

BILL ANALYSIS

Senate Research Center

S.B. 352
By: Armbrister
Veterans Affairs
3-27-97
Committee Report (Amended)

DIGEST

The Texas National Guard Armory Board (board) was created in 1935 and is responsible for managing construction, control, maintenance, and operation of 113 National Guard armories in Texas. The board carries out its functions through a six-member body, composed of the two senior officers of the Texas Army National Guard, the senior officer of the Texas Air National Guard, and three members of the public. To carry out its functions the board had a budget of \$24,713,072 and 32 employees in fiscal year 1996.

The board is subject to the Sunset Act and will be abolished September 1, 1997, unless continued by the legislature. As a result of its review of the board, the Sunset Advisory Commission recommended continuation with statutory modifications that are contained in this legislation.

PURPOSE

As proposed, S.B. 352 continues the Texas National Guard Armory Board for a four-year period, makes certain modifications including changes affecting the board's composition, and transfers property to certain Texas cities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 435A, Government Code, by amending Sections 435.003-435.009, and 435.012, and by adding Sections 435.0043, 435.0044, 435.0045, 435.0095, and 435.014-435.017, as follows:

Sec. 435.003. New title: APPLICATION OF SUNSET ACT. Provides that the Texas National Guard Armory Board (board) is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2001. Deletes Subsection (b).

Sec. 435.004. COMPOSITION. Sets forth the composition of the board. Updates standard sunset language regarding appointments. Deletes existing Subsection (d). Makes conforming changes.

Sec. 435.0043. CONFLICTS OF INTERESTS. Sets forth standard sunset language regarding prohibitions.

Sec. 435.0044. PRESIDING OFFICER. Sets forth standard sunset language regarding designation of the presiding officer.

Sec. 435.0045. BOARD MEMBER TRAINING. Sets forth standard sunset language regarding board member training.

Sec. 435.005. VACANCY; INABILITY TO SERVE. Provides that if a member of the board who is a senior officer, rather than an officer, of the Texas National Guard retired from

active service with the Texas National Guard, the member's position on the board becomes vacant. Provides that a vacancy on the board is filled for the unexpired term in the same manner in which the position was originally filled. Deletes existing language providing for the succession of board members based on a person's position in the Texas National Guard.

Sec. 435.006. REMOVAL. Sets forth standard sunset language regarding the grounds for removing a board member.

Sec. 435.007. TERM AND OFFICERS. Deletes existing language relating to the election of a chairman from among the board members.

Sec. 435.009. PERSONNEL. Sets forth standard sunset language regarding the development of a career ladder program. Sets forth standard sunset language regarding the development of an annual performance evaluation. Sets forth standard sunset language regarding notification requirements for the executive secretary or a designee. Sets forth standard sunset language regarding separate policymaking responsibilities.

Sec. 435.0095. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. Sets forth standard sunset language regarding the development of an equal opportunity employment policy.

Sec. 435.012. RECORDS; AUDIT; REPORT. Sets forth standard sunset language regarding an annual financial report.

Sec. 435.014. PUBLIC HEARINGS. Sets forth standard sunset language regarding opportunities for the public to appear before the board.

Sec. 435.015. PUBLIC INTEREST INFORMATION AND COMPLAINTS. Sets forth standard sunset language regarding the preparation and distribution of information to the public. Sets forth standard sunset language regarding the collection and maintenance of information about complaints.

Sec. 435.016. FUNDS SUBJECT TO STATE FUNDS REFORM ACT. Sets forth standard sunset language regarding the management of funds.

Sec. 435.017. PROGRAM AND FACILITY ACCESSIBILITY. Sets forth standard sunset language regarding compliance with state and federal programs and facility accessibility laws.

SECTION 2. Requires the board to donate and transfer to the City of Donna the real property described by Subsection (d) of this section under certain conditions. Requires the board to transfer the property by an appropriate instrument of transfer. Requires the instrument to include certain provisions. Requires the board to retain custody of the instrument of transfer after its filing. Sets forth a description of the real property referred to in Subsection (a) of this section.

SECTION 3. Requires the board to donate and transfer to the City of Edinburg the real property described by Subsection (d) under certain conditions. Requires the board to transfer the property by an appropriate instrument of transfer. Requires the instrument to include certain provisions. Requires the board to retain custody of the instrument of transfer after its filing. Sets forth a description of the real property referred to in Subsection (a) of this section.

SECTION 4. Requires the board to donate and transfer to the City of McAllen the real property described by Subsection (d) of this section under certain conditions. Requires the board to transfer the property by an appropriate instrument of transfer. Requires the instrument to include certain provisions. Requires the board to retain custody of the instrument of transfer after its filing. Sets forth a description of the real property referred to in Subsection (a) of this section.

SECTION 5. Requires the board to donate and transfer to the City of Pharr the real property described by Subsection (d) of this section under certain conditons. Requires the board to transfer the property by an appropriate instrument of transfer. Requires the instrument to include certain

provisions. Requires the board to retain custody of the instrument of transfer after its filing. Sets forth a description of the real property referred to in Subsection (a) of this section.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Makes application of this Act prospective. Provides that this Act does not prohibit a person who is a member of the board on September 1, 1997, from being reappointed to the board if the person has the qualifications required for a member under Chapter 435, Government Code, as amended by this Act.

SECTION 8. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTIONS 2-5.

Page 11, line 20, to add new SECTIONS 2-5 regarding board transfers of property.
Renumbers existing SECTIONS 2 and 3 to SECTIONS 7 and 8.