

**SUBJECT:** Continuing the Texas Military Department

**COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended

**VOTE:** 6 ayes — Flynn, Tinderholt, Ashby, Hinojosa, Reynolds, Romero

1 nay — Ramos

1 absent — Lozano

**WITNESSES:** For — None

Against — (*Registered, but did not testify*): Fidel Acevedo

On — Robert Romig, Sunset Advisory Commission; Tracy Norris and Shelia Taylor, Texas Military Department

**BACKGROUND:** The Texas Military Department (TMD) comprises both the Texas Military Forces and the state agency that provides civilian administrative support to those forces. The Texas Military Forces include the Texas Army National Guard, the Texas Air National Guard, and the Texas State Guard and consisted of about 23,200 members at the end of fiscal 2017.

**Functions.** In cooperation with the National Guard Bureau, an arm of the Department of Defense (DOD), and other entities, TMD trains, equips, and maintains readiness of National and State Guard units to provide military forces to support local, state, and federal missions domestically and overseas. State military-support operations include providing personnel and equipment for use in responding to natural and manmade disasters and for border security, counterdrug, and public health missions. TMD maintains Army National Guard facilities throughout the state.

The department provides services to guard members and their families, including state-funded tuition assistance, legal and financial services, and counseling for mental health and other issues. TMD operates two education programs; one helps high school students at risk of dropping

out, and the other promotes interest in science and technology among elementary school students.

**Governing structure.** The governor is the commander-in-chief of the state's military forces and, with the consent of the Senate, appoints an adjutant general to a two-year term to serve as both commanding general over the Texas Military Forces and administrative head of TMD. The governor also appoints two deputy adjutant generals for the Air and Army National Guards and a commander for the State Guard. TMD does not have a rulemaking or policy body, and all state administrative rules are adopted by either the adjutant general or the governor.

The adjutant general has a joint staff that coordinates operations using components of the Texas Military Forces and advises on common functions such as readiness, planning, and logistics. TMD maintains duplicate federal and state offices for many administrative functions, such as human resources, finance, and payroll, and divides these traditional agency functions between federal offices under the adjutant general's chief of staff and a state executive director specifically named in state law.

**Funding.** TMD's funding totaled about \$101.1 million in fiscal 2017, including about \$28.1 million in direct state appropriations and \$14.6 million from border security contracts with the Department of Public Safety. TMD also received about \$58.4 million in federal funds.

**Staffing.** About 4,850 employees support TMD's day-to-day military and administrative tasks. Around 20 percent of TMD's staff are located at Camp Mabry, the department's headquarters in Austin, and the rest are spread across the state in various armories. The DOD directly provides 4,300 of these staff as regular federal employees. Of the others classified as state employees, the state fully funds about 70, and the DOD fully or partially reimburses the rest.

TMD would be discontinued September 1, 2019, if not continued in statute.

**DIGEST:** CSHB 1326 would continue the Texas Military Department (TMD) until September 1, 2031, and would amend several provisions related to its internal management and operations.

**Administration of state operations.** The bill would change the title of the administrative head of TMD responsible for managing the department from "executive director" to "director of state administration." The director of state administration would be a senior-level employee of TMD appointed by the adjutant general.

The bill would specify that the director of state administration was responsible for the daily administration of TMD's state support operations and could hire employees to carry on such operations. The adjutant general would be required to implement a policy outlining the director of state administration's responsibility for state administrative interests across all programs, including evaluating procedures for oversight of state employees and mitigating compliance risks.

The bill would require the adjutant general to assume responsibility for all administration of TMD, including ensuring compliance with applicable state law and priorities and overseeing state employees.

**State benefits.** The bill would specify that the days certain members of the state military forces had to be on state active duty or training to qualify for state group insurance benefits had to be consecutive.

**Tuition assistance for guard members.** The bill would remove a limit on the number of tuition assistance awards the adjutant general could grant per semester to eligible members of the Texas State Guard.

**Effective date.** The bill would take effect September 1, 2019.

**SUPPORTERS SAY:** CSHB 1326 would continue the Texas Military Department (TMD) for 12 years, ensuring that Texas had ready and capable military forces to support state and federal missions, including for national defense and in response to domestic emergencies. Texas maintains the largest National

Guard force in the country, and the Department of Defense frequently looks to Texas' recruiting strength and has deployed Texas National Guard units across the globe. Texas Military Forces are a key component of the state's disaster planning and response. TMD has assisted in responding to numerous natural disasters, civil support, and law enforcement missions.

Changing the title of the executive director to the director of state administration and clarifying the duties of both this position and the adjutant general's are necessary steps to strengthen TMD's internal oversight of its diverse state functions. These changes would ensure applicable statute integrated state administrative interests into TMD's leadership structure. The current structure dilutes the adjutant general's responsibility for and visibility in state matters. The title of "executive director" implies the position directs the department's entire response to state interests, making it equivalent to an executive director of another state agency. This misleading title causes confusion when working with other states and state agencies, and the lack of clarity has led to low morale in state administrative staff. When the executive director position was created, it was meant to provide oversight of some state employees tasked with state financial, purchasing, human resources, and other administrative matters. The executive director does not have authority to enforce state policies across the department. However, in practice, the use of the title "executive director" has conflicted with the authority of the adjutant general.

CSHB 1326 would clarify that ultimate responsibility for overall day-to-day administration of the department rested with the adjutant general, including compliance with applicable state laws and rules and oversight of state employees. Removing the title of executive director and requiring the adjutant general to appoint a high-level director of state administration as part of TMD's executive leadership would better incorporate state administration into the organization of the department. To elevate the department's attention to state matters, the bill also would direct the adjutant general to adopt a policy outlining the director of state administration's responsibilities to advocate for state administrative interests across all department programs. This general advocacy role

would be in addition to the position's current requirements to directly manage certain state employees, enter into contracts, and oversee the daily administration of the department.

The bill would not take away any duties or responsibilities of the executive director position, nor would it expand the adjutant general's authority. Renaming the position would articulate more clearly the position's role to oversee indirect administration of state operations while serving at the pleasure of the adjutant general. The adjutant general's duties would not be expanded under the bill, as the bill simply would outline in statute the ultimate responsibility the adjutant general currently has over all aspects of the department.

CSHB 1326 also would remove an unnecessary cap for the amount of tuition assistance awards that could be given to State Guard members per semester since the department already may grant more awards if it finds a compelling need.

**OPPONENTS  
SAY:**

CSHB 1326 would not ensure adequate oversight of state administrative operations of the department and would concentrate too much authority in the adjutant general. By transferring certain administrative duties currently with the executive director to the adjutant general, the bill would alter the roles of both the adjutant general and the current executive director in the process of reclassifying the latter as the director of state administration. In addition to what already is outlined in statute, the adjutant general would be responsible for ensuring compliance with applicable state law and priorities and overseeing state employees. This would concentrate too much authority in one person.