

## **BILL ANALYSIS**

Senate Research Center  
85R6680 JG-D

S.B. 670  
By: Birdwell et al.  
Nominations  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Health and Human Services Commission (HHSC) along with its subsidiaries, the Department of Family and Protective Services (DFPS) and the Department of State Health services (DSHS), account for roughly one-third of our budget. Currently, the executive commissioner of HHSC is the only head of these three agencies appointed by the governor and confirmed by the senate.

S.B. 670 requires that the commissioners of both DFPS and DSHS also be appointed by the governor and confirmed by the senate. The goal is to ensure that the taxpayers in the State of Texas have sufficient ability to express their opinions through their elected representatives on bureaucrats that control a significant amount of the state budget.

As proposed, S.B. 670 amends current law relating to the appointment of the commissioners of the health and human services agencies by the governor.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 531.0055(a), Government Code, to provide that in this section, rather than in this section and Section 531.0056, "agency director" means the commissioner of a health and human services agency.

SECTION 2. Amends Section 1001.051, Health and Safety Code, by amending Subsections (a), (a-3), and (a-4) and adding Subsections (a-5) and (a-6), as follows:

(a) Requires the governor, rather than executive commissioner of the Health and Human Services Commission (executive commissioner), to appoint a commissioner of the Department of State Health Services with the advice and consent of the senate, rather than approval of the governor. Provides that the commissioner is to be selected according to education, training, experience, and demonstrated ability.

(a-3) Authorizes the governor, rather than executive commissioner, based on the qualifications and experience in administering public health systems, to appoint, rather than employ, a person other than a physician as the commissioner.

(a-4) Requires the executive commissioner, if the governor, rather than executive commissioner, appoints a person as commissioner who is not a physician, to designate a person licensed to practice medicine in this state as chief medical executive.

(a-5) Requires that the commissioner be appointed without regard to race, color, disability, sex, religion, age, or national origin.

(a-6) Provides that the commissioner serves a two-year term expiring February 1 of each odd-numbered year.

SECTION 3. Amends Section 40.027, Human Resources Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires the governor, rather than executive commissioner, to appoint a commissioner of the Department of Family and Protective Services with the advice and consent of the senate, rather than in accordance with Section 531.0056 (Appointment of Agency Director by Executive Commissioner), Government Code. Provides that the commissioner is to be selected according to education, training, experience, and demonstrated ability.

(a-1) Requires that the commissioner be appointed without regard to race, color, disability, sex, religion, age, or national origin.

(a-2) Provides that the commissioner serves a two-year term expiring February 1 of each odd-numbered year.

SECTION 4. Repealer: Section 531.0056, Government Code.

Repealer: Sections 1001.051(a-1) (relating to the executive commissioner employing the commissioner of the Department of State Health Services) and (b) (relating to the commissioner serving at the pleasure of the executive commissioner), Health and Safety Code.

Repealer: Section 40.027(b) (relating to the commissioner of the Department of Family and Protective Services serving at the pleasure of the executive commissioner), Human Resources Code.

SECTION 5. (a) Requires the governor, as soon as possible after the effective date of this Act, to appoint the commissioner of state health services and the commissioner of the Department of Family and Protective Services (DFPS) as required by Section 1001.051, Health and Safety Code, as amended by this Act, and Section 40.027, Human Resources Code, as amended by this Act, respectively. Provides that a person serving as the commissioner of state health services or the commissioner of DFPS on the effective date of this Act continues to serve in that capacity until the governor makes the appointments required by this section.

(b) Provides that notwithstanding Section 1001.051(a-6), Health and Safety Code, as added by this Act, and Section 40.027(a-2), Human Resources Code, as added by this Act, the terms of the initial persons appointed by the governor as the commissioner of state health services and the commissioner of DFPS in accordance with Subsection (a) of this section expire February 1, 2019.

SECTION 6. Effective date: September 1, 2017.