

BILL ANALYSIS

Senate Research Center
78R9472 JRD-D

C.S.S.B. 287
By: Ellis, Rodney
Government Organization
4/4/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Under the provisions of a constitutional amendment adopted in 1999, a state board or commission must be composed of an odd number of three or more members serving six-year terms, with one-third or as near one-third as possible of the members' terms expiring every two years. However, some boards are still composed under the old divisible-by-three rule. C.S.S.B. 287 adjusts the board size of a number of state agencies to bring them into compliance with the 1999 constitutional amendment.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

SECTION 1.01. Amends Section 461.003(b), Health and Safety Code, effective September 1, 2003, as follows:

(b) Provides that the Texas Commission on Alcohol and Drug Abuse (commission) is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate.

SECTION 1.02. Amends Section 461.006, Health and Safety Code, effective September 1, 2003, as follows:

Sec. 461.006. TERMS. Provides that commission members serve staggered six-year terms, with the terms of one or two members expiring February 1 of each odd-numbered year.

SECTION 1.03. (a) Provides that of the two positions on the Texas Commission on Alcohol and Drug Abuse that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the two members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the chairman of the Texas Commission on Alcohol and Drug Abuse of that determination.

ARTICLE 2. TEXAS ANIMAL HEALTH COMMISSION

SECTION 2.01. Amends Section 161.021(a), Agriculture Code, effective September 1, 2003, to provide that the commission is composed of 13, rather than 12, commissioners appointed by the governor with the advice and consent of the senate, with the appropriate number from certain categories.

SECTION 2.02. Amends Section 161.022, Agriculture Code, effective September 1, 2003, as

follows:

Sec. 161.022. TERM. Provides that commissioners serve for staggered terms of six years, with the terms of four or five members expiring every other year.

SECTION 2.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Texas Animal Health Commission for a term expiring September 6, 2007.

ARTICLE 3. TEXAS COMMISSION ON THE ARTS

SECTION 3.01. Amends Section 444.003(a), Government Code, effective September 1, 2003, to provide that the commission is composed of 17, rather than 18, members appointed by the governor with the advice and consent of the senate.

SECTION 3.02. (a) Provides that of the six positions on the Texas Commission on the Arts that have terms expiring on August 31, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the six members, on or before September 1, 2003, whose terms are scheduled to expire on August 31, 2005, to determine by unanimous agreement or by lot which of the six positions shall be abolished and to inform the presiding officer of the Texas Commission on the Arts of that determination.

ARTICLE 4. ADVISORY BOARD OF ATHLETIC TRAINERS

SECTION 4.01. Amends Section 451.051(b), Occupations Code, effective September 1, 2003, to provide that the Advisory Board of Athletic Trainers (board) consists of five certain members appointed by the governor with the advice and consent of the senate.

SECTION 4.02. Amends Section 451.053(a), Occupations Code, effective September 1, 2003, to provide that the board members serve staggered six-year terms with the terms of one or two members expiring on January 31 of each odd-numbered year.

SECTION 4.03. (a) Provides that of the athletic trainer positions on the board, the position of the athletic trainer member whose term on the board is next scheduled to expire is abolished on September 1, 2003.

(b) Provides that if, of the athletic positions on the board, two athletic trainer members of the board have terms next scheduled to expire, one of the positions is abolished on September 1, 2003. Requires the athletic trainer members whose terms are next scheduled to expire, on or before September 1, 2003, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the board of that determination.

ARTICLE 5. STATE BOARD OF BARBER EXAMINERS

SECTION 5.01. Amends Section 1601.051(a), Occupations Code, effective September 1, 2003, to provide that the State Board of Barber Examiners consists of seven, rather than six, certain members appointed by the governor with the advice and consent of the senate as follows.

SECTION 5.02. Amends Section 1601.055(a), Occupations Code, effective September 1, 2003, to provide that members of the board serve staggered six-year terms, with the terms of two or three members expiring on the same date every two years.

SECTION 5.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the State Board of Barber Examiners for a term expiring January 31, 2009.

ARTICLE 6. COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

SECTION 6.01. Amends Section 93.002, Health and Safety Code, effective September 1, 2003, as follows:

Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS. (a) Provides that the Council on Cardiovascular Disease and Stroke is composed of 11 members appointed by the board.

(b) Provides that members of the council serve staggered six-year terms with the terms of approximately one-third of the members expiring February 1 of each odd-numbered year.

SECTION 6.02. (a) Provides that of the four positions on the council that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the four members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and to inform the commissioner of health of that determination.

ARTICLE 7. COMMODITY PRODUCERS BOARDS

SECTION 7.01. Amends Section 41.011(c), Agriculture Code, to require the petition to propose an odd-numbered board with 5 to 15 members.

SECTION 7.02. Amends Section 41.053(b), Agriculture Code, effective September 1, 2003, to require members of the initial board to draw lots so that one-third, or as near one-third as possible, of the members shall hold office for two years, one-third, or as near one-third as possible, for four years, and one-third, or as near one-third as possible, for six years. Provides that thereafter, members of the board serve for terms of six years.

ARTICLE 8. STATE BOARD OF DENTAL EXAMINERS

SECTION 8.01. Amends Section 252.001(a), Occupations Code, effective September 1, 2003, to provide that the State Board of Dental Examiners consists of 15, rather than 18, certain members appointed by the governor with the advice and consent of the senate as follows.

SECTION 8.02. (a) Provides that of the four dentist positions on the State Board of Dental Examiners that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003. Requires the four dentist members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the four positions shall be abolished on September 1, 2003, and to inform the president of the State Board of Dental Examiners of that determination.

(b) Provides that of the three dentist positions on the State Board of Dental Examiners that have terms scheduled to expire on February 1, 2007, one of the positions is abolished on September 1, 2003. Requires the three dentist members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2007, to determine by unanimous agreement or by lot which of the three positions shall be abolished on September 1, 2003, and to inform the president of the State Board of Dental Examiners of that determination.

(c) Provides that of the two public member positions on the State Board of Dental Examiners that have terms scheduled to expire on February 1, 2009, one of the positions is abolished on September 1, 2003. Requires the two public members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2009, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the president of the State Board of Dental Examiners of that determination.

ARTICLE 9. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

SECTION 9.01. Amends Section 112.012, Human Resources Code, effective September 1, 2003, as follows:

Sec. 112.012. MEMBERS. Authorizes the governor to appoint as many members to the Texas Council for Developmental Disabilities as is determined appropriate for the council to accomplish its purposes but requires the governor to appoint, in total membership, an odd number of members to the council. Requires appointments to the council to be made without regard to certain categories.

SECTION 9.02. Amends Section 112.013(a), Human Resources Code, effective September 1, 2003, to provide that members of the council appointed by the governor serve for staggered terms of six years with the term of one-third or approximately one-third of the members expiring on February 1 of each odd-numbered year.

SECTION 9.03. Requires the governor, as soon as possible after that date, to appoint an additional member to the council in accordance with federal developmental disability laws for a term expiring on February 1, 2009, if the number of appointed positions on the Texas Council for Developmental Disabilities on September 1, 2003, is an even number.

ARTICLE 10. TEXAS DIABETES COUNCIL

SECTION 10.01. Amends Sections 103.002(a) and (b), Health and Safety Code, effective September 1, 2003, as follows:

(a) Provides that the Texas Diabetes Council is composed of 11, rather than 12, citizen members appointed from the public and one representative each from the Texas Department of Health (TDH), the Texas Education Agency, the Texas Department of Human Services, the Texas Commission for the Blind, and the Texas Rehabilitation Commission.

(b) Requires the governor, with the advice and consent of the senate, to appoint certain citizen members.

SECTION 10.02. Amends Section 103.005(a), Health and Safety Code, which is effective September 1, 2003, to provide that council members appointed by the governor serve for staggered six-year terms, with the terms of three or four members expiring February 1 of each odd-numbered year.

SECTION 10.03. (a) Provides that of the two consumer positions on the Texas Diabetes Council that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the two consumer members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the chairman of the Texas Diabetes Council of that determination.

ARTICLE 11. TEXAS DISTINGUISHED SERVICE AWARDS COMMITTEE

SECTION 11.01. Amends Sections 3102.003(a) and (b), Government Code, effective September 1, 2003, as follows:

(a) Provides that the Texas Distinguished Service Awards Committee consists of five, rather than six, members appointed by the governor with the advice and consent of the senate.

(b) Provides that committee members serve staggered six-year terms with the terms of

one or two members expiring each odd-numbered year.

SECTION 11.02. (a) Provides that of the two positions on the Texas Distinguished Service Awards Committee that have terms scheduled to expire on January 31, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the two members, on or before September 1, 2003, whose terms are scheduled to expire on January 31, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the Texas Distinguished Service Awards Committee of that determination.

ARTICLE 12. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL COMMISSION

SECTION 12.01. Amends Section 448.003, Government Code, effective September 1, 2003, as follows:

Sec. 448.003. COMPOSITION OF COMMISSION. Provides that the Texas Emancipation Juneteenth Cultural and Historical Commission (commission) is composed of certain members.

SECTION 12.02. Amends Section 448.007, Government Code, which is effective September 1, 2003, as follows:

Sec. 448.007. TERMS. Provides that public members of the commission serve staggered terms of six years with the terms of approximately one-third of the members expiring on February 1 of each odd-numbered year.

SECTION 12.03. (a) Provides that of the two positions on the Texas Emancipation Juneteenth Cultural and Historical Commission that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the two members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the commission of that determination.

ARTICLE 13. TEXAS COMMISSION ON FIRE PROTECTION

SECTION 13.01. Amends Sections 419.004(a) and (b), Government Code, effective September 1, 2003, as follows:

(a) Provides that the Texas Commission on Fire Protection is composed of a certain 13, rather than 12, members.

(b) Provides that the members of the commission are appointed by the governor with the advice and consent of the senate for staggered terms of six years with four or five members' terms expiring February 1 of each odd-numbered year.

SECTION 13.02. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Texas Commission on Fire Protection for a term expiring on February 1, 2009.

ARTICLE 14. TEXAS GUARANTEED STUDENT LOAN CORPORATION

SECTION 14.01. Amends Sections 57.13(a) and (b), Education Code, effective September 1, 2003, as follows:

(a) Provides that the corporation is governed by a board of nine directors appointed in accordance with this section.

(b) Requires four members to have knowledge of or experience in finance, including management of funds or business operations.

SECTION 14.02. Amends Section 57.14, Education Code, effective September 1, 2003, as follows:

Sec. 57.14. DIRECTORS' TERMS OF OFFICE. Provides that members of the board appointed by the governor serve for terms of six years, with the terms of two or three members expiring on January 31 of each odd-numbered year.

SECTION 14.03. (a) Provides that of the positions on the board of the Texas Guaranteed Student Loan Corporation (board) that must be filled by members with knowledge or experience in finance, the position of the member whose term on the board is next scheduled to expire is abolished on September 1, 2003.

(b) Provides that if, of the positions on the board that must be filled by members with knowledge or experience in finance, two or more members have terms next scheduled to expire, one of the positions is abolished on September 1, 2003. Requires the affected members, on or before September 1, 2003, whose terms are next scheduled to expire, to determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and to inform the chairman of the board of that determination.

ARTICLE 15. TEXAS BOARD OF HEALTH

SECTION 15.01. Amends Sections 11.005(a) and (c), Health and Safety Code, effective September 1, 2003, as follows:

(a) Provides that the board is composed of seven members appointed by the governor with the advice and consent of the senate.

(c) Requires four members of the board to have a demonstrated interest in the services provided by the department, and three members to represent the public.

SECTION 15.02. Amends Section 11.007, Health and Safety Code, effective September 1, 2003.

Sec. 11.007. TERMS. Provides that board members serve for staggered six-year terms, with the terms of two or three members expiring February 1 of each odd-numbered year.

SECTION 15.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Texas Board of Health for a term expiring on February 1, 2009.

ARTICLE 16. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

SECTION 16.01. Amends Articles 26.13(b) and (c), Insurance Code, effective September 1, 2003, as follows:

(b) Provides that the Texas Health Benefits Purchasing Cooperative is administered by a five-member, rather than six-member, board of trustees appointed by the governor with the advice and consent of the senate. Requires two, rather than three, members to represent employers, two members to represent employees, and one member to represent the public.

(c) Provides that the appointed members of the board of trustees serve staggered six-year terms, with the terms of one or two members expiring February 1 of each odd-numbered

year.

SECTION 16.02. Provides that the position of the employer member whose term on the board of trustees of the Texas Health Benefits Purchasing Cooperative is scheduled to expire on February 1, 2005, is abolished on September 1, 2003.

ARTICLE 17. TEXAS HIGHER EDUCATION COORDINATING BOARD

SECTION 17.01. Amends Section 61.022, Education Code, effective September 1, 2003, as follows:

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE.

Requires the Texas Higher Education Coordinating Board (THECB) to consist of 15, rather than 18, members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Provides that members of the board serve staggered six-year terms. Provides that the terms of one-third of the members expire August 31 of each odd-numbered year.

SECTION 17.02. (a) Provides that of the six positions on THECB that have terms scheduled to expire on August 31, 2003, one of the positions is abolished on September 1, 2003. Requires the governor, on or before September 1, 2003, to designate which of the six positions shall be abolished and to appoint five persons to fill the other positions for terms expiring on August 31, 2009.

(b) Provides that of the six positions on THECB that have terms scheduled to expire on August 31, 2005, one of the positions is abolished on September 1, 2003. Requires the members, on or before September 1, 2003, whose terms are scheduled to expire on August 31, 2005, to determine by unanimous agreement or by lot which of the six positions shall be abolished and to inform the THECB chairman of that determination.

(c) Provides that of the six positions on THECB that have terms scheduled to expire on August 31, 2007, one of the positions is abolished on September 1, 2003. Requires the members, on or before September 1, 2003, whose terms are scheduled to expire on August 31, 2007, to determine by unanimous agreement or by lot which of the six positions shall be abolished and to inform the THECB chairman of that determination.

ARTICLE 18. TEXAS HISTORICAL COMMISSION

SECTION 18.01. Amends Sections 442.002(b) and (c), Government Code, effective September 1, 2003, as follows:

(b) Provides that the Texas Historical Commission is composed of 17, rather than 18, members appointed by the governor with the advice and consent of the senate. Requires one member to be a professional archeologist, one to be a professional historian, and one to be a licensed architect who has expertise in historic preservation and architectural history. Requires fourteen, rather than fifteen, members to be representatives of the general public. Provides that a person is not eligible for appointment as a public member of the commission if the person or the person's spouse are in a certain category.

(c) Provides that members serve for staggered six-year terms, with the terms of approximately one-third of the members expiring February 1 of each odd-numbered year.

SECTION 18.02. (a) Provides that of the six positions on the Texas Historical Commission that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the public members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which public member's position be abolished on September 1, 2003, and to inform the

presiding officer of the Texas Historical Commission of that determination.

ARTICLE 19. COMMISSION ON HUMAN RIGHTS

SECTION 19.01. Amends Section 461.051(a), Government Code, which is effective September 1, 2003, to provide that the Commission on Human Rights (commission) consists of five, rather than six, members. Requires one member of the commission to be a representative of industry, one member to be a representative of labor, and three, rather than four, members to be representatives of the public.

SECTION 19.02. Provides that the position of the public member whose term on the Commission on Human Rights is scheduled to expire on September 24, 2003, is abolished on September 1, 2003.

ARTICLE 20. TEXAS BOARD OF HUMAN SERVICES

SECTION 20.01. Amends Sections 21.003(b), (c), and (e), Human Resources Code, effective September 1, 2003, as follows:

(b) Provides that the Texas Board of Human Services (board) is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate and representing all geographic regions of the state. Requires a person to have demonstrated an interest in and knowledge of human services to qualify for an appointment to the board.

(c) Provides that members of the board serve for staggered terms of six years with the term of one or two members expiring on January 20 of each odd-numbered year.

(e) Provides that three, rather than four, members of the board constitute a quorum for the transaction of business.

SECTION 20.02. (a) Provides that of the two positions on the Texas Board of Human Services that have terms scheduled to expire on January 20, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires two members, on or before September 1, 2003, whose terms are scheduled to expire on January 20, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the Texas Board of Human Services of that determination.

ARTICLE 21. DEPARTMENT OF INFORMATION RESOURCES

SECTION 21.01. Amends Sections 2054.021(a) and (b), Government Code, effective September 1, 2003, as follows:

(a) Provides that the Department of Information Resources is governed by a board of the Department of Information Resources, composed of five voting members appointed by the governor with the advice and consent of the senate.

(b) Provides that voting members of the board serve for staggered six-year terms with one or two members' terms expiring February 1 of each odd-numbered year.

SECTION 21.02. (a) Provides that the position of the member of the board, excluding the member employed by an institution of higher education as defined by Section 61.003, Education Code, whose term on the board is next scheduled to expire is abolished on September 1, 2003.

(b) Provides that if neither of the positions on the board with terms that are next scheduled to expire is filled by an employee of an institution of higher education, one of the positions is abolished on September 1, 2003. Requires the members, on or before

September 1, 2003, whose terms are next scheduled to expire, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and shall inform the presiding officer of that determination.

ARTICLE 22. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

SECTION 22.01. Amends Section 1071.051(a), Occupations Code, effective September 1, 2003, to provide that the Texas Board of Professional Land Surveying consists of nine, rather than ten, certain members.

SECTION 22.02. Amends Section 1071.054(a), Occupations Code, effective September 1, 2003, to provide that members of the board appointed by the governor serve staggered six-year terms, with the terms of approximately one-third of those members expiring on January 31 of each odd-numbered year.

SECTION 22.03. Provides that of the four positions on the Texas Board of Professional Land Surveying held by registered professional land surveyor members, one of the positions is abolished on September 1, 2003. Requires the four members who hold those positions, on or before September 1, 2003, to determine by unanimous agreement or by lot which of the four positions is abolished on September 1, 2003, and to inform the presiding officer of the Texas Board of Professional Land Surveying of that determination.

ARTICLE 23. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

SECTION 23.01. Amends Section 441.001(a), Government Code, effective September 1, 2003, to provide that the Texas State Library and Archives Commission is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate. Requires all five, rather than six, members to be representatives of the general public. Provides that a person is not eligible for appointment as a member of the commission if the person or the person's spouse is in a certain category.

SECTION 23.02. (a) Provides that of the two positions on the Texas State Library and Archives Commission that have terms scheduled to expire on September 28, 2003, one of the positions is abolished on September 1, 2003.

(b) Requires the two members, on or before September 1, 2003, whose terms are scheduled to expire on September 28, 2003, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the Texas State Library and Archives Commission of that determination.

ARTICLE 24. TEXAS COMMISSION OF LICENSING AND REGULATION

SECTION 24.01. Amends Section 51.052(a), Occupations Code, effective September 1, 2003, to provide that the commission consists of five, rather than six, members appointed by the governor with the advice and consent of the senate.

SECTION 24.02. Amends Section 51.055(a), Occupations Code, effective September 1, 2003, to provide that the members of the commission serve staggered six-year terms. Provides that the terms of one or two members expire on February 1 of each odd-numbered year.

SECTION 24.03. (a) Provides that of the two positions on the Texas Commission of Licensing and Regulation that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the two members whose terms are scheduled to expire on February 1, 2005, on or before September 1, 2003, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the Texas Commission of Licensing and Regulation of that determination.

ARTICLE 25. TEXAS STATE BOARD OF MEDICAL EXAMINERS

SECTION 25.01. Amends Section 152.002(a), Occupations Code, effective September 1, 2003, as follows:

- (a) Provides that the board consists of 19 certain members appointed by the governor with the advice and consent of the senate as follows.

SECTION 25.02. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Texas State Board of Medical Examiners for a term expiring April 14, 2009.

ARTICLE 26. TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS

SECTION 26.01. Amends Sections 614.002(a) and (b), Health and Safety Code, effective September 1, 2003, as follows:

- (a) Provides that the Texas Council on Offenders with Mental Impairments is composed of 31 members.
- (b) Requires the governor to appoint certain members, including one at-large member who represents the general public, with the advice and consent of the senate.

SECTION 26.02. Amends Section 614.004, Health and Safety Code, effective September 1, 2003, as follows:

Sec. 614.004. TERMS. Provides that the at-large members of the council serve for staggered six-year terms with the terms of approximately one-third of the at-large members expiring on February 1 of each odd-numbered year.

SECTION 26.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint a public at-large member to the council for a term expiring February 1, 2009.

ARTICLE 27. OPERATION GAME THIEF COMMITTEE

SECTION 27.01. Amends Sections 12.202(a), (b), and (d), Parks and Wildlife Code, effective September 1, 2003, as follows:

- (a) Deletes existing text stating that the executive director of the Parks and Wildlife Department may appoint a certain committee member.
- (b) Provides that each member of the committee serves a term of six years. Provides that the terms of one-third of the members expire on January 31 of each odd-numbered year. Authorizes the director to reappoint members.
- (d) Authorizes the chairman of the committee to vote a second time to break the tie, if the vote of the full membership of the committee results in a tie vote.

SECTION 27.02. Provides that the position of the chairman emeritus on the Operation Game Thief Committee is abolished on September 1, 2003.

ARTICLE 28. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

SECTION 28.01. Amends Section 605.052(a), Occupations Code, which is effective September 1, 2003, to provide that the board consists of seven, rather than six, certain members appointed by the governor with the advice and consent of the senate as follows.

SECTION 28.02. Amends Section 605.055(a), Occupations Code, which is effective September

1, 2003, to provide that the terms of two or three members expire on February 1 of each odd-numbered year.

SECTION 28.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Texas Board of Orthotics and Prosthetics under Section 605.052(a)(6), Occupations Code, as amended by this Act, for a term expiring on February 1, 2009.

ARTICLE 29. BOARD OF PARDONS AND PAROLES POLICY BOARD

SECTION 29.01. Amends Sections 508.036(a) and (b), Government Code, effective September 1, 2003, as follows:

(a) Requires the governor to designate seven members of the board to serve as the Board of Pardons and Paroles Policy Board (board). Requires the governor to designate the presiding officer of the board as one of the seven members of the policy board, and the presiding officer of the board shall serve as presiding officer of the policy board.

(b) Provides that members of the board designated as members of the policy board serve on the policy board for six-year terms that are concurrent with their six-year terms on the board, with the service of two or three members expiring February 1 of each odd-numbered year.

SECTION 29.02. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional member to the board under Section 508.036(a), Government Code, as amended by this Act, for a term expiring February 1, 2009.

ARTICLE 30. POLYGRAPH EXAMINERS BOARD

SECTION 30.01. Amends Section 1703.051(a), Occupations Code, effective September 1, 2003, to provide that the Polygraph Examiners Board consists of five, rather than six, certain members appointed by the governor with the advice and consent of the senate.

SECTION 30.02. Provides that the position of the commercial polygraph examiner member whose term on the Polygraph Examiners Board is scheduled to expire on June 18, 2007, is abolished on September 1, 2003.

ARTICLE 31. PRIVATE SECTOR PRISON INDUSTRIES OVERSIGHT AUTHORITY

SECTION 31.01. Amends Section 497.052(a), Government Code, effective September 1, 2003, to provide that the authority is composed of eight certain members appointed by the governor, three of whom are public members.

SECTION 31.02. Amends Section 497.053. TERMS. Provides that appointed members of the authority serve staggered six-year terms, with two or three members' terms expiring on February 1 of each odd-numbered year.

SECTION 31.03. (a) Provides that of the two public positions on the Private Sector Prison Industries Oversight Authority (authority) that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires two public members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the authority of that determination.

ARTICLE 32. TEXAS COMMISSION ON PRIVATE SECURITY

SECTION 32.01. Amends Section 1702.021(a), Occupations Code, effective September 1, 2003,

as follows:

(a) Provides that the Texas Commission on Private Security (commission) consists of eight certain members appointed by the governor with the advice and consent of the senate.

SECTION 32.02. Amends Section 1702.025(a), Occupations Code, effective September 1, 2003, to provide that the appointed commission members serve staggered six-year terms, with the terms of two or three appointed members expiring on January 31 of each odd-numbered year.

SECTION 32.03. (a) Provides that of the public member positions on the commission, the position of the public member whose term on the board is next scheduled to expire is abolished on September 1, 2003.

(b) Provides that if, of the public member positions on the commission, two or more public members of the board have terms next scheduled to expire, one of the positions is abolished on September 1, 2003. Requires the public members, on or before September 1, 2003, whose terms are next scheduled to expire to determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and to inform the presiding officer of the commission of that determination.

ARTICLE 33. PRODUCE RECOVERY FUND BOARD

SECTION 33.01. Amends Section 103.003(a), Agriculture Code, effective September 1, 2003, to provide that the Produce Recovery Fund Board is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate. Requires two members to be producers, one, rather than two, to be a license holder licensed under Chapter 101, and two to be members of the general public.

SECTION 33.02. Provides that the position of the license holder member whose term on the Produce Recovery Fund Board is scheduled to expire on January 31, 2005, is abolished on September 1, 2003.

ARTICLE 34. BOARD OF PROTECTIVE AND REGULATORY SERVICES

SECTION 34.01. Amends Sections 40.021(a) and (b), Human Resources Code, effective September 1, 2003, to provide that the Board of Protective and Regulatory Services is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate.

(b) Requires three, rather than four, members of the board to have a demonstrated interest in the services provided by the department, and two members to represent the public.

SECTION 34.02. Amends Section 40.024, Human Resources Code, effective September 1, 2003, as follows:

Sec. 40.024. BOARD TERMS. Provides that members of the board serve six-year terms, with the terms of one or two members expiring February 1 of each odd-numbered year.

SECTION 34.03. (a) Provides that the position of the member of the Board of Protective and Regulatory Services who has a demonstrated interest in the services provided by the Department of Protective and Regulatory Services whose term on the board is scheduled to expire on February 1, 2005, is abolished on September 1, 2003.

(b) Provides that if more than one member of the Board of Protective and Regulatory Services who has a demonstrated interest in the services provided by the Department of Protective and Regulatory Services has a term scheduled to expire on February 1, 2005,

one of the positions is abolished on September 1, 2003. Requires the members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the Board of Protective and Regulatory Services of that determination.

ARTICLE 35. TEXAS RACING COMMISSION

SECTION 35.01. Amends Section 2.02(a), Texas Racing Act (Article 179e, V.T.C.S.), effective September 1, 2003, to provide that the commission consists of five members appointed by the governor with the advice and consent of the senate and two ex officio members who shall have the right to vote. Provides that certain persons are ex officio members.

SECTION 35.02. Amends Section 2.03(a), Texas Racing Act (Article 179e, V.T.C.S.), effective September 1, 2003, to provide that appointed members hold office for staggered terms of six years with one or two members' terms expiring February 1 of each odd-numbered year. Provides that a member holds office until that member's successor is appointed and qualifies.

SECTION 35.03. (a) Provides of the two positions on the Texas Racing commission that have terms scheduled to expire on February 1, 2005, one of the positions is abolished September 1, 2003.

(b) Requires the two members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the Texas Racing Commission (commission) of that determination.

(c) Provides that notwithstanding Subsection (b) of this section, if one of the members of the commission whose term is scheduled to expire February 1, 2005, has special knowledge or experience related to grey hound racing or horse racing and the other member whose term is scheduled to expire February 1, 2005, does not, the position of the member who does not have special knowledge or experience related to greyhound racing or horse racing is abolished September 1, 2003.

(d) Requires all appointed members of the commission to meet certain criteria, if the member of the commission whose terms are scheduled to expire February 1, 2005, cannot, under Subsection (b) or (c) of this section, abolish a position on the commission in a way that allows the composition of the commission to comply with Section 2.05, Texas Racing Act (Article 179e, V.T.C.S.).

ARTICLE 36. TEXAS REAL ESTATE BROKER-LAWYER COMMITTEE

SECTION 36.01. Amends Section 1101.252(a), Occupations Code, effective September 1, 2003, to provide that the Texas Real Estate Broker-Lawyer Committee (committee) consists of 13 certain members.

SECTION 36.02. Amends Section 1101.253(a), Occupations Code, to provide that the committee members serve staggered six-year terms, with the terms of two commission appointees and two State Bar of Texas appointees expiring every two years and the term of the public member expiring every six years.

SECTION 36.03. Requires the governor, as soon as possible after September 1, 2003, to appoint a public member of the committee under Section 1101.252(a)(3), Occupations Code, as amended by this Act, for a term expiring on the date that the terms of lawyers and brokers on the committee whose terms expire in 2009 expire.

ARTICLE 37. TEXAS REHABILITATION COMMISSION

SECTION 37.01. Amends Section 111.013(a), Human Resources Code, effective September 1,

2003, to provide that the board of the Texas Rehabilitation Commission is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate. Provides that members serve for staggered terms of six years with the terms of one or two members expiring every two years.

SECTION 37.02. (a) Provides that of the two positions on the board of the Texas Rehabilitation Commission that have terms scheduled to expire on August 31, 2005, one of the positions is abolished on September 1, 2003.

(b) Requires the two members whose terms are scheduled to expire on August 31, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished and shall inform the presiding officer of the board of the Texas Rehabilitation Commission of that determination on or before September 1, 2003.

ARTICLE 38. RISK MANAGEMENT BOARD

SECTION 38.01. Amends Sections 412.021(b) and (c), Labor Code, effective September 1, 2003, as follows:

(b) Provides that the Risk Management Board is composed of five, rather than six, members appointed by the governor.

(c) Makes a conforming change.

SECTION 38.02. (a) Provides that of the two positions on the risk management board that have terms scheduled to expire on February 1, 2005 one of the positions is abolished on September 1, 2003.

(b) Requires the two members, on or before September 1, 2003, whose terms are scheduled to expire on February 1, 2005, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the risk management board of that determination.

ARTICLE 39. STATEWIDE RURAL HEALTH CARE SYSTEM

SECTION 39.01. Amends Sections 845.101(a) and (b), Insurance Code, effective September 1, 2003, as follows:

(a) Provides that the statewide rural health care system is governed by a board of directors that consists of 17, rather than 18, members.

(b) Requires the participating hospital providers to elect, by a majority vote of the governing bodies of the participating hospital providers, five, rather than six, members who represent the participating hospital providers.

SECTION 39.02. Amends Section 845.102(a), Insurance Code, which is effective September 1, 2003, to provide that the terms of five or six members expire December 1 of each even-numbered year.

SECTION 39.03. (a) Provides that of the two positions on the board of the statewide rural health care system elected by the participating hospital providers that have terms scheduled to expire on December 1, 2004, one of the positions is abolished on September 1, 2003.

(b) Requires the two members elected by the participating hospital providers to the board of the statewide rural health care system, on or before September 1, 2003, whose terms are scheduled to expire on December 1, 2004, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the presiding officer of the board of the statewide rural health care system of that determination.

ARTICLE 40. COUNCIL ON SEX OFFENDER TREATMENT

SECTION 40.01. Amends Section 3(a), Chapter 462, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413(51), V.T.C.S.), effective September 1, 2003, to provide that the Council on Sex Offender Treatment (council) is composed of seven, rather than six, part-time members, including three, rather than two, members who are representatives of the general public and four members each of whom meets the council's requirements for registration as a sex offender treatment provider.

SECTION 40.02. Amends Section 4(a), Chapter 462, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413(51), V.T.C.S.), effective September 1, 2003, to provide that members of the council hold office for staggered terms of six years, with two or three members' terms expiring February 1 of each odd-numbered year.

SECTION 40.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the council for a term expiring on February 1, 2009.

ARTICLE 41. BOARD OF TAX PROFESSIONAL EXAMINERS

SECTION 41.01. Amends Section 1151.051, Occupations Code, effective September 1, 2003, as follows:

Sec. 1151.051. BOARD MEMBERSHIP; ELIGIBILITY. (a) Provides that the Board of Tax Professional Examiners consists of five, rather than six, members, four of whom must be tax professionals and one of whom must be a representative of the general public. Provides that members of the board are appointed by the governor with the advice and consent of the senate.

(b) Requires a person, to be eligible to serve on the board as a tax professional member, to meet certain requirements.

(c) Provides that a person is not eligible for appointment as a public member of the board if the person or the person's spouse meets certain criteria.

SECTION 41.02. Amends Section 1151.052, Occupations Code, effective September 1, 2003, as follows:

Sec. 1151.052. TERMS. Makes a conforming change.

SECTION 41.03. (a) Provides that the two positions on the Board of Tax Professional Examiners (board) that have terms scheduled to expire on March 1, 2005, are abolished on September 1, 2003.

(b) Requires the governor, as soon as possible on or after September 1, 2003, to appoint a member representing the general public to the board for a term expiring on March 1, 2005.

ARTICLE 42. TEXAS-ISRAEL EXCHANGE FUND BOARD

SECTION 42.01. Amends Sections 45.006(a) and (d), Agriculture Code, effective September 1, 2003, as follows:

(a) Provides that the Texas-Israel Exchange Fund Board (board) is created and composed of certain members.

(d) Provides that the terms of approximately one-third of the appointed board members expire on February 1 of each odd-numbered year.

SECTION 42.02. (a) Provides that of the six positions of the board that are appointed by the

commissioner of agriculture, the position next scheduled to expire is abolished on September 1, 2003.

- (b) Requires the members who were appointed by the commissioner of agriculture and whose terms are next scheduled to expire, if there is more than one position on the board that is appointed by the commissioner of agriculture and that is next scheduled to expire, to determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and to inform the commissioner of that determination.

ARTICLE 43. TEXAS VETERANS COMMISSION

SECTION 43.01. Amends Sections 434.003(a) and (b), Government Code, effective September 1, 2003, as follows:

- (a) Provides that the Texas Veterans Commission is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate.
- (b) Requires at least three, rather than four, members to have been honorably discharged or honorably released from active military service of the United States.

SECTION 43.02. (a) Provides that of the two positions on the Texas Veterans Commission (commission) that have terms scheduled to expire on December 31, 2003, one of the positions is abolished on September 1, 2003. Provides that if one of the positions is filled by a disabled veteran as described by Section 434.003(b), Government Code, and the other position is not, the position that is not filled by the disabled veteran is abolished on September 1, 2003. Provides that otherwise, the position is abolished in accordance with Subsection (b) of this section.

- (b) Requires the two members, if it cannot be determined under Subsection (a) which position on the commission will be abolished, then on or before September 1, 2003, whose terms are scheduled to expire on December 31, 2003, to determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and to inform the chairman of the commission of that determination.

ARTICLE 44. TEXAS WORKERS' COMPENSATION COMMISSION

SECTION 44.01. Amends Sections 402.001, Labor Code, effective September 1, 2003, by amending Subsections (a) and (c) and adding Subsection (c-1), as follows:

- (a) Provides that the Texas Workers' Compensation Commission (commission) is composed of seven, rather than six, members appointed by the governor with the advice and consent of the senate.
- (c) Requires one member of the commission to be a representative of the general public.
- (c-1) Prohibits an individual from serving as the public representative if that person meets certain criteria.

SECTION 44.02. Amends Section 402.002(a), Labor Code, effective September 1, 2003, to provide that members of the commission hold office for staggered six-year terms. Provides that the terms of one member representing employers and one member representing wage earners expire on February 1 of each odd-numbered year. Provides that the term of the member representing the general public expires on February 1 of every third odd-numbered year.

SECTION 44.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint a public member to the commission for a term expiring February 1, 2009.

ARTICLE 45. COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS

SECTION 45.01. Amends Section 2308.052(b), Government Code, effective September 1, 2003, to provide that the council is composed of certain members.

SECTION 45.02. Amends Section 2308.054(a), Government Code, effective September 1, 2003, to provide approximately one-third of these members' terms expire in each odd-numbered year.

SECTION 45.03. (a) Provides that of the positions of the Council on Workforce and Economic Competitiveness that must be filled by a member who represents community-based organizations, the position of the member whose term on the council is next scheduled to expire is abolished on September 1, 2003.

(b) Provides that if, of the positions on the council that must be filled by a member who represents community-based organizations, two members have terms that are next scheduled to expire, one of the positions is abolished on September 1, 2003. Requires both of the members, on or before September 1, 2003, to determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and to inform the presiding officer of the council of that determination.

ARTICLE 46. TEXAS YOUTH COMMISSION

SECTION 46.01. Amends Sections 61.012(a) and (c), Human Resources Code, effective September 1, 2003, as follows:

(a) Provides that the governing board of the Texas Youth Commission (commission) consists of seven members appointed by the governor with the consent of the senate.

(c) Provides that the board members hold office for staggered terms of six years, with the terms of two or three members expiring every two years.

SECTION 46.02. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional member to the commission for a term expiring August 31, 2009.

ARTICLE 47. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

SECTION 47.01. Amends Chapter 651, Government Code, by adding Section 651.008, as follows:

Sec. 651.008. UNCONSTITUTIONALLY COMPOSED GOVERNING BODY WITH SIX-YEAR TERMS. (a) Provides that this section applies to the governing body of a state board or commission or other state agency only if certain conditions exist.

(b) Provides that notwithstanding the terms of the statute that prescribes the composition and terms of the governing body, the appointed members of the governing body serve two-year terms.

(c) Provides that the terms of the members of the governing body who have served less than two years since the date their current terms began expire on the second anniversary of the date their current terms began. Provides that the members of the governing body who have served two or more years since the date their current terms began are considered to be performing the duties of their office in a holdover capacity until their successors are qualified in accordance with Section 17, Article XVI, Texas Constitution.

(d) Requires the administrative head of the state board or commission or other state agency, as soon as possible after it is determined that this section applies to the governing body, to communicate certain facts.

(e) Requires the appointing authority, as soon as possible after an appointing officer or entity is informed under Subsection (d), to make any necessary

appointments or reappointments to the governing body to fill the positions of members described by Subsection (c) who are serving in a holdover capacity. Provides that if a member whose position is being filled has served two or more years but less than four years of a term, the appointment made under this subsection is for a term expiring on the fourth anniversary of the date the term began. Provides that if a member whose position is being filled has served four or more years but less than six years of a term, the appointment made under this subsection is for a term expiring on the sixth anniversary of the date the term began.

SECTION 47.02. Provides that if this Act requires that a position is to be abolished on September 1, 2003, and in connection with describing the position to be abolished incorrectly describes the number of positions that are required to be filled by a member with an identified qualification for office with terms that expire on the date identified by this Act, then certain positions may be abolished

SECTION 47.03. Provides that if a conflict exists between this Act and another Act passed by the 78th Legislature, Regular Session, 2003, that becomes law, the other law controls unless this Act changes the composition of a governing body in a manner allowed by the Texas Constitution and the other law changes the composition of the governing body in a manner that is not allowed by the Texas Constitution.

SECTION 47.04. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by adding new ARTICLES 4, 6, 14, 15, 21, 29, 31, 32, 35, 36, 42, and 45, and redesignating all ARTICLES accordingly.

Differs from the original by increasing the Texas State Board of Medical Examiners (now ARTICLE 25) from 18 to 19 members.

Differs from the original by redesignating ARTICLE 34 as 47 and making nonsubstantive changes.

Differs from the original by adding Section 402.001(c-1) in redesignated ARTICLE 45 to prohibit an individual from serving as the public representative on the Texas Workers' Compensation Commission under certain conditions.

Differs from the original by amending "five" members of the Texas Youth Commission (ARTICLE 46) for "seven" members and amending "one or two" members for "two or three" members. Amends ARTICLE 46 by amending Section 46.02 and 46.03 as follows: "SECTION 46.02. As soon as possible on or after September 1, 2003, the governor shall appoint an additional member to the Texas Youth Commission for a term expiring August 31, 2009."