

BILL ANALYSIS

Senate Research Center
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S.B. 287
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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. As proposed, 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. STATE BOARD OF BARBER EXAMINERS

SECTION 4.01. 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 4.02. 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 4.03. 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 5. STATE BOARD OF DENTAL EXAMINERS

SECTION 5.01. 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 5.02. (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 6. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

SECTION 6.01. 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 6.02. 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 6.03. 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 7. TEXAS DIABETES COUNCIL

SECTION 7.01. Amends Sections 103.002(a) and (b), Health and Safety Code, effective September 1, 2003, as follows:

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

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

SECTION 7.02. 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 7.03. (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 8. TEXAS DISTINGUISHED SERVICE AWARDS COMMITTEE

SECTION 8.01. 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 8.02. (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 9. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL COMMISSION

SECTION 9.01. 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 9.02. 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 9.03. (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 10. TEXAS COMMISSION ON FIRE PROTECTION

SECTION 10.01. 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 10.02. 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 11. TEXAS BOARD OF HEALTH

SECTION 11.01. Amends Sections 11.005(a) and (c), Health and Safety Code, effective September 1, 2003, as follows:

(a) Provides that the Texas Board of Health (board) is composed of seven, rather than six, 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 TDH, and three, rather than two, members to represent the public.

SECTION 11.02. Amends Section 11.007, Health and Safety Code, effective September 1, 2003, as follows:

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 11.03. 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 12. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

SECTION 12.01. 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 12.02. 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 13. TEXAS HIGHER EDUCATION COORDINATING BOARD

SECTION 13.01. Amends Section 61.022, Education Code, effective September 1, 2003, as follows:

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE. Requires the Texas Higher Education Coordinating Board (THECB) to consist of 15, rather than 18, members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Provides that members of the board serve staggered six-year terms. Provides that the terms of one-third of the members expire August 31 of each odd-numbered year.

SECTION 13.02. (a) Provides that of the six positions on THECB that have terms scheduled to expire on August 31, 2003, one of the positions is abolished on September 1, 2003. Requires the governor, on or before September 1, 2003, to designate which of the six positions shall be abolished and to appoint five persons to fill the other positions for terms expiring on August 31, 2009.

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

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

ARTICLE 14. TEXAS HISTORICAL COMMISSION

SECTION 14.01. 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 14.02. (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 15. COMMISSION ON HUMAN RIGHTS

SECTION 15.01. 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 15.02. 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 16. TEXAS BOARD OF HUMAN SERVICES

SECTION 16.01. 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 16.02. (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 17. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

SECTION 17.01. 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 17.02. 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 17.03. 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 18. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

SECTION 18.01. Amends Section 441.001(a), Government Code, effective September 1, 2003, to provide that the Texas State Library and Archives Commission is composed of five, rather than six, members appointed by the governor with the advice and consent of the senate. Requires all five, rather than six, members to be representatives of the general public. Provides that a person is not eligible for appointment as a member of the commission if the person or the person's spouse is in a certain category.

SECTION 18.02. (a) Provides that of the two positions on the Texas State Library and Archives Commission that have terms scheduled to expire on September 28, 2003, one of the positions is abolished on September 1, 2003.

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

ARTICLE 19. TEXAS COMMISSION OF LICENSING AND REGULATION

SECTION 19.01. 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 19.02. 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 19.03. (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 20. TEXAS STATE BOARD OF MEDICAL EXAMINERS

SECTION 20.01. Amends Section 152.002(a), Occupations Code, which is effective September 1, 2003, as follows:

(a) Provides that the board consists of 17, rather than 18, certain members appointed by the governor with the advice and consent of the senate as follows.

SECTION 20.02. (a) Provides that one of the positions held by a physician member who must be a graduate of a reputable medical school or college with a degree of doctor of medicine and whose term on the Texas State Board of Medical Examiners is scheduled to expire on April 14, 2005, is abolished September 1, 2003.

(b) Requires the physician members, on or before September 1, 2003, described by Subsection (a) of this section whose terms are scheduled to expire on April 14, 2005, to determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and to inform the president of the Texas State Board of Medical Examiners of that determination.

ARTICLE 21. OPERATION GAME THIEF COMMITTEE

SECTION 21.01. Amends Sections 12.202(a), (b), and (d), Parks and Wildlife Code, effective September 1, 2003, as follows:

(a) Deletes existing text stating that the executive director of the Parks and Wildlife Department may appoint a certain committee member.

(b) Provides that each member of the committee serves a term of six years. Provides that the terms of one-third of the members expire on January 31 of each odd-numbered year. Authorizes the director to reappoint members.

(d) Authorizes the chairman of the committee to vote a second time to break the tie, if the vote of the full membership of the committee results in a tie vote.

SECTION 21.02. Provides that the position of the chairman emeritus on the Operation Game Thief Committee is abolished on September 1, 2003.

ARTICLE 22. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

SECTION 22.01. 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 22.02. 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 22.03. 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 23. POLYGRAPH EXAMINERS BOARD

SECTION 23.01. Amends Section 1703.051(a), Occupations Code, effective September 1, 2003, to provide that the Polygraph Examiners Board consists of five, rather than six, certain members appointed by the governor with the advice and consent of the senate.

SECTION 23.02. Provides that the position of the commercial polygraph examiner member whose term on the Polygraph Examiners Board is scheduled to expire on June 18, 2007, is abolished on September 1, 2003.

ARTICLE 24. PRODUCE RECOVERY FUND BOARD

SECTION 24.01. 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 24.02. 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 25. BOARD OF PROTECTIVE AND REGULATORY SERVICES

SECTION 25.01. 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 25.02. 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 25.03. (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 26. TEXAS REHABILITATION COMMISSION

SECTION 26.01. 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 26.02. (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 27. RISK MANAGEMENT BOARD

SECTION 27.01. 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 27.02. (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 28. STATEWIDE RURAL HEALTH CARE SYSTEM

SECTION 28.01. 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 28.02. 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 28.03. (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 29. COUNCIL ON SEX OFFENDER TREATMENT

SECTION 29.01. 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 29.02. 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 29.03. 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 30. BOARD OF TAX PROFESSIONAL EXAMINERS

SECTION 30.01. 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 30.02. Amends Section 1151.052, Occupations Code, effective September 1, 2003, as follows:

Sec. 1151.052. TERMS. Makes a conforming change.

SECTION 30.03. (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 31. TEXAS VETERANS COMMISSION

SECTION 31.01. 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 31.02. (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 32. TEXAS WORKERS' COMPENSATION COMMISSION

SECTION 32.01. Amends Sections 402.001(a) and (c), Labor Code, effective September 1, 2003, as follows:

(a) Provides that the Texas Workers' Compensation Commission (commission) is composed of seven, rather than six, members appointed by the governor with the advice and consent of the senate.

(c) Requires one member of the commission to be a representative of the general public.

SECTION 32.02. Amends Section 402.002(a), Labor Code, effective September 1, 2003, to provide that members of the commission hold office for staggered six-year terms. Provides that the terms of one member representing employers and one member representing wage earners expire on February 1 of each odd-numbered year. Provides that the term of the member representing the general public expires on February 1 of every third odd-numbered year.

SECTION 32.03. Requires the governor, as soon as possible on or after September 1, 2003, to appoint a public member to the commission for a term expiring February 1, 2009.

ARTICLE 33. TEXAS YOUTH COMMISSION

SECTION 33.01. 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 five, rather than six, members appointed by the governor with the consent of the senate.

(c) Makes a conforming change.

SECTION 33.02. Amends Section 61.014, Human Resources Code, effective September 1, 2003, as follows:

Sec. 61.014. QUORUM. Provides that three, rather than four, members constitute a quorum for the exercise of functions of the commission not delegated to the executive director or other employees.

SECTION 33.03. (a) Provides that of the two positions on the governing board of the 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, 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 two positions shall be abolished on September 1, 2003, and to inform the chairman of the governing board of the commission of that determination.

ARTICLE 34. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

SECTION 34.01. Amends Chapter 651, Government Code, by adding Section 651.008, as follows:

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

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

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

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

(e) Requires the appointing authority, as soon as possible after an appointing officer or entity is informed under Subsection (d), to make any necessary appointments or reappointments to the governing body to fill the positions of members described by Subsection (c) who are serving in a holdover capacity. Provides that if a member whose position is being filled has served two or more years but less than four years of a term, the appointment made under this subsection is for a term expiring on the fourth anniversary of the date the term began. Provides that if a member whose position is being filled has served four or more years but less than six years of a term, the appointment made under this subsection is for a term expiring on the sixth anniversary of the date the term began.

SECTION 34.02. 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 and that expire on the date identified by this Act, then if there is only one position on the governing body required to be filled by a member with the identified qualification for office with a term scheduled to expire on the identified date, that member's term is abolished and if there is more than one position on the governing body required to be filled by a member with the identified qualification for office with a term scheduled to expire on the identified date, all members with the identified qualification for office with a term scheduled to expire on the identified date shall meet to determine by unanimous agreement or by lot which member's position is abolished.

SECTION 34.03. 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 34.04. Effective date: upon passage or September 1, 2003.