

By: Hopper

H.B. No. 4914

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 Army National Guard and Texas Air 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 Army National Guard and Texas Air 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 Texas military forces applies only to the Texas Army National Guard and Texas Air National Guard.

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

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

(b) On recommendation of the adjutant general, the governor shall appoint a deputy adjutant general for army and ~~[,]~~ a deputy

adjutant general for air~~[, and the commander of the Texas State Guard]~~. The deputy adjutants general ~~[and commander]~~ serve until replaced. To be qualified for appointment as a deputy adjutant general, a service member must have the qualifications required for appointment as adjutant general.

(c) The governor, with the advice and consent of the senate, shall appoint a director of the Texas State Guard to a two-year term expiring February 1 of each even-numbered year. To be qualified for appointment as director, a person must have the qualifications required by Section 437.302. The director is responsible for leading and managing the Texas State Guard. The director is subordinate only to the governor in matters pertaining to the Texas State Guard. The governor shall~~[,]~~ commission~~[,]~~ and assign the Texas State Guard general officers. The governor may remove or reassign an officer. To be eligible for appointment as a general officer, a service member must have:

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

(2) served at least three years as a commissioned

officer in the Texas State Guard.

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

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

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

(a) The governor may activate all or part of the Texas military forces to state active duty or for state training and other duty. The governor may delegate to the adjutant general all or part of the authority granted by this section with respect to the Texas Army National Guard or Texas Air National Guard and may delegate to the director all or part of the authority granted by this section with respect to the Texas State Guard [~~to the adjutant general~~].

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

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

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

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

SECTION 7. Subchapter B, Chapter 437, Government Code, is amended by adding Section 437.0515 to read as follows:

Sec. 437.0515. REFERENCE TO CERTAIN MILITARY FORCES.
Notwithstanding any other law, a reference in this subchapter to "Texas military forces" or "state military forces" means only the Texas Army National Guard and Texas Air National Guard.

SECTION 8. Section 437.059, Government Code, is amended to read as follows:

Sec. 437.059. ADJUTANT GENERAL APPOINTMENTS. The adjutant general, as the adjutant general determines appropriate and with

available funds, may appoint full-time employees of the department, traditional national guard members, [~~state guard volunteers~~], or federal employees.

SECTION 9. Subchapter C, Chapter 437, Government Code, is amended by adding Section 437.1015 to read as follows:

Sec. 437.1015. REFERENCE TO CERTAIN MILITARY FORCES.
Notwithstanding any other law, a reference in this subchapter to "Texas military forces" or "state military forces" means only the Texas Army National Guard and Texas Air National Guard.

SECTION 10. Subchapter D, Chapter 437, Government Code, is amended by adding Section 437.1515 to read as follows:

Sec. 437.1515. REFERENCE TO CERTAIN MILITARY FORCES.
Notwithstanding any other law, a reference in this subchapter to "Texas military forces" or "state military forces" means only the Texas Army National Guard and Texas Air National Guard.

SECTION 11. Section 437.201, Government Code, is amended to read as follows:

Sec. 437.201. CERTIFICATION OF MILITARY UNITS. The adjutant general shall issue each unit of the Texas Army National Guard and Texas Air National Guard, and the director shall issue each unit of the Texas State Guard, a certificate stating that the unit has been duly organized according to the laws and regulations of the Texas military forces and is entitled to the rights, powers,

privileges, amenities, and immunities conferred by law and military regulation. The certificate is evidence in a state court that the unit is duly incorporated.

SECTION 12. Sections 437.206(b) and (f), Government Code, are amended to read as follows:

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

(f) The governor may delegate to the adjutant general the powers granted by this section with respect to the Texas Army National Guard or Texas Air National Guard and may delegate to the director the powers granted by this section with respect to the Texas State Guard [~~to the adjutant general~~].

SECTION 13. Sections 437.211(a) and (c), Government Code, are amended to read as follows:

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

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

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

(A) on September 1 of each year; and

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

(c) A unit fund is a special fund held outside the state treasury to be administered by the commanding officer of the unit without further appropriation. A unit fund is not subject to Chapter 2256. The department shall develop policies and procedures concerning the administration of unit ~~[the]~~ funds for which the custodian is a commanding officer of the Texas Army National Guard or Texas Air National Guard. The 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 14. 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 Army National Guard or Texas Air 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, adjutant general, and the Employees Retirement System of Texas shall coordinate and consult to implement the benefits program provided by Subsection (f) and shall adopt a memorandum of understanding to establish:

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

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

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

SECTION 15. Section 437.219(c), Government Code, is amended to read as follows:

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

Internet website.

SECTION 16. Section 437.221, Government Code, is amended to read as follows:

Sec. 437.221. OTHER DUTY AND COMMUNITY SERVICE MISSIONS.

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

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

SECTION 17. Section 437.225(a), Government Code, is amended to read as follows:

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

SECTION 18. Section 437.228(a), Government Code, is amended to read as follows:

(a) A service member to whom ~~[the department issues]~~ a

uniform or other military property is issued shall give a receipt for the uniform or property. The adjutant general or the director, as appropriate, shall prescribe the manner in which the uniform and property shall be accounted for and kept.

SECTION 19. Section 437.229, Government Code, is amended to read as follows:

Sec. 437.229. UNIFORM. (a) Except as provided by Subsection (b), the uniform of the officers and enlisted service members of the Texas military forces is the uniform prescribed for the United States armed forces with modifications that the governor, or adjutant general if delegated the authority, considers necessary. The governor may delegate to the adjutant general authority under this section only with respect to uniforms issued to officers and enlisted service members of the Texas Army National Guard or Texas Air National Guard.

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

SECTION 20. Section 437.231, Government Code, is amended to read as follows:

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

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

SECTION 21. 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 Texas State Guard;

(2) for the [organization,] training[7] and

administration of all Texas State Guard components; and

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

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

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

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

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

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

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

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

(d) It is grounds for removal from office by the governor if

the director:

(1) does not have at the time of appointment by the governor the qualifications required by this section; or

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

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

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

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

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

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

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

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

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

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

(B) have previously been:

(i) convicted of a felony or other offense involving moral turpitude; or

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

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

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

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

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

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

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

~~[(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. 437.304. RECRUITMENT AND RETENTION. The director shall:

(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.

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
meet the state's security and emergency response needs.

(b) The director may grant a member of a specialized unit the authority to detect and apprehend an individual in the performance of the member's duties while activated. The director shall adopt rules to implement this subsection, including rules

requiring that a member complete certain training and receive a certification to be eligible to be granted authority to detect and apprehend individuals under this subsection.

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

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

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

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

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

(1) high-water vehicles;

(2) unmanned aerial systems for damage assessment;

(3) mobile command posts; and

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

(c) In addition to equipment provided by the Texas State Guard under Subsection (b), the Texas State Guard shall establish

a communications infrastructure to ensure seamless coordination among units of the Texas State Guard, units of other Texas military forces, or other state agencies as necessary.

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

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

- (1) a state agency or department;
- (2) a political subdivision, including a county, municipality, or public school district; or
- (3) a special purpose district or authority.

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

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

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

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

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

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

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

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

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

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

(2) a separate order issued by the governor.

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

Sec. 437.310 [~~437.305~~]. EMPLOYEES IN STATE GUARD; EMERGENCY LEAVE. A state employee called to state active duty as a member of the Texas State Guard by the governor or other appropriate authority in response to a natural or man-made disaster is entitled to receive paid emergency leave without loss of military leave under Section 437.202 or annual leave.

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

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

(c) If authorized by the law of another state, an organization, unit, or detachment of the Texas State Guard, on order of the officer in immediate command, may continue in fresh pursuit of an insurrectionist, a saboteur, an enemy, or enemy forces into that state until the apprehension or capture of the

person or forces pursued or until military or police forces of that state or the United States have had a reasonable opportunity to apprehend, capture, or take up the pursuit of the person or forces. The Texas State Guard without unnecessary delay shall surrender a person apprehended or captured in another state to the military or police forces of that state or the United States. This surrender is not a waiver by this state of a right to extradite or prosecute the person for a crime committed in this state.

(d) Military forces of another state may continue a fresh pursuit into this state in the same manner permitted the Texas State Guard under Subsection (c). The military forces of the other state shall without unnecessary delay surrender a person captured or arrested in this state to the military or police forces of this state to be dealt with according to law. This subsection does not prohibit an arrest in this state permitted by other law.

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

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

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

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

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

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

437.211.

(b) The fund consists of:

- (1) donations made to the fund;
- (2) revenue received by the Texas State Guard from the sale of uniforms and insignia to members of the guard;
- (3) depository interest and investment income earned on money in the fund; and
- (4) money appropriated, credited, or transferred to the fund by the legislature.

(c) 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 22. Section 437.355, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

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

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

(A) after September 11, 2001:

(i) was inducted into federal service from

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;

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

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

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

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

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

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

(A) on or after September 11, 2001;

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

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

(7) the Federal Service Medal, which shall be awarded to a service member who was inducted into federal service from the Texas military forces between June 15, 1940, and January 1, 1946, or after June 1, 1950, if the service was for more than 90 days;

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

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

(10) the Texas Medal of Merit, which shall be awarded to a member of the military forces of this state, another state, or the United States who performs outstanding service or attains extraordinary achievement, either individually or as a member of

a crew, in behalf of the state or United States;

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

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

(13) the Texas Iraqi Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard, without regard to the place that the service member was deployed while serving on active federal military duty, after:

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

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

(14) the Texas Afghanistan Campaign Medal, which shall be awarded to a service member who was inducted into federal

service from the Texas National Guard after October 6, 2001, in support of Operation Enduring Freedom, without regard to the place that the service member was deployed while serving on active federal military duty;

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

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

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

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

(A) on or after July 28, 2014;

(B) on state active duty or active duty under state authority in accordance with Title 32, United States Code, for at least 90 consecutive days, or in response to an emergency activation; and

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

(a-1) Notwithstanding Subsection (a), the governor may

delegate authority to the adjutant general under that subsection only with respect to the adoption of policies and regulations relating to awards for members of the Texas Army National Guard and Texas Air National Guard.

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

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

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

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

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

SECTION 23. Section 437.357, Government Code, is amended to read as follows:

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

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

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

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

SECTION 24. The following provisions of the Government Code are repealed:

- (1) Section 437.003(d); and
- (2) Section 437.103.

SECTION 25. (a) Not later than September 1, 2026, all employees and volunteers of the Texas Military Department who primarily perform duties related to a duty, function, or activity transferred by this Act, including employees who provide administrative support for those functions and services, are transferred to the Texas State Guard.

(b) A rule, form, policy, procedure, or decision of the Texas Military Department that is related to a duty, function, or activity transferred by this Act continues in effect as a rule, form, policy, procedure, or decision of the Texas State Guard until

superseded by an act of the governor or director of the Texas State Guard.

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

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

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

SECTION 26. As soon as practicable after the governor appoints a director as required by Section 437.003(c), Government Code, as amended by this Act, to accomplish the transfer of duties and functions under this Act, the Texas State Guard and the Texas Military Department shall adopt a memorandum of understanding that identifies and allocates between the Texas State Guard and the Texas Military Department the property, employees, and other items transferred in accordance with this Act. The memorandum of understanding must also:

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

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

SECTION 27. (a) Not later than February 1, 2026, the governor shall appoint the director of the Texas State Guard as required by Section 437.003(c), Government Code, as amended by this Act.

(b) Until the director of the Texas State Guard is appointed by the governor in the manner provided by Section 437.003,

Government Code, as amended by this Act, the governor shall, notwithstanding any provision of Chapter 437, Government Code, as amended by this Act, serve as the sole governing officer and executive head of the Texas State Guard.

SECTION 28. This Act takes effect September 1, 2025.