

SUBJECT: Continuing the Adjutant General's Department

COMMITTEE: State, Federal and International Relations— favorable, with amendment

VOTE: 9 ayes — Hunter, Moreno, Chavez, Isett, Palmer, Pitts, Seaman, West, Wise
0 nays

SENATE VOTE: On final passage, April 7 — voice vote

WITNESSES: For — Daniel James
Against — None
On — John Hubbard, Sunset Commission

BACKGROUND : The Adjutant General's Department (AGD) is responsible for overseeing and providing staff support for the National Guard in Texas and for responding to federal mandates concerning the Guard. The National Guard is the military force that can serve in times of conflict and aid states or the nation during civil disturbances or natural disasters. The AGD also oversees the State Guard, a voluntary state reserve force that can be mobilized by the governor when the National Guard is performing federal duties.

The Sunset Commission identified four responsibilities of the AGD:

- providing command and staff support to subordinate units of the Army and Air National Guard and State Guard;
- providing support to recruit and train persons and units for state and federal assignments;
- providing contingency planning for mobilizing the National Guard for federal service and civil support during domestic emergencies; and
- coordinating with the Texas National Guard Armory Board to house units and store equipment.

The Government Code lists duties of the adjutant general, including: performing duties that the governor assigns; performing as near as practicable the duties of chief of staff of the army and air force and the secretaries of military services, under regulations and customs of the U.S. armed forces; controlling and supervising the transportation of troops, munitions of war, military equipment and property and stores in the state; and keeping a register of all officers of the state militia.

The adjutant general is appointed by the governor, with advise and consent of the Senate, and oversees about 320 state employees and about 3,100 federal employees. In fiscal 1995, almost 95 percent of the AGD's funding, \$398 million, came from direct federal funds and about 5 percent, about \$22 million, came from state appropriations. Of the \$22 million in state appropriations, about 43 percent came from general revenue and 56 percent from federal funds. State general revenue funds pay for purely state functions and serve as a match for some federal funds.

The AGD is subject to the Sunset Act and underwent Sunset Advisory Commission review during the past interim. The department will be abolished September 1, 1997, unless continued by the Legislature.

DIGEST: SB 353 would continue the Adjutant General's Department until September 1, 2009, and make other changes to implement standard Sunset Advisory Commission recommendations on:

- appointments being made without regard to race, color, sex, religion or national origin;
- conflicts of interest, standard training for policy making bodies, grounds for removal;
- distribution of information about standards of conduct for officers and employees, development of an intra-agency career ladder, a system of annual performance evaluations and a system of merit pay based on employee evaluations;
- requiring the adjutant general or a designee to prepare and maintain a policy statement to assure implementation of a program of equal employment opportunity;
- legislative review of agency funds and annual financial reporting; and

- complaint handling, public information on the department's functions, and compliance with federal and state disability laws.

SB 353 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

The Adjutant General's Department should be continued because it is necessary to ensure the existence of a capable military force to serve Texas and to ensure compliance with federal requirement concerning the National Guard. The AGD provides the infrastructure that makes National Guard mobilizations possible. In fact, federal law requires each state to have an adjutant general to oversee that state's National Guard.

If the AGD were abolished, Texas would lose a substantial amount of federal funds, about \$398 million in fiscal 1995, which would have an adverse economic effect on Texas communities. The annual estimated economic impact of the Texas National Guard is over \$1.1 billion.

In addition to overseeing the National Guard, the AGD performs other important duties. It oversees the State Guard, which assists local governments with security, traffic and crowd control and honor guards. The AGD also provides community support activities, directed by the National Guard Bureau, such as assisting in job training in maritime industries for high school drop-outs and a program that provides math and science classes for low-income and disabled elementary school students. The AGD also works with law enforcement agencies in counter-drug missions to combat the flow of illegal drugs in Texas.

Combining the AGD with another state agency would not result in any substantial savings or benefits because there is no other state agency with knowledge and expertise in purely military issues. The Sunset Commission identified no other statutory changes that would appreciably change the adjutant's general's control and management of the National Guard, considering federal and military constraints.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES: The committee amendments would revise the equal employment provision to refer to laws, rules, regulations and instructions directly promulgated from laws, rules and regulations rather than to guidelines.