

BILL ANALYSIS

Senate Research Center

S.B. 287
By: Ellis, Rodney
Government Organization
7/14/2003
Enrolled

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. 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 Section 103.002, Health and Safety Code, effective September 1, 2003, by amending Subsections (a) and (b) and adding Subsection (b-1), 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.

(b-1) Requires the governor, in making appointments under this section, to attempt to appoint members of different minority groups including females, African-Americans, Hispanic-Americans, Native Americans, and Asian-Americans.

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. STATE BOARD FOR EDUCATOR CERTIFICATION

SECTION 12.01. Amends Section 21.033(a), Education Code, effective September 1, 2003, to provide that the State Board for Educator Certification is composed of 14, rather than 15, members. Provides that 11, rather than 12, members are appointed by the governor with the advice and consent of the senate. Makes conforming changes.

SECTION 12.02. (a) Provides that, of the public member positions on the State Board for Educator Certification, the position of the public member whose term on the board is scheduled to expire February 1, 2009, is abolished on September 1, 2003.

(b) Provides that if, of the public member positions on the State Board for Educator Certification, two or more public members of the board have terms scheduled to expire February 1, 2009, one of the positions is abolished on September 1, 2003. Requires the public members whose terms are scheduled to expire February 1, 2009 to determine by unanimous agreement or by lot, on or before September 1, 2003, which of the positions shall be abolished on September 1, 2003 and shall inform the presiding officer of the State Board for Educator Certification of that determination.

ARTICLE 13. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL COMMISSION

SECTION 13.01. 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 13.02. 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 13.03. (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 14. TEXAS COMMISSION ON FIRE PROTECTION

SECTION 14.01. 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 14.02. 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 15. TEXAS GUARANTEED STUDENT LOAN CORPORATION

SECTION 15.01. 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 15.02. 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 15.03. (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 16. TEXAS BOARD OF HEALTH

SECTION 16.01. 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 16.02. 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 16.03. 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 17. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

SECTION 17.01. 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 17.02. 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 18. TEXAS HIGHER EDUCATION COORDINATING BOARD

SECTION 18.01. 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 9, 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 18.02. Requires the governor, to achieve an orderly transition from 18 to 9 positions on THECB, on August 31, 2003, or September 1, 2003, to appoint only three persons to the coordinating board for terms expiring on August 31, 2009. Requires the governor, on, or as soon as possible after, August 31, 2005, to appoint only four members to the coordinating board for terms expiring on August 31, 2011. Requires the governor, on, or as soon as possible after, August 31, 2007, to appoint only two members to the coordinating board for terms expiring on August 31, 2013. Requires the governor, as terms on the coordinating board expire on and after August 31, 2009, to appoint three members to the coordinating board in accordance with Section 61.022, Education Code, as amended by this Act.

ARTICLE 19. TEXAS HISTORICAL COMMISSION

SECTION 19.01. 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 19.02. (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 20. COMMISSION ON HUMAN RIGHTS

SECTION 20.01. 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 20.02. 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 21. TEXAS BOARD OF HUMAN SERVICES

SECTION 21.01. 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 21.02. (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 22. DEPARTMENT OF INFORMATION RESOURCES

SECTION 22.01. 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 seven, rather than six, 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 two or three members' terms expiring February 1 of each odd-numbered year.

SECTION 22.02. Requires the governor to appoint an additional member to the board of DIR for a term expiring February 1, 2009, as soon as possible on or after September 1, 2003.

ARTICLE 23. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

SECTION 23.01. 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 23.02. 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 23.03. 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 24. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

SECTION 24.01. Amends Section 441.001(a), Government Code, effective September 1, 2003, to provide that the Texas State Library and Archives Commission is composed of seven, rather than six, members appointed by the governor with the advice and consent of the senate. Requires all seven, 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 24.02. Requires the governor to appoint an additional member to the Texas State Library and Archives Commission for a term expiring September 28, 2007, as soon as possible on or after September 1, 2003.

ARTICLE 25. TEXAS COMMISSION OF LICENSING AND REGULATION

SECTION 25.01. 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 25.02. 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 25.03. (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 26. TEXAS STATE BOARD OF MEDICAL EXAMINERS

SECTION 26.01. Amends Section 152.002(a), Occupations Code, effective September 1, 2003, to provide that the board consists of 19 certain members appointed by the governor with the advice and consent of the senate as follows.

SECTION 26.02. 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 27. TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS

SECTION 27.01. 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 27.02. 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 27.03. 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 28. TEXAS MILITARY FACILITIES COMMISSION

SECTION 28.01. Amends Section 435.004(a), Government Code, effective September 1, 2003, to provide the composition of the commission.

SECTION 28.02. Requires the governor to appoint an additional public member to the Texas Military Facilities Commission for a term expiring April 30, 2009, as soon as possible on or after September 1, 2003.

ARTICLE 29. OPERATION GAME THIEF COMMITTEE

SECTION 29.01. Amends Sections 12.202 (a) and (b), Parks and Wildlife Code, effective September 1, 2003, as follows:

(a) Requires the director to appoint an Operation Game Thief Committee composed of 11, rather than nine, members to administer the operation game thief fund and to make reward payments and death benefit payments from that fund. Requires, rather than authorizes, the director to appoint a former committee member to serve as chairman emeritus. Provides that the chairman emeritus has the same rights and duties as any other committee member.

(b) Provides that each member of the committee, including the chairman emeritus, serves a term of six years. Provides that the terms of approximately one-third of the members, including the chairman emeritus, expire on January 31 of each odd-numbered year.

SECTION 29.02. Provides that, effective September 1, 2003, Section 12.202(d), Parks and Wildlife Code, is repealed.

SECTION 29.03. (a) Requires, as soon as possible on or after September 1, 2003, the executive director of the Parks and Wildlife Department:

- (1) to appoint an additional member to the Operation Game Thief Committee for a term expiring January 31, 2007; and
- (2) to appoint a chairman emeritus to the Operation Game Thief Committee for a term expiring January 31, 2009, if there is not currently a chairman emeritus serving on the committee.

(b) Provides that if there is a chairman emeritus currently serving on the Operation Game Thief Committee, the term of the currently serving chairman emeritus expires January 31, 2009.

ARTICLE 30. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

SECTION 30.01. 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 30.02. 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 30.03. 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 31. BOARD OF PARDONS AND PAROLES POLICY BOARD

SECTION 31.01. 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 31.02. 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 32. POLYGRAPH EXAMINERS BOARD

SECTION 32.01. Amends Section 1703.051(a), Occupations Code, effective September 1, 2003, to provide that the Polygraph Examiners Board consists of seven, rather than six, certain members appointed by the governor with the advice and consent of the senate.

SECTION 32.02. Requires the governor to appoint an additional public member to the Polygraph Examiners board for a term expiring June 18, 2009, as soon as possible on or after September 1, 2003.

ARTICLE 33. PRIVATE SECTOR PRISON INDUSTRIES OVERSIGHT AUTHORITY

SECTION 33.01. 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 33.02. 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 33.03. (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 34. TEXAS COMMISSION ON PRIVATE SECURITY

SECTION 34.01. 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 34.02. 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 34.03. (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 35. PRODUCE RECOVERY FUND BOARD

SECTION 35.01. 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 35.02. 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 36. BOARD OF PROTECTIVE AND REGULATORY SERVICES

SECTION 36.01. 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 36.02. 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 36.03. (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 37. TEXAS RACING COMMISSION

SECTION 37.01. 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 seven 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 37.02. 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 two or three 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 37.03. Amends Section 2.05(a), Texas Racing Act (Article 179e, V.T.C.S.), effective September 1, 2003, as follows:

(a) Requires five, rather than four, of the appointed members of the commission to be representatives of the general public and have general knowledge of business or agribusiness. Authorizes at least one of those appointed members to be a veterinarian, and being licensed as a veterinarian satisfies the requirement that the person have general knowledge of business or agribusiness.

SECTION 37.04. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Texas Racing Commission for a term expiring February 1, 2009.

ARTICLE 38. TEXAS REAL ESTATE BROKER-LAWYER COMMITTEE

SECTION 38.01. 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 38.02. 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 38.03. 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 39. TEXAS REHABILITATION COMMISSION

SECTION 39.01. 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 39.02. (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 40. RISK MANAGEMENT BOARD

SECTION 40.01. 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 40.02. (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 41. STATEWIDE RURAL HEALTH CARE SYSTEM

SECTION 41.01. 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 41.02. 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 41.03. (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 42. COUNCIL ON SEX OFFENDER TREATMENT

SECTION 42.01. 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 42.02. 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 42.03. 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 43. BOARD OF TAX PROFESSIONAL EXAMINERS

SECTION 43.01. 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 43.02. Amends Section 1151.052, Occupations Code, effective September 1, 2003, as follows:

Sec. 1151.052. TERMS. Makes a conforming change.

SECTION 43.03. (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 44. TEXAS-ISRAEL EXCHANGE FUND BOARD

SECTION 44.01. 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 44.02. (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 45. TEXAS VETERANS COMMISSION

SECTION 45.01. 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 45.02. (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 46. MULTI-STATE WATER RESOURCES PLANNING COMMISSION

SECTION 46.01. Amends Sections 8.013(a) and (c), Water Code, effective September 1, 2003 as follows:

(a) Provides that the commission is composed of seven, rather than six, commissioners who are appointed by the governor with the advice and consent of the senate.

(c) Requires three, rather than two, commissioners to be members of the general public, one commissioner to have a background in the field of higher education, one commissioner to have a background in private business, one commissioner to have a background in agriculture, and one commissioner to have a background in an energy-related field.

SECTION 46.02. Amends Section 8.015(a), Water Code, effective September 1, 2003, to

provide that commissioners hold office for staggered terms of six years, with the terms of two or three commissioners expiring on February 1 of each odd-numbered year.

SECTION 46.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint an additional public member to the Multi-State Water Resources Planning Commission for a term expiring February 1, 2009.

ARTICLE 47. TEXAS WORKERS' COMPENSATION COMMISSION

SECTION 47.01. Amends Section 402.002(a), Labor Code, to provide that members of the commission hold office for staggered two-year, rather than six-year, terms, with the terms of three members expiring on February 1 of each year.

SECTION 47.02. (a) Provides that notwithstanding Subsection (a), Section 402.002, Labor Code, as amended by this Act, the current terms of the members of the Texas Workers' Compensation Commission expire February 1, 2005.

(b) Requires the governor, as soon as possible on or after February 1, 2005, to appoint:

- (1) one member representing employers and two members representing wage earners to terms expiring February 1, 2006; and
- (2) one member representing wage earners and two members representing employers to terms expiring February 1, 2007.

ARTICLE 48. COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS

SECTION 48.01. Amends Section 2308.052(b), Government Code, effective September 1, 2003, to provide that the council is composed of certain members.

SECTION 48.02. 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 48.03. (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 49. TEXAS YOUTH COMMISSION

SECTION 49.01. 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 49.02. 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 50. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

SECTION 50.01. Amends Chapter 651, Government Code, by adding Section 651.008, 651.0085, and 651.009, 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.

Sec. 651.0085. CERTAIN UNCONSTITUTIONALLY COMPOSED DISTRICTS AND AUTHORITIES WITH SIX-YEAR TERMS. (a) Provides that this section applies only to the governing body of a district or authority created under Section 52(b), Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution, and only under certain circumstances.

(b) Provides that Section 651.008 does not apply to a district or authority to which this section applies.

(c) Provides that notwithstanding the terms of the enabling statute of the district or authority that prescribes the number of members of the governing body:

- (1) if some or all of the members of the governing body are appointed, the governor shall appoint an additional public or at-large member, as applicable, to the governing body for an initial term expiring on the date on which the terms of members of the governing body whose terms are scheduled to expire between four and six years after the date of the governor's appointment under this subdivision expire; and
- (2) if all of the members of the governing body are elected, an additional public or at-large elected position, as applicable, is created on the governing body and the governor shall appoint the initial member to fill that position for an initial term expiring on the first date on which members' terms expire following the next election for members of the governing body.

(d) Requires the administrative head of the district or authority to inform certain individuals and entities of that fact as soon as possible after it is determined that this section applies to the governing body.

(e) Requires the governor to continue to appoint a member to fill the position as vacancies in the position occur and as a member's term in the position expires, if the governor appoints a member to the governing body of the district or authority under Subsection (c)(1) and the legislature does not, by law, make other arrangements for electing or appointing a person to fill the position. Requires the position to be filled by election as vacancies in the position occur and as a member's term in the position expires, except to the extent that the enabling statute for the district or authority provides a different method for filling vacancies on the governing body, if the governor appoints a member to the governing body of the district or authority under Subsection (c)(2) and the legislature does not, by law, make other arrangements for electing or appointing a person to fill the position.

(f) Provides that after the initial term of a position created under this section expires, the term of the position is six years.

Sec. 651.009. DIVERSITY ON GOVERNING BODY. (a) Requires the governor or appointing authority, in each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, to ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state.

(b) Requires the appointing authorities to coordinate their appointments, to the extent possible, as necessary to comply with Subsection (a), in the case of a governing body the membership of which is appointed by two or more appointing authorities,

SECTION 50.02. 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 50.03. 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 50.04. Effective date: upon passage or September 1, 2003.