

By: Keel

H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to the governing bodies, officers, and executive directors of certain state entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. MEMBERS OF TEXAS VETERANS COMMISSION

SECTION 1.01. Section 434.003(c), Government Code, is amended to read as follows:

(c) A person having a less than honorable discharge from military service is not eligible to be a member. No two members may reside in the same senatorial district~~[, and not more than one member may be from a senatorial district composed of a single county]~~.

ARTICLE 2. COMMISSIONER OF INSURANCE

SECTION 2.01. Section 31.022(a), Insurance Code, is amended to read as follows:

(a) The governor, with the advice and consent of the senate, shall appoint the commissioner. The commissioner serves a one-year ~~[two-year]~~ term that expires on February 1 ~~[of each odd-numbered year]~~.

SECTION 2.02. Section 31.023, Insurance Code, is amended to read as follows:

Sec. 31.023. QUALIFICATIONS. The commissioner must:

(1) be a competent and experienced administrator;

(2) be well informed and qualified in the fields

1 ~~[field]~~ of insurance and insurance regulation; and

2 (3) have ~~[at least 10 years of]~~ experience ~~[as an~~  
3 ~~executive]~~ in the administration of business or government ~~[or as a~~  
4 ~~practicing attorney or certified public accountant, with at least~~  
5 ~~five years of that experience in the field of insurance or insurance~~  
6 ~~regulation]~~.

7 ARTICLE 3. MEMBERS OF PARKS AND WILDLIFE COMMISSION

8 SECTION 3.01. Section 11.012(d), Parks and Wildlife Code,  
9 is amended to read as follows:

10 (d) In making appointments under this section, the  
11 governor:

12 (1) shall:

13 (A) attempt to include persons with expertise in  
14 diverse fields, including fields such as historic preservation,  
15 conservation, and outdoor recreation; and

16 (B) consider the commission's composition in  
17 terms of:

18 (i) the geographical areas represented by  
19 members of the commission; and

20 (ii) the appropriate balance of  
21 representatives from rural and urban areas; and

22 (2) may include persons who have an interest in and  
23 knowledge of hunting, fishing, wildlife, environmental concerns,  
24 land or water use issues, or water quality issues.

25 SECTION 3.02. (a) As soon as possible on or after November  
26 1, 2003, the governor shall appoint nine members to the Parks and  
27 Wildlife Commission under Section 11.012, Parks and Wildlife Code,

1 as amended by this article. The governor shall designate:

2 (1) three members, including one public member, for  
3 terms expiring February 1, 2005;

4 (2) three members, including one public member, for  
5 terms expiring February 1, 2007; and

6 (3) three members, including one public member, for  
7 terms expiring February 1, 2009.

8 (b) The governor may reappoint a person who served as a  
9 member of the Parks and Wildlife Commission before November 1,  
10 2003.

11 (c) The position of a member of the Parks and Wildlife  
12 Commission serving immediately before November 1, 2003, is  
13 abolished at the time five or more of the newly appointed directors  
14 qualify for office. Until the abolition of the members' positions  
15 occurs under this section, the members serving immediately before  
16 November 1, 2003, have the same powers and duties that the members  
17 had immediately before that date and the commission continues to be  
18 composed in the way it was composed before that date, and the former  
19 law is continued in effect for that purpose.

20 ARTICLE 4. PARDONS AND PAROLES

21 SECTION 4.01. Section 508.001, Government Code, is amended  
22 by amending Subdivision (8) and adding Subdivision (10) to read as  
23 follows:

24 (8) "Parole commissioner" means a person employed by  
25 the board to perform the duties described by Section 508.0441

26 [~~"Policy board" means the Board of Pardons and Paroles Policy~~  
27 ~~Board~~].

1           (10) "Presiding officer" means the presiding officer  
2 of the Board of Pardons and Paroles.

3           SECTION 4.02. Section 508.031(a), Government Code, is  
4 amended to read as follows:

5           (a) The board consists of seven ~~[18]~~ members appointed by  
6 the governor with the advice and consent of the senate.

7           SECTION 4.03. Section 508.034, Government Code, is amended  
8 to read as follows:

9           Sec. 508.034. GROUNDS FOR REMOVAL. (a) It is a ground for  
10 removal from the board that a member:

11           (1) does not have at the time of taking office the  
12 qualification required by Section 508.032(b) for appointment to the  
13 board;

14           (2) is ineligible for membership under Section  
15 508.033;

16           (3) is unable to discharge the member's duties for a  
17 substantial part of the term for which the member is appointed  
18 because of illness or disability; or

19           (4) is absent from more than half of the regularly  
20 scheduled board or panel meetings that the member is eligible to  
21 attend during each calendar year, except when the absence is  
22 excused by ~~[majority vote of]~~ the presiding officer ~~[board]~~.

23           ~~(b) [It is a ground for removal from the board and the policy~~  
24 ~~board if a member of the policy board is absent from more than half~~  
25 ~~of the regularly scheduled policy board meetings that the member is~~  
26 ~~eligible to attend during each calendar year.~~

27           ~~[(c)]~~ The board administrator or the board administrator's

1 designee shall provide to members of the board~~[, to members of the~~  
2 ~~policy board,~~] and to employees, as often as necessary, information  
3 regarding their qualification for office or employment under this  
4 chapter and their responsibilities under applicable laws relating  
5 to standards of conduct for state officers or employees.

6 (c) ~~[(d)]~~ The validity of an action of~~+~~  
7 ~~[(1)]~~ the board or panel is not affected by the fact  
8 that the action is taken when a ground for removal of a board member  
9 exists~~+, and~~

10 ~~[(2) the policy board is not affected by the fact that~~  
11 ~~the action is taken when a ground for removal of a member of the~~  
12 ~~policy board exists].~~

13 (d) ~~[(e)]~~ If the general counsel to the board has knowledge  
14 that a potential ground for removal exists, the general counsel  
15 shall notify the presiding officer of the board of the potential  
16 ground. The presiding officer shall notify the governor and the  
17 attorney general that a potential ground for removal exists. If the  
18 potential ground for removal involves the presiding officer, the  
19 general counsel to the board shall notify the governor and the  
20 attorney general that a potential ground for removal exists.

21 (e) ~~[(f)]~~ It is a ground for removal from the board that a  
22 member fails to comply with policies or rules adopted by the  
23 ~~[policy]~~ board.

24 SECTION 4.04. Section 508.035, Government Code, is amended  
25 by amending Subsection (c) and adding Subsection (d) to read as  
26 follows:

27 (c) The presiding officer reports directly to the governor

1 and serves as the administrative head of the [~~policy board and the~~  
2 board.

3 (d) The presiding officer may:

4 (1) delegate responsibilities and authority to other  
5 members of the board, parole commissioners, or to employees of the  
6 board;

7 (2) appoint advisory committees from the membership of  
8 the board or from parole commissioners to further the efficient  
9 administration of board business; and

10 (3) establish policies and procedures to further the  
11 efficient administration of the business of the board.

12 SECTION 4.05. Section 508.036, Government Code, as amended  
13 by Section 31.01, Senate Bill No. 287, Acts of the 78th Legislature,  
14 Regular Session, 2003, is amended to read as follows:

15 Sec. 508.036. [~~POLICY BOARD: COMPOSITION,~~] GENERAL  
16 ADMINISTRATIVE DUTIES. (a) The presiding officer [~~governor shall~~  
17 ~~designate seven members of the board to serve as the Board of~~  
18 ~~Pardons and Paroles Policy Board. The governor shall designate the~~  
19 ~~presiding officer of the board as one of the seven members of the~~  
20 ~~policy board, and the presiding officer of the board shall serve as~~  
21 ~~presiding officer of the policy board. Service on the policy board~~  
22 ~~is an additional duty of office for members appointed to the policy~~  
23 ~~board.~~

24 [~~(b) Members of the board designated as members of the~~  
25 ~~policy board serve on the policy board for six-year terms that are~~  
26 ~~concurrent with their six-year terms on the board, with the service~~  
27 ~~of two or three members expiring February 1 of each odd-numbered~~

1 year.

2 [~~(c) The policy board~~] shall:

3 (1) develop and implement policies that clearly  
4 separate the policy-making responsibilities of the board and the  
5 management responsibilities of the board administrator, parole  
6 commissioners, and the staff of the board [~~adopt rules relating to~~  
7 ~~the decision-making processes used by the board and parole panels~~];

8 (2) establish caseloads and required work hours for  
9 members of the board and parole commissioners [~~assign duties to~~  
10 ~~members of the policy board that are in addition to the duties those~~  
11 ~~members have in handling a caseload~~];

12 (3) update parole guidelines, assign precedential  
13 value to previous decisions of the board relating to the granting of  
14 parole and the revocation of parole or mandatory supervision, and  
15 develop policies to ensure that members of the board and parole  
16 commissioners use guidelines and previous decisions of the board  
17 and parole commissioners in making decisions under this chapter;

18 (4) require members of the board and parole  
19 commissioners to file activity reports[~~, on forms provided by the~~  
20 ~~policy board,~~] that provide information on release decisions made  
21 by members of the board and parole commissioners, the workload and  
22 hours worked of the members of the board and parole commissioners,  
23 and the use of parole guidelines by members of the board and parole  
24 commissioners; and

25 (5) report at least annually to the governor and the  
26 legislature on the [~~board~~] activities of the board and parole  
27 commissioners, parole release decisions, and the use of parole

1 guidelines by the board and parole commissioners.

2 (b) The board shall:

3 (1) adopt rules relating to the decision-making  
4 processes used by the board and parole panels;

5 (2) prepare information of public interest describing  
6 the functions of the board and make the information available to the  
7 public and appropriate state agencies;

8 (3) comply with federal and state laws related to  
9 program and facility accessibility; and

10 (4) prepare annually a complete and detailed written  
11 report that meets the reporting requirements applicable to  
12 financial reporting provided in the General Appropriations Act and  
13 accounts for all funds received and disbursed by the board during  
14 the preceding fiscal year.

15 (c) The board administrator shall prepare and maintain a  
16 written plan that describes how a person who does not speak English  
17 can be provided reasonable access to the board's programs and  
18 services.

19 (d) The board, in performing its duties, is subject to the  
20 open meetings law, Chapter 551, and the administrative procedure  
21 law, Chapter 2001. This subsection does not affect the provisions  
22 of Section 2001.223 exempting hearings and interviews conducted by  
23 the board or the division from Section 2001.038 and Subchapters  
24 C-H, Chapter 2001.

25 SECTION 4.06. Section 508.0362, Government Code, is amended  
26 to read as follows:

27 Sec. 508.0362. TRAINING REQUIRED. (a) (1) A person who is

1 appointed to and qualifies for office as a member of the board [~~or~~  
2 ~~the policy board~~] may not vote, deliberate, or be counted as a  
3 member in attendance at a meeting of the board [~~or policy board~~]  
4 until the person completes at least one course of a training program  
5 that complies with this section.

6 (2) A parole commissioner employed by the board may  
7 not vote or deliberate on a matter described by Section 508.0441  
8 until the person completes at least one course of a training program  
9 that complies with this section.

10 (b) A training program must provide information to the  
11 person regarding:

12 (1) the enabling legislation that created the board  
13 [~~and the policy board~~];

14 (2) the programs operated by the board;

15 (3) the role and functions of the board and parole  
16 commissioners;

17 (4) the rules of the board;

18 (5) the current budget for the board;

19 (6) the results of the most recent formal audit of the  
20 board;

21 (7) the requirements of the:

22 (A) open meetings law, Chapter 551;

23 (B) open records law, Chapter 552; and

24 (C) administrative procedure law, Chapter 2001;

25 (8) the requirements of the conflict of interest laws  
26 and other laws relating to public officials; and

27 (9) any applicable ethics policies adopted by the

1 ~~[policy]~~ board or the Texas Ethics Commission.

2 (c) A person appointed to the board [~~or policy board~~] is  
3 entitled to reimbursement, as provided by the General  
4 Appropriations Act, for the travel expenses incurred in attending  
5 the training program regardless of whether the attendance at the  
6 program occurs before or after the person qualifies for office.

7 SECTION 4.07. Section 508.040(a), Government Code, is  
8 amended to read as follows:

9 (a) The presiding officer is responsible for the employment  
10 and supervision of [~~policy board shall employ and supervise~~]:

- 11 (1) parole commissioners;
- 12 (2) a general counsel to the board;
- 13 (3) [~~(2)~~] a board administrator to manage the  
14 day-to-day activities of the board;
- 15 (4) [~~(3)~~] hearing officers;
- 16 (5) [~~(4)~~] personnel to assist in clemency and hearing  
17 matters; and
- 18 (6) [~~(5)~~] secretarial or clerical personnel.

19 SECTION 4.08. Section 508.041, Government Code, is amended  
20 to read as follows:

21 Sec. 508.041. DESIGNEE TRAINING; HANDBOOK. (a) The  
22 [~~policy~~] board shall develop and implement:

- 23 (1) a training program that each newly hired employee  
24 of the board designated to conduct hearings under Section 508.281  
25 must complete before conducting a hearing without the assistance of  
26 a board member or experienced parole commissioner or designee; and  
27 (2) a training program to provide an annual update to

1 designees of the board on issues and procedures relating to the  
2 revocation process.

3 (b) The [~~policy~~] board shall prepare and biennially update a  
4 procedural manual to be used by designees of the board. The  
5 [~~policy~~] board shall include in the manual:

6 (1) descriptions of decisions in previous hearings  
7 determined by the [~~policy~~] board to have value as precedents for  
8 decisions in subsequent hearings;

9 (2) laws and court decisions relevant to decision  
10 making in hearings; and

11 (3) case studies useful in decision making in  
12 hearings.

13 (c) The [~~policy~~] board shall prepare and update as necessary  
14 a handbook to be made available to participants in hearings under  
15 Section 508.281, such as defense attorneys, persons released on  
16 parole or mandatory supervision, and witnesses. The handbook must  
17 describe in plain language the procedures used in a hearing under  
18 Section 508.281.

19 SECTION 4.09. Section 508.042, Government Code, is amended  
20 to read as follows:

21 Sec. 508.042. TRAINING PROGRAM FOR MEMBERS AND PAROLE  
22 COMMISSIONERS. (a) The [~~policy~~] board shall develop for board  
23 members and parole commissioners a comprehensive training and  
24 education program on the criminal justice system, with special  
25 emphasis on the parole process.

26 (b) (1) A new member may not participate in a vote of the  
27 board or a panel, deliberate, or be counted as a member in

1 attendance at a meeting of the board [~~or policy board~~] until the  
2 member completes the program.

3 (2) A new parole commissioner may not participate in a  
4 vote of a panel until the commissioner completes the program. This  
5 subdivision does not apply to a new parole commissioner who as a  
6 board member completed the program.

7 SECTION 4.10. Subchapter B, Chapter 508, Government Code,  
8 is amended by amending Section 508.044 and adding Section 508.0441  
9 to read as follows:

10 Sec. 508.044. POWERS AND DUTIES OF BOARD. [~~(a)~~] A board  
11 member shall give full time to the duties of the member's office,  
12 including [~~-~~

13 [~~(b) In addition to performing the~~] duties imposed on the  
14 board by the Texas Constitution and other law.

15 Sec. 508.0441. RELEASE AND REVOCATION DUTIES. (a) Board [~~-~~  
16 ~~board~~] members and parole commissioners shall determine:

17 (1) which inmates are to be released on parole or  
18 mandatory supervision;

19 (2) conditions of parole or mandatory supervision,  
20 including special conditions;

21 (3) the modification and withdrawal of conditions of  
22 parole or mandatory supervision;

23 (4) which releasees may be released from supervision  
24 and reporting; and

25 (5) the continuation, modification, and revocation of  
26 parole or mandatory supervision.

27 (b) [~~(c)~~] The [~~policy~~] board shall develop and implement a

1 policy that clearly defines circumstances under which a board  
2 member or parole commissioner should disqualify himself or herself  
3 from voting on:

4 (1) a parole decision; or

5 (2) a decision to revoke parole or mandatory  
6 supervision.

7 (c) [~~(d)~~] The [~~policy~~] board may adopt reasonable rules as  
8 [~~the policy board considers~~] proper or necessary relating to:

9 (1) the eligibility of an inmate for release on parole  
10 or release to mandatory supervision;

11 (2) the conduct of a parole or mandatory supervision  
12 hearing; or

13 (3) conditions to be imposed on a releasee.

14 (d) [~~(e)~~] The presiding officer [~~policy board~~] may provide  
15 a written plan for the administrative review of actions taken by a  
16 parole panel by a review panel [~~the entire membership or by a subset~~  
17 ~~of the entire membership of the board~~].

18 (e) [~~(f)~~] Board members and parole commissioners shall, at  
19 the direction of the presiding officer, file activity reports on  
20 duties performed under this chapter.

21 SECTION 4.11. Sections 508.045(a) and (b), Government Code,  
22 are amended to read as follows:

23 (a) Except as provided by Section 508.046, board members and  
24 parole commissioners shall act in panels composed of three [~~persons~~  
25 ~~each~~] in matters of:

26 (1) release on parole;

27 (2) release to mandatory supervision; and

1 (3) revocation of parole or mandatory supervision.

2 (b) The presiding officer [~~of the board~~] shall designate the  
3 composition of each panel, and may designate panels composed only  
4 of board members, composed only of parole commissioners, or  
5 composed of any combination of members and parole commissioners.

6 SECTION 4.12. Section 508.047(a), Government Code, is  
7 amended to read as follows:

8 (a) The members of the [~~policy~~] board shall meet at least  
9 once in each quarter of the calendar year at a site determined by  
10 the presiding officer.

11 SECTION 4.13. Section 508.049, Government Code, is amended  
12 to read as follows:

13 Sec. 508.049. MISSION STATEMENT. (a) The [~~policy~~] board,  
14 after consultation with the governor and the Texas Board of  
15 Criminal Justice, shall adopt a mission statement that reflects the  
16 responsibilities for the operation of the parole process that are  
17 assigned to the [~~policy board, the~~] board, the division, the  
18 department, or the Texas Board of Criminal Justice.

19 (b) The [~~policy~~] board shall include in the mission  
20 statement a description of specific locations at which the board  
21 intends to conduct business related to the operation of the parole  
22 process.

23 SECTION 4.14. Section 508.082, Government Code, is amended  
24 to read as follows:

25 Sec. 508.082. RULES. The [~~policy~~] board shall adopt rules  
26 relating to:

27 (1) the submission and presentation of information and

1 arguments to the board, a parole panel, and the department for and  
2 in behalf of an inmate; and

3 (2) the time, place, and manner of contact between a  
4 person representing an inmate and:

5 (A) a member of the board or a parole  
6 commissioner;

7 (B) an employee of the board; or

8 (C) an employee of the department.

9 SECTION 4.15. Section 508.141(g), Government Code, as  
10 added by Senate Bill No. 917, Acts of the 78th Legislature, Regular  
11 Session, 2003, is amended to read as follows:

12 (g) The [~~policy~~] board shall adopt a policy establishing the  
13 date on which the board may reconsider for release an inmate who has  
14 previously been denied release. The policy must require the board  
15 to reconsider for release an inmate serving a sentence for an  
16 offense listed in Section 508.149(a) during a month designated by  
17 the parole panel that denied release. The designated month must  
18 begin after the first anniversary of the date of the denial and end  
19 before the fifth anniversary of the date of the denial. The policy  
20 must require the board to reconsider for release an inmate other  
21 than an inmate serving a sentence for an offense listed in Section  
22 508.149(a) as soon as practicable after the first anniversary of  
23 the date of the denial.

24 SECTION 4.16. Section 508.144(b), Government Code, is  
25 amended to read as follows:

26 (b) If a board member or parole commissioner deviates from  
27 the parole guidelines in voting on a parole decision, the member or

1 parole commissioner shall:

2 (1) produce a brief written statement describing the  
3 circumstances regarding the departure from the guidelines; and

4 (2) place a copy of the statement in the file of the  
5 inmate for whom the parole decision was made.

6 SECTION 4.17. Section 508.153(b), Government Code, is  
7 amended to read as follows:

8 (b) If more than one person is entitled to appear in person  
9 before the board members or parole commissioners, only the person  
10 chosen by all persons entitled to appear as the persons' sole  
11 representative may appear [~~before the board members~~].

12 SECTION 4.18. Section 508.281(a), Government Code, is  
13 amended to read as follows:

14 (a) A releasee, a person released although ineligible for  
15 release, or a person granted a conditional pardon is entitled to a  
16 hearing before a parole panel or a designated agent of the board  
17 under the rules adopted by the [~~policy~~] board and within a period  
18 that permits a parole panel, a designee of the board, or the  
19 department to dispose of the charges within the periods established  
20 by Sections 508.282(a) and (b) if the releasee or person:

21 (1) is accused of a violation of the releasee's parole  
22 or mandatory supervision or the person's conditional pardon, on  
23 information and complaint by a peace officer or parole officer; or

24 (2) is arrested after an ineligible release.

25 SECTION 4.19. Section 508.313(c), Government Code, as  
26 amended by Section 3, Senate Bill No. 519, Acts of the 78th  
27 Legislature, Regular Session, 2003, is amended to read as follows:

1 (c) The department, on request or in the normal course of  
2 official business, shall provide information that is confidential  
3 and privileged under Subsection (a) to:

4 (1) the governor;

5 (2) a member of the board or a parole commissioner;

6 (3) the Criminal Justice Policy Council in performing  
7 duties of the council under Section 413.017; or

8 (4) an eligible entity requesting information for a  
9 law enforcement, prosecutorial, correctional, clemency, or  
10 treatment purpose.

11 SECTION 4.20. Section 492.0131, Government Code, is amended  
12 to read as follows:

13 Sec. 492.0131. PAROLE RULES, POLICIES, PROCEDURES. The  
14 board and the presiding officer of the Board of Pardons and Paroles  
15 [~~Policy Board~~] shall jointly review all rules, policies, and  
16 procedures of the department and the Board of Pardons and Paroles  
17 that relate to or affect the operation of the parole process. The  
18 board and the presiding officer of the Board of Pardons and Paroles  
19 [~~policy board~~] shall identify areas of inconsistency between the  
20 department and the Board of Pardons and Paroles and shall amend  
21 rules or change policies and procedures as necessary for consistent  
22 operation of the parole process.

23 SECTION 4.21. Section 508.0361, Government Code, is  
24 repealed.

25 SECTION 4.22. (a) The governor shall appoint new members to  
26 the Board of Pardons and Paroles on or before January 1, 2004, and  
27 the terms of members serving on December 31, 2003, expire on the

1 appointment of the new members. The governor may appoint but is  
2 not required to appoint as new members persons who served on the  
3 board before January 1, 2004.

4 (b) Of the new members of the Board of Pardons and Paroles,  
5 the governor shall appoint two to serve terms expiring February 1,  
6 2005, two to serve terms expiring February 1, 2007, and three to  
7 serve terms expiring February 1, 2009. On the expiration of the  
8 terms of the initial members of the new board, the term of a member  
9 appointed by the governor is six years.

10 (c) On November 1, 2003, a rule of the Board of Pardons and  
11 Paroles Policy Board is a rule of the Board of Pardons and Paroles.

12 ARTICLE 5. ADMINISTRATION OF TEXAS BUILDING AND PROCUREMENT

13 COMMISSION

14 SECTION 5.01. Section 2152.051, Government Code, is amended  
15 to read as follows:

16 Sec. 2152.051. COMPOSITION OF COMMISSION. (a) The  
17 commission consists of five members appointed by the governor.

18 (b) Subsection (a) governs the composition of the  
19 commission after January 31, 2007. On or before that date, this  
20 subsection governs the composition of the commission. The  
21 commission consists of seven members, of whom~~+~~

22 ~~[(1)]~~ three members are appointed by the governor, ~~+~~

23 ~~[(2)]~~ two additional members are appointed by the  
24 governor from a list of nominees submitted by the speaker of the  
25 house of representatives, ~~+~~ and

26 ~~[(3)]~~ two members are appointed by the lieutenant  
27 governor. The members serving on the commission immediately before

1 the effective date of the Act of the 78th Legislature, 1st Called  
2 Session, 2003, that amended this section and added this subsection  
3 are entitled to continue to serve on the commission for the terms  
4 for which they were appointed if they are otherwise qualified for  
5 their positions. Notwithstanding Section 2152.057, for the period  
6 in which the commission consists of seven members under this  
7 subsection, two or three members' terms expire on January 31 of each  
8 odd-numbered year. If, on or before January 31, 2007, the term of  
9 any position on the commission expires or a vacancy is created in  
10 any position on the commission, the governor shall appoint a person  
11 to fill the position. However, the two positions on the commission  
12 that are filled by appointment by the governor from a list submitted  
13 by the speaker are abolished on the expiration of the positions'  
14 terms on January 31, 2007. This subsection expires September 1,  
15 2009.

16 ~~[(b) In making an appointment under Subsection (a)(2), the~~  
17 ~~governor may reject one or more of the nominees on a list submitted~~  
18 ~~by the speaker of the house of representatives and request a new~~  
19 ~~list of different nominees.]~~

20 SECTION 5.02. Section 2152.052(b), Government Code, is  
21 amended to read as follows:

22 (b) In making appointments under this section, the governor  
23 ~~[and lieutenant governor]~~ shall attempt to appoint women and  
24 members of different minority groups, including African Americans,  
25 Hispanic Americans, Native Americans, and Asian Americans.

26 SECTION 5.03. Section 2152.057, Government Code, is amended  
27 to read as follows:

1           Sec. 2152.057. TERMS. Commission members serve staggered  
2 six-year terms with one or two [~~or three~~] members' terms expiring  
3 January 31 of each odd-numbered year.

4           ARTICLE 6. DESIGNATION OF PRESIDING OFFICERS

5           SECTION 6.01. Chapter 651, Government Code, is amended by  
6 adding Section 651.010 to read as follows:

7           Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY  
8 GOVERNOR. (a) In this section, "state agency" means a department,  
9 commission, board, office, council, authority, or other agency in  
10 the executive branch of state government that is created by the  
11 constitution or a statute of this state, including:

12                 (1) a university system or institution of higher  
13 education as defined by Section 61.003, Education Code; and

14                 (2) a river authority as defined by Section 30.003,  
15 Water Code.

16           (b) Notwithstanding other law, the governor may designate a  
17 member of the governing body of each state agency as the presiding  
18 officer of that governing body to serve in that capacity at the  
19 pleasure of the governor.

20           ARTICLE 7. EFFECTIVE DATE

21           SECTION 7.01. This Act takes effect November 1, 2003.