23 (a) The governor may activate all or part of the Texas
24 military forces to state active duty or for state training and other
25 duty. The governor may delegate to the adjutant general all or
26 part of the authority granted by this section with respect to the
27 Texas National Guard and may delegate to the director all or part of

1 the authority granted by this section with respect to the Texas
2 State Guard ~~[to the adjutant general]~~.

3 (b) On delegation of the authority by the governor, the
4 adjutant general may order all or part of the Texas National Guard
5 ~~[military forces]~~ to state training and other duty if funding has
6 been provided in the General Appropriations Act or volunteer
7 resources are available.

8 (c) On delegation of the authority by the governor, the
9 adjutant general may order all or part of the Texas National Guard
10 ~~[military forces]~~ to state training and other duty if requested by a
11 federal, state, or local governmental entity and the entity
12 authorizes reimbursement of the costs to this state.

13 SECTION 6. Section 437.006(b), Government Code, is amended
14 to read as follows:

15 (b) The director ~~[adjutant general]~~ shall appoint and
16 commission officers, other than a general officer, in the Texas
17 State Guard. To be eligible for appointment, a service member must
18 be qualified under state guard regulations ~~[and be recommended for~~
19 ~~appointment by the commander of the state guard]~~.

20 SECTION 7. Section 437.053, Government Code, is amended to
21 read as follows:

22 Sec. 437.053. ADJUTANT GENERAL: DUTIES. The adjutant
23 general shall:

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

26 (2) assume responsibility for the overall leadership,
27 management, accountability, and operations of the Texas National

1 Guard [~~military forces~~], including the transportation of troops,
2 munitions, military equipment, and property in this state;

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

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

8 (5) maintain a register of all officers of the Texas
9 National Guard [~~military forces~~];

10 (6) publish at state expense, when necessary, state
11 military law and regulations;

12 (7) make available annual reports concerning the Texas
13 National Guard [~~military forces~~];

14 (8) establish reasonable and necessary fees for the
15 administration of this subtitle;

16 (9) employ and arm, as the adjutant general determines
17 appropriate, persons licensed under Title 10, Occupations Code, to
18 protect property that is under the adjutant general's authority and
19 to satisfy applicable security requirements;

20 (10) define and prescribe the kind and amount of
21 supplies, including operational munitions for use in this state, to
22 be purchased for the Texas National Guard [~~military forces~~];

23 (11) prescribe general regulations for the
24 maintenance of supplies and for the transportation and distribution
25 of supplies from the place of purchase to camps, stations,
26 companies, or other necessary places of safekeeping;

27 (12) have supplies, whether the property of the United

States or this state, properly cared for and kept in good order and ready for use; and

(13) as the adjutant general determines appropriate, sell or destroy property and supplies or exchange property and supplies for other military property and supplies.

SECTION 8. Section 437.054(a), Government Code, as amended by H.B. No. 5308, Acts of the 89th Legislature, Regular Session, 2025, and effective September 1, 2025, is amended to read as follows:

(a) The adjutant general is the decision-making authority on all matters concerning the location and maintenance of the Texas National Guard [~~military forces~~] and Texas National Guard facilities in this state. The adjutant general may set priorities for the construction, renovation, repair, and maintenance of Texas National Guard [~~military forces~~] armories, facilities, and improvements owned or leased by this state. The adjutant general in this capacity is a public authority and a body politic and corporate and has all powers necessary for the acquisition and procurement related to construction, construction, rental, control, maintenance, operation, and disposition of Texas National Guard [~~military forces~~] facilities and real property and all associated property and equipment.

SECTION 9. Sections 437.058(f) and (g), Government Code, are amended to read as follows:

(f) The assistant adjutant general for domestic operations shall:

(1) coordinate activities of the Texas National Guard

1 ~~[military forces]~~ with the National Guard Bureau to ensure state
2 emergency services are provided and organized to support the state
3 operations center; and

4 (2) coordinate with other federal, state, and local
5 jurisdictions and officials.

6 (g) The Texas National Guard ~~[military forces]~~ shall have at
7 least one traditional Texas Air National Guard general officer and
8 two traditional Texas Army National Guard general officers to
9 support the operation and command of the Texas National Guard.

10 SECTION 10. Section 437.059, Government Code, is amended to
11 read as follows:

12 Sec. 437.059. ADJUTANT GENERAL APPOINTMENTS. The adjutant
13 general, as the adjutant general determines appropriate and with
14 available funds, may appoint full-time employees of the department,
15 traditional national guard members, ~~[state guard volunteers,~~ or
16 federal employees.

17 SECTION 11. Section 437.107(b), Government Code, is amended
18 to read as follows:

19 (b) The department shall provide to the governor in December
20 of each even-numbered year:

21 (1) an account of all arms, ammunition, and other
22 military property owned by or in possession of this state and its
23 present condition;

24 (2) a statement of the number, condition, and
25 organization of the Texas National Guard ~~[military forces]~~;

26 (3) suggestions important to the military interests
27 and conditions of this state;

1 (4) a list and description of all Texas National Guard
2 ~~[military forces]~~ missions that are in progress; and

3 (5) a statement of department plans to obtain and
4 maintain future Texas National Guard missions, including proposed
5 missions that are consistent with the United States Department of
6 Defense's strategies.

7 SECTION 12. Section 437.110(d), Government Code, is amended
8 to read as follows:

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

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

13 (2) active and retired members of the Texas National
14 Guard ~~[state military forces]~~;

15 (3) full-time employees of the adjutant general's
16 department; and

17 (4) dependents of an individual described by this
18 subsection.

19 SECTION 13. Section 437.111(c), Government Code, is amended
20 to read as follows:

21 (c) The department may solicit and accept gifts, grants, or
22 donations from any private or public entity to support the Texas
23 National Guard ~~[military forces]~~ or the Texas Military Forces
24 Museum and may spend the proceeds consistent with donor limitations
25 and for the use of the Texas National Guard ~~[military forces]~~, the
26 museum, or the department.

27 SECTION 14. Section 437.114(b), Government Code, is amended

1 to read as follows:

2 (b) The department may dispose of or exchange supplies owned
3 by this state that are unfit for further use as the department
4 determines is in the best interest of the Texas National Guard
5 [~~military forces~~].

6 SECTION 15. Section 437.119, Government Code, is amended to
7 read as follows:

8 Sec. 437.119. USE OF FUNDS TO PURCHASE FOOD AND
9 BEVERAGES. The department may use appropriated money to purchase
10 food and beverages for:

11 (1) charged military housing;

12 (2) service members of the Texas National Guard
13 [~~military forces~~] on military duty, including required training
14 functions; and

15 (3) students participating in the Texas Challenge
16 Academy.

17 SECTION 16. Section 437.152, Government Code, is amended to
18 read as follows:

19 Sec. 437.152. PUBLIC COMMENT. The advisory council shall
20 develop and implement policies that provide the public with a
21 reasonable opportunity to at least annually appear before the
22 council and speak on any issue related to the construction, repair,
23 and maintenance of Texas National Guard [~~military forces~~] armories,
24 facilities, and improvements under the jurisdiction of the
25 department.

26 SECTION 17. Sections 437.155(a) and (f), Government Code,
27 are amended to read as follows:

1 (a) The department by gift, lease, or purchase may acquire
2 real property, including leasehold estates in real property, for
3 any purpose the department considers necessary for the use of the
4 Texas National Guard [~~military forces~~].

5 (f) The department shall deposit proceeds from any land
6 lease or other revenue under this section, other than daily fee
7 deposits that qualify as unit funds, into the state treasury to the
8 credit of the department for the use and benefit of the facilities
9 of the Texas National Guard [~~military forces~~]. If any part of
10 these funds remains unexpended and unobligated at the end of the
11 state fiscal year, that amount is dedicated for the same purposes in
12 the subsequent year. Money in the fund may not be diverted for any
13 other purpose.

14 SECTION 18. Section 437.160, Government Code, is amended to
15 read as follows:

16 Sec. 437.160. DONATION OF PROPERTY. The governing body of
17 a county or municipality, on behalf of the county or municipality,
18 may donate real property to the department for use as a Texas
19 National Guard [~~military forces~~] facility. The donation may be in
20 fee simple or otherwise.

21 SECTION 19. Sections 437.163(b) and (h), Government Code,
22 are amended to read as follows:

23 (b) Before granting or conveying an interest in real
24 property under this subchapter, the department must conduct an
25 analysis to determine whether the disposal of property is in the
26 best interests of the Texas National Guard [~~military forces~~] and
27 evaluate whether each unit of the Texas National Guard [~~military~~

1 ~~forces~~] has adequate facility space to ensure that ongoing
2 operations are maintained.

3 (h) The department shall deposit proceeds of sales under
4 this section in the state treasury to the credit of the department
5 for the use and benefit of the Texas National Guard [~~military~~
6 ~~forces~~].

7 SECTION 20. Section 437.201, Government Code, is amended to
8 read as follows:

9 Sec. 437.201. CERTIFICATION OF MILITARY UNITS. The
10 adjutant general shall issue each unit of the Texas National Guard,
11 and the director shall issue each unit of the Texas State Guard, a
12 certificate stating that the unit has been duly organized according
13 to the laws and regulations of the Texas military forces and is
14 entitled to the rights, powers, privileges, amenities, and
15 immunities conferred by law and military regulation. The
16 certificate is evidence in a state court that the unit is duly
17 incorporated.

18 SECTION 21. Sections 437.206(b) and (f), Government Code,
19 are amended to read as follows:

20 (b) On the recommendation of the commanding officer or
21 noncommissioned officer of the Texas military forces, the governor
22 may confer on the officer or noncommissioned officer a brevet of a
23 grade higher than the ordinary commission or brevet held by the
24 officer or noncommissioned officer for gallant conduct or
25 meritorious military service. The adjutant general shall specify
26 the criteria for gallant conduct or meritorious military service
27 for a member of the Texas National Guard. The director shall

1 specify the criteria for gallant conduct or meritorious military
2 service for a member of the Texas State Guard.

3 (f) The governor may delegate to the adjutant general the
4 powers granted by this section with respect to the Texas National
5 Guard and may delegate to the director the powers granted by this
6 section with respect to the Texas State Guard [~~to the adjutant~~
7 ~~general~~].

8 SECTION 22. Sections 437.211(a) and (c), Government Code,
9 are amended to read as follows:

10 (a) The commanding officer of each unit is the custodian of
11 the unit fund. The commanding officer shall:

12 (1) receive, keep, properly disburse, and document the
13 use of the money in the fund; and

14 (2) submit to the department, if the unit is a unit of
15 the Texas National Guard, or to the governor if the unit is a unit of
16 the Texas State Guard, an itemized statement of money received and
17 disbursed during the preceding reporting period:

18 (A) on September 1 of each year; and

19 (B) when there is a change of the commanding
20 officer of the unit.

21 (c) A unit fund is a special fund held outside the state
22 treasury to be administered by the commanding officer of the unit
23 without further appropriation. A unit fund is not subject to
24 Chapter 2256. The department shall develop policies and procedures
25 concerning the administration of unit [~~the~~] funds for which the
26 custodian is a commanding officer of the Texas National Guard. The
27 governor shall, in consultation with the director, develop policies

and procedures concerning the administration of unit funds for which the custodian is a commanding officer of the Texas State Guard. If any part of the fund remains unexpended and unobligated at the end of the state fiscal year, that amount is dedicated for the same purposes in the subsequent year. Money in the fund may not be diverted for any other purpose.

SECTION 23. Section 437.212, Government Code, is amended by amending Subsections (f-1) and (g) and adding Subsection (f-2) to read as follows:

(f-1) The department shall require payment of the cost associated with paying the state contribution of a member of the Texas National Guard [~~state military forces~~] who elects to participate in the state group benefits program under Subsection (f) by the person responsible for paying for the mission for which the member is on state active duty or state training and other duty. On receipt of payment, the department shall reimburse the board of trustees of the Employees Retirement System of Texas for that cost.

(f-2) The director shall require payment of the cost associated with paying the state contribution of a member of the Texas State Guard who elects to participate in the state group benefits program under Subsection (f) by the person responsible for paying for the mission for which the member is on state active duty or state training and other duty. On receipt of payment, the governor shall reimburse the board of trustees of the Employees Retirement System of Texas for that cost.

(g) The director, the adjutant general, and the Employees Retirement System of Texas shall coordinate and consult to

1 implement the benefits program provided by Subsection (f) and shall
2 adopt a memorandum of understanding to establish:

3 (1) the procedures that a member of the state military
4 forces may use to elect to participate in the state group benefits
5 program;

6 (2) an appropriate method to annually confirm
7 continuing eligibility to participate in the group benefits
8 program; and

9 (3) an appropriate method of administering the
10 reimbursement of the state contribution as required by Subsections
11 ~~[Subsection]~~ (f-1) and (f-2).

12 SECTION 24. Section 437.219(c), Government Code, is amended
13 to read as follows:

14 (c) The director ~~[adjutant general]~~ shall set the daily pay
15 rate and allowance rate for state active duty and for state training
16 and other duty for Texas State Guard service members called to duty
17 or training under this chapter. The rate established by the
18 director ~~[adjutant general]~~ may not exceed the meal and lodging
19 rate set by the comptroller by more than \$25 per day. The director
20 ~~[department]~~ shall publish information about the established pay
21 rates on the Texas State Guard's ~~[department's]~~ Internet website.

22 SECTION 25. Section 437.221, Government Code, is amended to
23 read as follows:

24 Sec. 437.221. OTHER DUTY AND COMMUNITY SERVICE MISSIONS.

25 (a) The governor or the adjutant general, if designated by the
26 governor, may require other duty for officers and enlisted persons
27 in the Texas military forces. The other duty may include community

1 service missions.

2 (b) If designated by the governor under Subsection (a), the
3 adjutant general may require other duty only for officers and
4 enlisted persons of the Texas National Guard.

5 SECTION 26. Section 437.225(a), Government Code, is amended
6 to read as follows:

7 (a) A service member may be discharged from the Texas
8 military forces according to regulations adopted by the governor or
9 the adjutant general, if delegated authority, or by federal law or
10 regulations. The governor may delegate to the adjutant general
11 authority under this section only with respect to service members
12 of the Texas National Guard.

13 SECTION 27. Section 437.228(a), Government Code, is amended
14 to read as follows:

15 (a) A service member to whom [~~the department issues~~] a
16 uniform or other military property is issued shall give a receipt
17 for the uniform or property. The adjutant general or the director,
18 as appropriate, shall prescribe the manner in which the uniform and
19 property shall be accounted for and kept.

20 SECTION 28. Section 437.229, Government Code, is amended to
21 read as follows:

22 Sec. 437.229. UNIFORM. (a) Except as provided by
23 Subsection (b), the uniform of the officers and enlisted service
24 members of the Texas military forces is the uniform prescribed for
25 the United States armed forces with modifications that the
26 governor, or adjutant general if delegated the authority, considers
27 necessary. The governor may delegate to the adjutant general

1 authority under this section only with respect to uniforms issued
2 to officers and enlisted service members of the Texas National
3 Guard.

4 (b) The uniforms of the officers and enlisted personnel of
5 the Texas State Guard are the uniforms prescribed for the United
6 States armed forces with any modifications the governor~~[, or the~~
7 ~~adjutant general if delegated the authority by the governor,]~~
8 considers necessary to distinguish the Texas State Guard from the
9 Texas National Guard.

10 SECTION 29. Section 437.231, Government Code, is amended to
11 read as follows:

12 Sec. 437.231. SEIZURE. (a) On a finding by the adjutant
13 general or the director that a person unlawfully possesses, and
14 refuses or fails to deliver up, arms, equipment, or other military
15 property issued by the department or Texas State Guard for use of
16 the Texas military forces, the governor may by warrant command the
17 sheriff of the county in which the person resides or is located to
18 seize the arms, equipment, or other military property and keep the
19 property subject to the governor's further order. The sheriff in
20 executing the warrant may invoke the power of the county.

21 (b) Each sheriff may collect military arms or property
22 issued by the department or Texas State Guard that is liable to loss
23 or in the hands of unauthorized persons and safely keep the arms and
24 property subject to order of the governor. The sheriff shall make a
25 report of the collection to the governor. The sheriff's official
26 bond covers faithful performance of duties under this subchapter.

27 SECTION 30. Subchapter G, Chapter 437, Government Code, is

amended to read as follows:

SUBCHAPTER G. TEXAS STATE GUARD

Sec. 437.301. INDEPENDENT STATE AGENCY; TRANSFER OF DUTIES; REFERENCE. (a) The Texas State Guard is a state agency charged with protecting and defending the people of this state from all natural and man-made threats to public safety.

(b) Notwithstanding any other law, the Texas State Guard is not subject to the control, supervision, or direction of the department for any purpose, including personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(c) The director shall coordinate with the adjutant general to:

(1) establish a clear delineation of responsibilities between the Texas State Guard and the department;

(2) develop a strategy for the maintenance of properties used by both the Texas State Guard and the department;
and

(3) ensure that missions of the Texas State Guard remain relevant and responsive as a force provider to this state.

(d) On request of the director, the department shall provide administrative support and services to the Texas State Guard.

Sec. 437.302. DIRECTOR; JURISDICTION; RESPONSIBILITIES, QUALIFICATIONS, AND REMOVAL. (a) The director is the governing officer and executive head [~~COMMANDER. The commander~~] of the Texas State Guard and is responsible:

(1) for the welfare, strength, and management of the

1 Texas State Guard;

2 (2) for the [~~organization,~~] training[~~,~~] and
3 administration of all Texas State Guard components; and

4 (3) [~~to the adjutant general to ensure the Texas State~~
5 ~~Guard missions remain relevant and responsive as a force provider~~
6 ~~to this state; and~~

7 [~~(4)~~] to field and staff the volunteer components of
8 the Texas State Guard.

9 (b) In addition to the duties prescribed by Subsection (a),
10 the director shall:

11 (1) establish by rule the chain of command and the
12 organizational and administrative structure of the Texas State
13 Guard;

14 (2) prepare and submit a biennial budget request to
15 the governor, lieutenant governor, and speaker of the house of
16 representatives;

17 (3) appear before appropriate legislative committees
18 to provide updates on the operations and readiness of the Texas
19 State Guard; and

20 (4) with approval of the governor, adopt rules
21 necessary to carry out this subchapter.

22 (c) To be eligible for appointment as director, an
23 individual must have at least 15 years of service as an officer with
24 a rank of not less than colonel in the Texas State Guard.

25 (d) It is grounds for removal from office by the governor if
26 the director:

27 (1) does not have at the time of appointment by the

1 governor the qualifications required by this section; or

2 (2) cannot, because of illness or disability,
3 discharge the director's duties for a substantial part of the
4 director's term.

5 Sec. 437.303 [~~437.302~~]. COMPOSITION; PERSONNEL; CODE OF
6 CONDUCT. (a) The Texas State Guard is composed of units the
7 governor, or director [~~adjutant general~~] if delegated the
8 authority, considers advisable and administrative employees hired
9 by the director under Subsection (g).

10 (b) The governor shall commission all officers of the Texas
11 State Guard.

12 (c) To serve in the Texas State Guard, a person:

13 (1) must be a resident of this state for at least 180
14 days;

15 (2) must be a citizen of the United States [~~or a person~~
16 ~~who has been lawfully admitted to the United States for permanent~~
17 ~~residence under the Immigration and Nationality Act (8 U.S.C.~~
18 ~~Section 1101 et seq.)~~];

19 (3) [~~subject to Subsections (c) and (d), must be at~~
20 ~~least 17 years of age and not older than 70 years of age,~~

21 [~~(4)~~] must undergo a criminal history check;

22 (4) [~~(5)~~] must not:

23 (A) be a current active or reserve duty service
24 member in the United States armed forces or other state military
25 forces; or

26 (B) have previously been:

27 (i) convicted of a felony or other offense

1 involving moral turpitude; or

2 (ii) separated from the United States armed
3 forces or Texas military forces under a discharge other than an
4 honorable discharge or a discharge under honorable conditions ~~[be a~~
5 ~~registered sex offender]~~; ~~[and]~~

6 (5) [(6)] must be acceptable to and approved by the
7 governor or director ~~[adjutant general]~~ under the governor's
8 direction; and

9 (6) must meet all criteria established under
10 Subsection (d).

11 (d) The director shall establish by rule minimum standards
12 for age, health, and physical condition of applicants based on the
13 needs of the Texas State Guard.

14 (e) Notwithstanding any other law, an individual seeking to
15 volunteer with the Texas State Guard is considered an employee or
16 applicant for employment, as applicable, for purposes of Chapter
17 21, Labor Code.

18 (f) The director shall, with the approval of the governor,
19 develop and implement by rule a code of regulations and conduct for
20 the administration and discipline of members of the Texas State
21 Guard.

22 (g) The director may hire employees as necessary to carry
23 out the administrative and other support operations of the Texas
24 State Guard.

25 Sec. 437.304. RECRUITMENT AND RETENTION. The director
26 shall:

27 (1) develop and implement a targeted recruitment

campaign to attract skilled professionals with diverse backgrounds;

(2) develop a comprehensive retention strategy, including improved training opportunities, clear career progression paths, and recognition programs; and

(3) establish partnerships with institutions of higher education, as defined by Section 61.003, Education Code.

~~[(c) The adjutant general may adopt a policy regarding waiver of the maximum age requirement under Subsection (b)(3).]~~

~~[(d) A person who is at least 17 years of age but younger than 18 years of age may serve in the Texas State Guard if the person:~~

~~[(1) is emancipated by marriage, court order, or other operation of law; or~~

~~[(2) provides to the adjutant general, in a form and manner prescribed by the adjutant general, the written consent of:~~

~~[(A) each of the person's parents or legal guardians, other than a parent or legal guardian who is:~~

~~[(i) deceased;~~

~~[(ii) determined by a court to be incapacitated;~~

~~[(iii) absent at an unknown location for an indefinite period; or~~

~~[(iv) confined in jail or prison serving a term of punishment that will result in the parent or guardian being released after the person's 18th birthday; or~~

~~[(B) for a person who is in the managing~~

~~conservatorship of the Department of Family and Protective Services or another legal entity, a representative of the department or other legal entity.]~~

Sec. 437.305 [~~437.303~~]. GOVERNOR'S AUTHORITY. (a) The governor has full control and authority over the Texas State Guard.

(b) In addition to any other rules adopted by the governor or director under this subchapter, the ~~[The]~~ governor may adopt regulations governing enlistment, organization, administration, uniforms, equipment, maintenance, command, training, and discipline of the Texas State Guard. ~~[The regulations to the extent practicable and desirable must conform to law and regulations governing the Texas National Guard.]~~

(c) Except as otherwise provided by law, the ~~[The]~~ governor may delegate the powers granted by this section to the director ~~[adjutant general]~~.

Sec. 437.306. ORGANIZATION; SPECIALIZED UNITS. (a) The director shall organize the following specialized units within the Texas State Guard:

- (1) a crisis response battalion;
- (2) an aviation response squadron;
- (3) a maritime response squadron;
- (4) a special missions unit;
- (5) a border security unit;
- (6) a medical unit;
- (7) a technology and cybersecurity unit;
- (8) a special operations unit; and
- (9) any additional specialized units as necessary to

1 meet the state's security and emergency response needs.

2 (b) The director may grant a member of a specialized unit
3 the authority to detect and apprehend an individual in the
4 performance of the member's duties while activated. The director
5 shall adopt rules to implement this subsection, including rules
6 requiring that a member complete certain training and receive a
7 certification to be eligible to be granted authority to detect and
8 apprehend individuals under this subsection.

9 Sec. 437.307. TRAINING AND EQUIPMENT; COMMUNICATIONS
10 INFRASTRUCTURE. (a) The director shall develop and implement
11 training programs for members of the Texas State Guard, including:

12 (1) specialized training programs focused on natural
13 and man-made disasters or other scenarios relevant to this state,
14 including hurricanes, floods, wildfires, and border security
15 operations;

16 (2) regular joint exercises with the Texas National
17 Guard and other relevant state agencies; and

18 (3) trainings on incident command systems, emergency
19 management principles, and interagency coordination.

20 (b) The Texas State Guard shall provide all equipment
21 necessary for the training and service of its members, including:

22 (1) high-water vehicles;

23 (2) unmanned aerial systems for damage assessment;

24 (3) mobile command posts; and

25 (4) specialized tools for disaster response and border
26 security.

27 (c) In addition to equipment provided by the Texas State

1 Guard under Subsection (b), the Texas State Guard shall establish a
2 communications infrastructure to ensure seamless coordination
3 among units of the Texas State Guard, units of other Texas military
4 forces, or other state agencies as necessary.

5 (d) The director shall establish clear protocols for
6 equipment use and maintenance by members of the Texas State Guard,
7 including liability for misuse of or damage to personal equipment
8 used during training and missions.

9 Sec. 437.308 [~~437.304~~]. FUNDING; ASSISTANCE. (a) Funds or
10 other property or services may be solicited by or donated to the
11 Texas State Guard or a unit in the Texas State Guard by any public or
12 private entity, including:

13 (1) a state agency or department;

14 (2) a political subdivision, including a county,
15 municipality, or public school district; or

16 (3) a special purpose district or authority.

17 (b) A public school district may permit the Texas State
18 Guard to use a school building.

19 (c) The director may enter into agreements with a public or
20 private entity for the shared use of facilities, equipment, or
21 other resources beneficial to the Texas State Guard's mission.

22 (d) The director shall implement a transparent budgeting
23 process that clearly identifies and delineates funding streams
24 within the Texas State Guard.

25 (e) The assistance solicited or received and any agreement
26 entered into under this section is governed by the policies and
27 regulations adopted by the director [~~adjutant general~~].

1 Sec. 437.309. ACTIVATION. (a) In addition to the purposes
2 described by Sections 431.111, 437.005, and 437.311, the governor
3 may, to the extent consistent with the United States and Texas
4 Constitutions, call all or part of the Texas State Guard to state
5 active duty:

6 (1) during any period when any part of the Texas
7 National Guard is serving on active federal military duty;

8 (2) to preserve the public peace, execute the laws of
9 this state, enhance domestic security, respond to terrorist threats
10 or attacks, protect and defend the people of this state from threats
11 to public safety, or respond to a disaster as defined by Section
12 418.004; or

13 (3) to assist a state agency or political subdivision
14 in carrying out its duties by law.

15 (b) Notwithstanding any other law, state active duty of a
16 unit of the Texas State Guard activated under this subchapter or
17 Chapter 431 may be terminated by:

18 (1) the expiration of the order calling the unit to
19 state active duty; or

20 (2) a separate order issued by the governor.

21 (c) The director shall establish clear protocols for rapid
22 mobilization and deployment of the Texas State Guard, including by
23 establishing preapproved mission sets for common disaster
24 scenarios.

25 Sec. 437.310 [437.305]. EMPLOYEES IN STATE GUARD;
26 EMERGENCY LEAVE. A state employee called to state active duty as a
27 member of the Texas State Guard by the governor or other appropriate

1 authority in response to a natural or man-made disaster is entitled
2 to receive paid emergency leave without loss of military leave
3 under Section [437.202](#) or annual leave.

4 Sec. [437.311](#) [~~437.306~~]. USE OUTSIDE STATE; FRESH PURSUIT
5 FROM OR INTO STATE. (a) Except as provided by Subsections (b) and
6 (c), the Texas State Guard may not be required to serve outside the
7 state.

8 (b) The governor, on request of the governor of another
9 state, may order all or part of the Texas State Guard to assist a
10 military or civil authority of that state in defending that state.
11 The governor may recall these forces.

12 (c) If authorized by the law of another state, an
13 organization, unit, or detachment of the Texas State Guard, on
14 order of the officer in immediate command, may continue in fresh
15 pursuit of an insurrectionist, a saboteur, an enemy, or enemy
16 forces into that state until the apprehension or capture of the
17 person or forces pursued or until military or police forces of that
18 state or the United States have had a reasonable opportunity to
19 apprehend, capture, or take up the pursuit of the person or forces.
20 The Texas State Guard without unnecessary delay shall surrender a
21 person apprehended or captured in another state to the military or
22 police forces of that state or the United States. This surrender is
23 not a waiver by this state of a right to extradite or prosecute the
24 person for a crime committed in this state.

25 (d) Military forces of another state may continue a fresh
26 pursuit into this state in the same manner permitted the Texas State
27 Guard under Subsection (c). The military forces of the other state

1 shall without unnecessary delay surrender a person captured or
2 arrested in this state to the military or police forces of this
3 state to be dealt with according to law. This subsection does not
4 prohibit an arrest in this state permitted by other law.

5 Sec. 437.312 [~~437.307~~]. FEDERAL SERVICE. This chapter does
6 not authorize the calling, ordering, or drafting of all or part of
7 the Texas State Guard into military service of the United States. A
8 person is not exempted by enlistment or commission in the Texas
9 State Guard from military service under federal law.

10 Sec. 437.313. RECOGNITION. The director shall establish a
11 program to recognize and reward outstanding service by members of
12 the Texas State Guard.

13 Sec. 437.314. COORDINATION WITH OTHER AGENCIES. (a) The
14 Texas State Guard shall coordinate with the Texas Division of
15 Emergency Management, the Texas Department of Public Safety, the
16 department, and other relevant state and local agencies to ensure
17 effective integration of efforts during emergencies and disasters.

18 (b) The director shall designate liaisons to promote
19 ongoing coordination and information sharing with state agencies as
20 necessary.

21 Sec. 437.315. REPORTING AND OVERSIGHT. (a) The director
22 shall, not later than December 1 of each year, submit an annual
23 report to the governor, lieutenant governor, and speaker of the
24 house of representatives on the activities, expenditures during the
25 preceding fiscal year, and readiness status of the Texas State
26 Guard.

27 (b) Not later than November 1 of each even-numbered year,

the state auditor's office shall conduct an audit of the Texas State Guard's compliance with the laws of this state.

Sec. 437.316 [~~437.308~~]. RECORDS; ARMS; EQUIPMENT. (a) The director [~~commander of the Texas State Guard~~] shall maintain and preserve the individual and unit records of the Texas State Guard and the Texas State Guard Honorary Reserve.

(b) The governor may request for use of the Texas State Guard arms and equipment that the United States government possesses and can spare. The governor, or the director [~~adjutant general~~] if delegated the authority by the governor, shall make available to the Texas State Guard state armories and available state property.

Sec. 437.317 [~~437.309~~]. TEXAS STATE GUARD HONORARY RESERVE. (a) The governor, or director [~~adjutant general~~] under the governor's authority and direction, may transfer to the Texas State Guard Honorary Reserve an officer or enlisted service member of the Texas State Guard who:

- (1) is physically disabled;
- (2) is at least 60 years of age; or
- (3) has served the federal or state military satisfactorily for at least 20 years.

(b) The governor may advance the service member one grade or rank at the time of the transfer into the honorary reserve. For a service member who is not a general officer, the director [~~adjutant general~~] may advance the service member one grade or rank at the time of the transfer into the honorary reserve.

Sec. 437.318 [~~437.310~~]. TEXAS STATE GUARD UNIFORM AND

1 INSIGNIA FUND. (a) A special revolving fund is established outside
2 the state treasury to be known as the Texas State Guard uniform and
3 insignia fund. The fund may be used only to purchase uniforms and
4 insignia to be used by members of the Texas State Guard. The fund
5 shall be administered in accordance with Section [437.211](#).

6 (b) The fund consists of:

7 (1) donations made to the fund;

8 (2) revenue received by the Texas State Guard from the
9 sale of uniforms and insignia to members of the guard;

10 (3) depository interest and investment income earned
11 on money in the fund; and

12 (4) money appropriated, credited, or transferred to
13 the fund by the legislature.

14 (c) If any part of the fund remains unexpended and
15 unobligated at the end of the state fiscal year, that amount is
16 dedicated for the same purposes in the subsequent year. Money in
17 the fund may not be diverted for any other purpose.

18 SECTION 31. Section [437.355](#), Government Code, is amended by
19 amending Subsections (a) and (c) and adding Subsection (a-1) to
20 read as follows:

21 (a) The governor or adjutant general, if delegated the
22 authority, may adopt policies and regulations relating to awarding:

23 (1) the Texas Purple Heart Medal, which shall be
24 awarded to a service member who:

25 (A) after September 11, 2001:

26 (i) was inducted into federal service from
27 the Texas National Guard; and

(ii) meets the criteria for an award of the federal Purple Heart Medal; or

(B) was wounded or killed at Fort Hood on November 5, 2009;

(2) the Texas Superior Service Medal, which shall be awarded to:

(A) a service member of the Texas military forces who has:

(i) completed 30 or more years of honorable state service or a combination of state and federal service; and

(ii) continually demonstrated superior performance and service while assigned to key leadership positions demanding responsibility; or

(B) a civilian who has contributed significant service to the Texas military forces;

(3) the Lone Star Distinguished Service Medal, which shall be awarded to a member of the military forces of this state, another state, or the United States for exceptionally outstanding achievement or service to this state in performance of a duty of great responsibility while serving with the Texas military forces for whom the department, Texas State Guard, or governor, as applicable, receives a letter of recommendation for award of the Lone Star Distinguished Service Medal that:

(A) gives an account of the exceptional achievement or service; and

(B) includes facts and photographs, and extracts from official documents to support and amplify the facts;

1 (4) the Texas Outstanding Service Medal, which shall
2 be awarded to a service member of the military forces of this state,
3 another state, or the United States who has performed service,
4 either individually or as a member of a crew, in a superior and
5 clearly outstanding manner;

6 (5) the Texas Humanitarian Service Medal, which shall
7 be awarded to a service member who:

8 (A) does not meet the criteria for an award of the
9 federal Humanitarian Service Medal;

10 (B) is a member of the Texas military forces; and

11 (C) while serving on state active duty or active
12 duty under state authority in accordance with Title 32, United
13 States Code, participates satisfactorily in defense support to a
14 mission under civilian authority to protect life or property during
15 or soon after a natural disaster or civil unrest in the state;

16 (6) the Texas Homeland Defense Service Medal, which
17 shall be awarded to a service member of the Texas military forces
18 who served:

19 (A) on or after September 11, 2001;

20 (B) on state active duty or active duty under
21 state authority in accordance with Title 32, United States Code;
22 and

23 (C) satisfactorily in defense support to a
24 mission in the state under civilian authority;

25 (7) the Federal Service Medal, which shall be awarded
26 to a service member who was inducted into federal service from the
27 Texas military forces between June 15, 1940, and January 1, 1946, or

1 after June 1, 1950, if the service was for more than 90 days;

2 (8) the Texas Combat Service Ribbon, which shall be
3 awarded to a service member of the Texas National Guard who served,
4 after September 11, 2001, in a hostile fire zone as designated by
5 the United States secretary of defense;

6 (9) the Texas Faithful Service Medal, which shall be
7 awarded to a member of the Texas military forces who has completed
8 five years of honorable service during which the service member has
9 shown fidelity to duty, efficient service, and great loyalty to
10 this state;

11 (10) the Texas Medal of Merit, which shall be awarded
12 to a member of the military forces of this state, another state, or
13 the United States who performs outstanding service or attains
14 extraordinary achievement, either individually or as a member of a
15 crew, in behalf of the state or United States;

16 (11) the Texas State Guard Service Medal, which shall
17 be awarded to a service member who completes three consecutive
18 years of honorable service in the Texas State Guard during which the
19 service member has shown fidelity to duty, efficient service, and
20 great loyalty to this state;

21 (12) the Texas Desert Shield/Desert Storm Campaign
22 Medal, which shall be awarded to a service member who was inducted
23 into federal service from the Texas National Guard after August 1,
24 1990, in support of Operation Desert Shield or Operation Desert
25 Storm, without regard to the place that the service member was
26 deployed while serving on active federal military duty;

27 (13) the Texas Iraqi Campaign Medal, which shall be

1 awarded to a service member who was inducted into federal service
2 from the Texas National Guard, without regard to the place that the
3 service member was deployed while serving on active federal
4 military duty, after:

5 (A) March 19, 2003, in support of Operation Iraqi
6 Freedom; or

7 (B) August 31, 2010, in support of Operation New
8 Dawn;

9 (14) the Texas Afghanistan Campaign Medal, which shall
10 be awarded to a service member who was inducted into federal service
11 from the Texas National Guard after October 6, 2001, in support of
12 Operation Enduring Freedom, without regard to the place that the
13 service member was deployed while serving on active federal
14 military duty;

15 (15) the Cold War Medal, which, subject to Subsection
16 (c), shall be awarded to a member of the military forces of this
17 state or the United States who:

18 (A) served between September 2, 1945, and
19 December 26, 1991; and

20 (B) was a resident of this state at the time the
21 service member entered military service; and

22 (16) the Texas Border Security and Support Service
23 Ribbon, which shall be awarded to a service member of the military
24 forces of this state, another state, or the United States who
25 served:

26 (A) on or after July 28, 2014;

27 (B) on state active duty or active duty under

1 state authority in accordance with Title 32, United States Code,
2 for at least 90 consecutive days, or in response to an emergency
3 activation; and

4 (C) honorably in support of operations under
5 civilian authority to secure this state's international border.

6 (a-1) Notwithstanding Subsection (a), the governor may
7 delegate authority to the adjutant general under that subsection
8 only with respect to the adoption of policies and regulations
9 relating to awards for members of the Texas National Guard.

10 (c) A person described by Subsection (a)(15) may be awarded
11 a Cold War Medal only if:

12 (1) a federal Cold War Medal or an equivalent federal
13 medal is not available to be awarded; and

14 (2) a fee in the amount necessary to cover the costs of
15 awarding the medal is paid to:

16 (A) for a medal awarded to a member of the Texas
17 National Guard, the adjutant general; or

18 (B) for a medal awarded to a member of the Texas
19 State Guard, the director [~~general's department~~].

20 SECTION 32. Section [437.357](#), Government Code, is amended to
21 read as follows:

22 Sec. 437.357. DESIGN; RIBBONS. (a) The department shall
23 design and have manufactured the medals, awards, decorations, and
24 ribbons awarded under this subchapter and others that the adjutant
25 general or director has approved for award.

26 (b) The governor, department, or Texas State Guard may
27 purchase or replace medals, awards, decorations, and ribbons

1 authorized under this subchapter for the recipient, the decedent's
2 family, and nonprofit and governmental entities honoring the
3 recipient or decedent.

4 (c) The adjutant general shall adopt regulations
5 prescribing when a ribbon issued by the adjutant general may be
6 appropriately worn instead of the medal it symbolizes. The
7 governor, in consultation with the director, shall adopt
8 regulations prescribing when a ribbon issued by the governor or
9 director may be appropriately worn instead of the medal it
10 symbolizes.

11 SECTION 33. The following provisions of the Government Code
12 are repealed:

- 13 (1) Section 437.003(d);
14 (2) Section 437.103; and
15 (3) Section 437.311, as added by H.B. No. 101, Acts of
16 the 89th Legislature, Regular Session, 2025.

17 SECTION 34. (a) Not later than September 1, 2026, all
18 employees and volunteers of the Texas Military Department who
19 primarily perform duties related to a duty, function, or activity
20 transferred by this Act, including employees who provide
21 administrative support for those functions and services, are
22 transferred to the Texas State Guard.

23 (b) A rule, form, policy, procedure, or decision of the
24 Texas Military Department that is related to a duty, function, or
25 activity transferred by this Act continues in effect as a rule,
26 form, policy, procedure, or decision of the Texas State Guard until
27 superseded by an act of the governor or director of the Texas State

1 Guard.

2 (c) A court case, administrative proceeding, contract
3 negotiation, or other proceeding involving the Texas Military
4 Department that is related to a duty, function, or activity
5 transferred by this Act to the Texas State Guard is transferred
6 without change to the Texas State Guard, and the Texas State Guard
7 assumes, without a change in status until superseded by an act of
8 the governor or director of the Texas State Guard, the position of
9 the Texas Military Department in a negotiation or proceeding
10 relating to a duty, function, or activity transferred by this Act to
11 the Texas State Guard to which the Texas Military Department is a
12 party.

13 (d) Not later than September 1, 2026, all money, contracts,
14 memoranda of understanding, leases, rights, bonds, or obligations
15 of the Texas Military Department related to a duty, function, or
16 activity transferred by this Act to the Texas State Guard are
17 transferred to the Texas State Guard.

18 (e) Not later than September 1, 2026, all personal property,
19 including databases, records, and related information technology,
20 in the custody of the Texas Military Department related to a duty,
21 function, or activity transferred by this Act to the Texas State
22 Guard becomes the property of the Texas State Guard.

23 SECTION 35. As soon as practicable after the governor
24 appoints a director as required by Section 437.003(c), Government
25 Code, as amended by this Act, to accomplish the transfer of duties
26 and functions under this Act, the Texas State Guard and the Texas
27 Military Department shall adopt a memorandum of understanding that

1 identifies and allocates between the Texas State Guard and the
2 Texas Military Department the property, employees, and other items
3 transferred in accordance with this Act. The memorandum of
4 understanding must also:

5 (1) identify and allocate between the Texas State
6 Guard and the Texas Military Department the employees and real and
7 personal property of the Texas Military Department, including
8 space, used to generally support the activities of the Texas
9 Military Department related to a duty, function, or activity
10 transferred by this Act; and

11 (2) provide a schedule for any necessary or advisable
12 transfer of the physical location of employees and property.

13 SECTION 36. (a) Not later than February 1, 2026, the
14 governor shall appoint the director of the Texas State Guard as
15 required by Section 437.003(c), Government Code, as amended by this
16 Act.

17 (b) Until the director of the Texas State Guard is appointed
18 by the governor in the manner provided by Section 437.003,
19 Government Code, as amended by this Act, the governor shall,
20 notwithstanding any provision of Chapter 437, Government Code, as
21 amended by this Act, serve as the sole governing officer and
22 executive head of the Texas State Guard.

23 SECTION 37. This Act takes effect on the 91st day after the
24 last day of the legislative session.