

By: Chisum, Gallego, Solomons, Dunnam

H.B. No. 2769

Substitute the following for H.B. No. 2769:

By: Davis of Harris

C.S.H.B. No. 2769

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changing the composition of certain state agency
3 governing bodies with an even number of members to comply with the
4 changes made to Section 30a, Article XVI, Texas Constitution.

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

6 ARTICLE 1. TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

7 SECTION 1.01. Effective September 1, 2003, Section
8 461.003(b), Health and Safety Code, is amended to read as follows:

9 (b) The commission is composed of five [~~six~~] members
10 appointed by the governor with the advice and consent of the senate.

11 SECTION 1.02. Effective September 1, 2003, Section 461.006,
12 Health and Safety Code, is amended to read as follows:

13 Sec. 461.006. TERMS. Commission members serve staggered
14 six-year terms, with the terms of one or two members expiring
15 February 1 of each odd-numbered year.

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

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

ARTICLE 2. TEXAS ANIMAL HEALTH COMMISSION

SECTION 2.01. Effective September 1, 2003, Section 161.021(a), Agriculture Code, is amended to read as follows:

(a) The commission is composed of 13 [~~twelve~~] commissioners appointed by the governor with the advice and consent of the senate, with the appropriate number from each of the following categories:

- (1) a practitioner of veterinary medicine;
- (2) a dairyman;
- (3) a cattle raiser;
- (4) a hog raiser;
- (5) a sheep or goat raiser;
- (6) a poultry raiser;
- (7) an individual involved in the equine industry;
- (8) an individual involved in the feedlot industry;
- (9) an individual involved in the livestock marketing industry;
- (10) three [~~two~~] members of the general public; and
- (11) an individual involved in the exotic livestock or exotic fowl industry.

SECTION 2.02. Effective September 1, 2003, Section 161.022, Agriculture Code, is amended to read as follows:

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

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

1 2007.

2 ARTICLE 3. TEXAS COMMISSION ON THE ARTS

3 SECTION 3.01. Effective September 1, 2003, Section
4 444.003(a), Government Code, is amended to read as follows:

5 (a) The commission is composed of 17 [~~18~~] members appointed
6 by the governor with the advice and consent of the senate. The
7 members must represent all fields of the arts and be widely known
8 for their professional competence and experience in connection with
9 the arts. At least two members must be residents of a county with a
10 population of less than 50,000. Appointments to the commission
11 shall be made without regard to the race, color, disability, sex,
12 religion, age, or national origin of the appointees.

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

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

21 ARTICLE 4. ADVISORY BOARD OF ATHLETIC TRAINERS

22 SECTION 4.01. Effective September 1, 2003, Section
23 451.051(b), Occupations Code, is amended to read as follows:

24 (b) The board consists of five [~~six~~] members appointed by
25 the governor with the advice and consent of the senate as follows:

26 (1) three [~~four~~] members who are athletic trainers;
27 and

1 (2) two members who represent the public.

2 SECTION 4.02. Effective September 1, 2003, Section
3 451.053(a), Occupations Code, is amended to read as follows:

4 (a) Board members serve staggered six-year terms with the
5 terms of one or two members expiring on January 31 of each
6 odd-numbered year.

7 SECTION 4.03. (a) Of the athletic trainer positions on the
8 Advisory Board of Athletic Trainers, the position of the athletic
9 trainer member whose term on the board is next scheduled to expire
10 is abolished on September 1, 2003.

11 (b) If, of the athletic trainer positions on the Advisory
12 Board of Athletic Trainers, two athletic trainer members of the
13 board have terms next scheduled to expire, one of the positions is
14 abolished on September 1, 2003. On or before September 1, 2003, the
15 athletic trainer members whose terms are next scheduled to expire
16 shall determine by unanimous agreement or by lot which of the two
17 positions shall be abolished on September 1, 2003, and shall inform
18 the presiding officer of the Advisory Board of Athletic Trainers of
19 that determination.

20 ARTICLE 5. STATE BOARD OF BARBER EXAMINERS

21 SECTION 5.01. Effective September 1, 2003, Section
22 1601.051(a), Occupations Code, is amended to read as follows:

23 (a) The State Board of Barber Examiners consists of seven
24 [~~six~~] members appointed by the governor with the advice and consent
25 of the senate as follows:

26 (1) two members, each of whom:

27 (A) is engaged in the practice of barbering as a

1 Class A barber and has been for at least five years before being
2 appointed; and

3 (B) does not hold a barbershop permit;

4 (2) one member who:

5 (A) is a barbershop owner who holds a barbershop
6 permit; and

7 (B) is engaged in the practice of barbering and
8 has been for at least five years before being appointed;

9 (3) one member who holds a permit to conduct or operate
10 a barber school; and

11 (4) three [~~two~~] members who represent the public.

12 SECTION 5.02. Effective September 1, 2003, Section
13 1601.055(a), Occupations Code, is amended to read as follows:

14 (a) Members of the board serve staggered six-year terms,
15 with the terms of two or three members expiring on the same date
16 every two years.

17 SECTION 5.03. As soon as possible on or after September 1,
18 2003, the governor shall appoint an additional public member to the
19 State Board of Barber Examiners for a term expiring January 31,
20 2009.

21 ARTICLE 6. COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

22 SECTION 6.01. Effective September 1, 2003, Section 93.002,
23 Health and Safety Code, is amended to read as follows:

24 Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS. (a)
25 The Council on Cardiovascular Disease and Stroke is composed of 11
26 [~~12~~] members appointed by the board.

27 (b) Members of the council serve staggered six-year terms

1 with the terms of approximately one-third of the members expiring
2 February 1 of each odd-numbered year.

3 SECTION 6.02. (a) Of the four positions on the Council on
4 Cardiovascular Disease and Stroke that have terms scheduled to
5 expire on February 1, 2005, one of the positions is abolished on
6 September 1, 2003.

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

12 ARTICLE 7. COMMODITY PRODUCERS BOARDS

13 SECTION 7.01. Effective September 1, 2003, Section
14 41.011(c), Agriculture Code, is amended to read as follows:

15 (c) The petition must propose a [~~either a 6-member,~~
16 ~~9-member, 12-member, or 15-member~~] board with an odd number of 5 to
17 15 members.

18 SECTION 7.02. Effective September 1, 2003, Section
19 41.053(b), Agriculture Code, is amended to read as follows:

20 (b) Members of the initial board shall draw lots so that
21 one-third, or as near one-third as possible, of the members shall
22 hold office for two years, one-third, or as near one-third as
23 possible, for four years, and one-third, or as near one-third as
24 possible, for six years. Thereafter, members of the board serve for
25 terms of six years.

26 ARTICLE 8. STATE BOARD OF DENTAL EXAMINERS

27 SECTION 8.01. Effective September 1, 2003, Section

1 252.001(a), Occupations Code, is amended to read as follows:

2 (a) The State Board of Dental Examiners consists of 15 [~~18~~]
3 members appointed by the governor with the advice and consent of the
4 senate as follows:

5 (1) eight [~~10~~] reputable dentist members who reside in
6 this state and have been actively engaged in the practice of
7 dentistry for at least the five years preceding appointment;

8 (2) two reputable dental hygienist members who reside
9 in this state and have been actively engaged in the practice of
10 dental hygiene for at least the five years preceding appointment;
11 and

12 (3) five [~~six~~] members who represent the public.

13 SECTION 8.02. (a) Of the four dentist positions on the
14 State Board of Dental Examiners that have terms scheduled to expire
15 on February 1, 2005, one of the positions is abolished on September
16 1, 2003. On or before September 1, 2003, the four dentist members
17 whose terms are scheduled to expire on February 1, 2005, shall
18 determine by unanimous agreement or by lot which of the four
19 positions shall be abolished on September 1, 2003, and shall inform
20 the president of the State Board of Dental Examiners of that
21 determination.

22 (b) Of the three dentist positions on the State Board of
23 Dental Examiners that have terms scheduled to expire on February 1,
24 2007, one of the positions is abolished on September 1, 2003. On or
25 before September 1, 2003, the three dentist members whose terms are
26 scheduled to expire on February 1, 2007, shall determine by
27 unanimous agreement or by lot which of the three positions shall be

1 abolished on September 1, 2003, and shall inform the president of
2 the State Board of Dental Examiners of that determination.

3 (c) Of the two public member positions on the State Board of
4 Dental Examiners that have terms scheduled to expire on February 1,
5 2009, one of the positions is abolished on September 1, 2003. On or
6 before September 1, 2003, the two public members whose terms are
7 scheduled to expire on February 1, 2009, shall determine by
8 unanimous agreement or by lot which of the two positions shall be
9 abolished on September 1, 2003, and shall inform the president of
10 the State Board of Dental Examiners of that determination.

11 ARTICLE 9. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

12 SECTION 9.01. Effective September 1, 2003, Section 112.012,
13 Human Resources Code, is amended to read as follows:

14 Sec. 112.012. MEMBERS. The members of the council shall be
15 appointed by the governor in accordance with applicable federal
16 developmental disability laws. The governor may appoint as many
17 members to the council as is determined appropriate for the council
18 to accomplish its purposes but must appoint, in total membership,
19 an odd number of members to the council. Appointments to the
20 council shall be made without regard to:

21 (1) the race, color, sex, religion, age, or national
22 origin of the appointees; or

23 (2) the disability of the appointees, except as
24 required by applicable federal developmental disability laws.

25 SECTION 9.02. Effective September 1, 2003, Section
26 112.013(a), Human Resources Code, is amended to read as follows:

27 (a) Members of the council appointed by the governor serve

1 for staggered terms of six years with the term of one-third or
2 approximately one-third of the members expiring on February 1 of
3 each odd-numbered year.

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

10 ARTICLE 10. TEXAS DIABETES COUNCIL

11 SECTION 10.01. Effective September 1, 2003, Sections
12 103.002(a) and (b), Health and Safety Code, are amended to read as
13 follows:

14 (a) The Texas Diabetes Council is composed of 11 [~~12~~]
15 citizen members appointed from the public and one representative
16 each from the department, the Texas Education Agency, the Texas
17 Department of Human Services, the Texas Commission for the Blind,
18 and the Texas Rehabilitation Commission.

19 (b) The governor, with the advice and consent of the senate,
20 shall appoint the following citizen members:

21 (1) a licensed physician with a specialization in
22 treating diabetes;

23 (2) a registered nurse with a specialization in
24 diabetes education and training;

25 (3) a registered and licensed dietitian with a
26 specialization in the diabetes education field;

27 (4) a person with experience and training in public

1 health policy;

2 (5) three [~~four~~] consumer members, with special
3 consideration given to persons active in the Texas affiliates of
4 the Juvenile Diabetes Foundation or the American Diabetes
5 Association; and

6 (6) four members from the general public with
7 expertise or demonstrated commitment to diabetes issues.

8 In making appointments under this section, the governor shall
9 attempt to appoint members of different minority groups including
10 females, African-Americans, Hispanic-Americans, Native Americans,
11 and Asian-Americans.

12 SECTION 10.02. Effective September 1, 2003, Section
13 103.005(a), Health and Safety Code, is amended to read as follows:

14 (a) Council members appointed by the governor serve for
15 staggered six-year terms, with the terms of three or four members
16 expiring February 1 of each odd-numbered year.

17 SECTION 10.03. (a) Of the two consumer positions on the
18 Texas Diabetes Council that have terms scheduled to expire on
19 February 1, 2005, one of the positions is abolished on September 1,
20 2003.

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

26 ARTICLE 11. TEXAS DISTINGUISHED SERVICE AWARDS COMMITTEE

27 SECTION 11.01. Effective September 1, 2003, Sections

1 3102.003(a) and (b), Government Code, are amended to read as
2 follows:

3 (a) The committee consists of five [~~six~~] members appointed
4 by the governor with the advice and consent of the senate.

5 (b) Committee members serve staggered six-year terms with
6 the terms of one or two members expiring each odd-numbered year.

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

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

17 ARTICLE 12. STATE BOARD FOR EDUCATOR CERTIFICATION

18 SECTION 12.01. Effective September 1, 2003, Section
19 21.033(a), Education Code, is amended to read as follows:

20 (a) The State Board for Educator Certification is composed
21 of 14 [~~15~~] members. The commissioner of education shall appoint an
22 employee of the agency to represent the commissioner as a nonvoting
23 member. The commissioner of higher education shall appoint an
24 employee of the Texas Higher Education Coordinating Board to
25 represent the commissioner as a nonvoting member. The governor
26 shall appoint a dean of a college of education in this state as a
27 nonvoting member. The remaining 11 [~~12~~] members are appointed by

1 the governor with the advice and consent of the senate, as follows:

2 (1) four members must be teachers employed in public
3 schools;

4 (2) two members must be public school administrators;

5 (3) one member must be a public school counselor; and

6 (4) four [~~five~~] members must be citizens, three of
7 whom are not and have not, in the five years preceding appointment,
8 been employed by a public school district or by an educator
9 preparation program in an institution of higher education and one
10 [~~two~~] of whom is [~~are~~] not and has [~~have~~] not been employed by a
11 public school district or by an educator preparation program in an
12 institution of higher education.

13 SECTION 12.02. (a) Of the public member positions on the
14 State Board for Educator Certification, the position of the public
15 member whose term on the board is scheduled to expire February 1,
16 2009, is abolished on September 1, 2003.

17 (b) If, of the public member positions on the State Board
18 for Educator Certification, two or more public members of the board
19 have terms scheduled to expire February 1, 2009, one of the
20 positions is abolished on September 1, 2003. On or before September
21 1, 2003, the public members whose terms are scheduled to expire
22 February 1, 2009, shall determine by unanimous agreement or by lot
23 which of the positions shall be abolished on September 1, 2003, and
24 shall inform the presiding officer of the State Board for Educator
25 Certification of that determination.

26 ARTICLE 13. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL

27 COMMISSION

1 SECTION 13.01. Effective September 1, 2003, Section
2 448.003, Government Code, is amended to read as follows:

3 Sec. 448.003. COMPOSITION OF COMMISSION. The commission is
4 composed of:

5 (1) five [~~six~~] public members appointed by the
6 governor with the advice and consent of the senate;

7 (2) two members of the senate appointed by the
8 lieutenant governor to serve as ex officio, nonvoting members;

9 (3) two members of the house of representatives
10 appointed by the speaker of the house to serve as ex officio,
11 nonvoting members; and

12 (4) the executive director of the Texas Historical
13 Commission to serve as an ex officio, nonvoting member.

14 SECTION 13.02. Effective September 1, 2003, Section
15 448.007, Government Code, is amended to read as follows:

16 Sec. 448.007. TERMS. Public members of the commission
17 serve staggered terms of six years with the terms of approximately
18 one-third of the members expiring on February 1 of each
19 odd-numbered year.

20 SECTION 13.03. (a) Of the two positions on the Texas
21 Emancipation Juneteenth Cultural and Historical Commission that
22 have terms scheduled to expire on February 1, 2005, one of the
23 positions is abolished on September 1, 2003.

24 (b) On or before September 1, 2003, the two members whose
25 terms are scheduled to expire on February 1, 2005, shall determine
26 by unanimous agreement or by lot which of the two positions shall be
27 abolished on September 1, 2003, and shall inform the presiding

1 officer of the Texas Emancipation Juneteenth Cultural and
2 Historical Commission of that determination.

3 ARTICLE 14. TEXAS COMMISSION ON FIRE PROTECTION

4 SECTION 14.01. Effective September 1, 2003, Sections
5 419.004(a) and (b), Government Code, are amended to read as
6 follows:

7 (a) The commission is composed of the following 13 [~~12~~]
8 members:

9 (1) two members to be selected from a list of five
10 names submitted by the Texas Fire Chiefs Association who are chief
11 officers with a minimum rank that is equivalent to the position
12 immediately below that of the fire chief and who are employed in
13 fire departments as defined by Section 419.021 that are under the
14 jurisdiction of the commission, at least one of whom must be the
15 head of a fire department and one of whom must be employed by a
16 political subdivision with a population of less than 50,000;

17 (2) two members to be selected from a list of five
18 names submitted by the Texas State Association of Fire Fighters who
19 are fire protection personnel as defined by Section 419.021 with
20 the rank of battalion chief or below and who are employed in fire
21 departments or other appropriate local authorities under the
22 jurisdiction of the commission, one of whom must be employed by a
23 political subdivision with a population of less than 50,000;

24 (3) two members to be selected from a list of five
25 names submitted by the State Firemen's and Fire Marshals'
26 Association of Texas who are volunteer fire chiefs or volunteer
27 fire fighters;

1 (4) one certified fire protection engineer;

2 (5) one certified arson investigator or certified fire
3 protection inspector;

4 (6) one fire protection instructor from an institution
5 of higher education as defined by Section 61.003, Education Code;
6 and

7 (7) four [~~three~~] public members.

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

12 SECTION 14.02. As soon as possible on or after September 1,
13 2003, the governor shall appoint an additional public member to the
14 Texas Commission on Fire Protection for a term expiring on February
15 1, 2009.

16 ARTICLE 15. TEXAS GUARANTEED STUDENT LOAN CORPORATION

17 SECTION 15.01. Effective September 1, 2003, Sections
18 57.13(a) and (b), Education Code, are amended to read as follows:

19 (a) The corporation is governed by a board of nine [~~10~~]
20 directors appointed in accordance with this section.

21 (b) The governor, with the advice and consent of the senate,
22 shall appoint nine members to the board. Four [~~Five~~] members must
23 have knowledge of or experience in finance, including management of
24 funds or business operations. One member must be a student who is
25 enrolled at a postsecondary educational institution for the number
26 of credit hours required by the institution to be classified as a
27 full-time student of the institution. Three members must be

1 members of the faculty or administration of an eligible
2 postsecondary educational institution, as defined by Section 57.46
3 of this code.

4 SECTION 15.02. Effective September 1, 2003, Section 57.14,
5 Education Code, is amended to read as follows:

6 Sec. 57.14. DIRECTORS' TERMS OF OFFICE. Members of the
7 board appointed by the governor [~~or the commissioner of higher~~
8 ~~education~~] serve for terms of six years, with the terms of two or
9 three members expiring on January 31 of each odd-numbered year.

10 SECTION 15.03. (a) Of the positions on the board of the
11 Texas Guaranteed Student Loan Corporation that must be filled by
12 members with knowledge or experience in finance, the position of
13 the member whose term on the board is next scheduled to expire is
14 abolished on September 1, 2003.

15 (b) If, of the positions on the board of the Texas
16 Guaranteed Student Loan Corporation that must be filled by members
17 with knowledge or experience in finance, two or more members have
18 terms next scheduled to expire, one of the positions is abolished on
19 September 1, 2003. On or before September 1, 2003, the affected
20 members whose terms are next scheduled to expire shall determine by
21 unanimous agreement or by lot which of the positions shall be
22 abolished on September 1, 2003, and shall inform the chairman of the
23 board of the Texas Guaranteed Student Loan Corporation of that
24 determination.

25 ARTICLE 16. TEXAS BOARD OF HEALTH

26 SECTION 16.01. Effective September 1, 2003, Sections
27 11.005(a) and (c), Health and Safety Code, are amended to read as

1 follows:

2 (a) The board is composed of seven [~~six~~] members appointed
3 by the governor with the advice and consent of the senate.

4 (c) Four members of the board must have a demonstrated
5 interest in the services provided by the department, and three
6 [~~two~~] members must represent the public.

7 SECTION 16.02. Effective September 1, 2003, Section 11.007,
8 Health and Safety Code, is amended to read as follows:

9 Sec. 11.007. TERMS. Board members serve for staggered
10 six-year terms, with the terms of two or three members expiring
11 February 1 of each odd-numbered year.

12 SECTION 16.03. As soon as possible on or after September 1,
13 2003, the governor shall appoint an additional public member to the
14 Texas Board of Health for a term expiring on February 1, 2009.

15 ARTICLE 17. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

16 SECTION 17.01. Effective September 1, 2003, Articles
17 26.13(b) and (c), Insurance Code, are amended to read as follows:

18 (b) The Texas cooperative is administered by a five-member
19 [~~six-member~~] board of trustees appointed by the governor with the
20 advice and consent of the senate. Two [~~Three~~] members must
21 represent employers, two members must represent employees, and one
22 member must represent the public.

23 (c) The appointed members of the board of trustees serve
24 staggered six-year terms, with the terms of one or two members
25 expiring February 1 of each odd-numbered year.

26 SECTION 17.02. The position of the employer member whose
27 term on the board of trustees of the Texas Health Benefits

1 Purchasing Cooperative is scheduled to expire on February 1, 2005,
2 is abolished on September 1, 2003.

3 ARTICLE 18. TEXAS HIGHER EDUCATION COORDINATING BOARD

4 SECTION 18.01. Effective September 1, 2003, Section 61.022,
5 Education Code, is amended to read as follows:

6 Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF
7 OFFICE. The board shall consist of nine [~~18~~] members appointed by
8 the governor so as to provide representation from all areas of the
9 state with the advice and consent of the senate, and as the
10 constitution provides. Members of the board serve staggered
11 six-year terms. The terms of one-third of the members expire August
12 31 of each odd-numbered year. [~~Of the initial appointments to the~~
13 ~~board six shall be for terms which shall expire August 31, 1967, six~~
14 ~~for terms which shall expire August 31, 1969, and six for terms~~
15 ~~which shall expire on August 31, 1971, or at such time as their~~
16 ~~successors are appointed and have qualified. Thereafter, the~~
17 ~~governor shall appoint members for terms of six years. Members of~~
18 ~~the Texas Commission on Higher Education are eligible for~~
19 ~~appointment to the board.] No member may be employed
20 professionally for remuneration in the field of education during
21 his term of office.~~

22 SECTION 18.02. (a) Of the six positions on the Texas
23 Higher Education Coordinating Board that have terms scheduled to
24 expire on August 31, 2003, three of the positions are abolished on
25 September 1, 2003. On or before September 1, 2003, the governor
26 shall designate which three of the six positions shall be abolished
27 and shall appoint three persons to fill the other positions for

1 terms expiring on August 31, 2009.

2 (b) Of the six positions on the Texas Higher Education
3 Coordinating Board that have terms scheduled to expire on August
4 31, 2005, three of the positions are abolished on September 1, 2003.
5 On or before September 1, 2003, the members whose terms are
6 scheduled to expire on August 31, 2005, shall determine by
7 unanimous agreement or by lot which three of the six positions shall
8 be abolished and shall inform the chairman of the Texas Higher
9 Education Coordinating Board of that determination.

10 (c) Of the six positions on the Texas Higher Education
11 Coordinating Board that have terms scheduled to expire on August
12 31, 2007, three of the positions are abolished on September 1, 2003.
13 On or before September 1, 2003, the members whose terms are
14 scheduled to expire on August 31, 2007, shall determine by
15 unanimous agreement or by lot which three of the six positions shall
16 be abolished and shall inform the chairman of the Texas Higher
17 Education Coordinating Board of that determination.

18 ARTICLE 19. TEXAS HISTORICAL COMMISSION

19 SECTION 19.01. Effective September 1, 2003, Sections
20 442.002(b) and (c), Government Code, are amended to read as
21 follows:

22 (b) The commission is composed of 17 [~~18~~] members appointed
23 by the governor with the advice and consent of the senate. One
24 member must be a professional archeologist, one must be a
25 professional historian, and one must be a licensed architect who
26 has expertise in historic preservation and architectural history.
27 Fourteen [~~Fifteen~~] members must be representatives of the general

1 public. A person is not eligible for appointment as a public member
2 of the commission if the person or the person's spouse:

3 (1) owns or controls, directly or indirectly, more
4 than a 10 percent interest in a business entity or other
5 organization regulated by the commission or receiving funds other
6 than grant funds from the commission; or

7 (2) uses or receives a substantial amount of tangible
8 goods, services, or funds from the commission, other than
9 compensation or reimbursement authorized by law for commission
10 membership, attendance, or expenses.

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

14 SECTION 19.02. (a) Of the six positions on the Texas
15 Historical Commission that have terms scheduled to expire on
16 February 1, 2005, one of the positions is abolished on September 1,
17 2003.

18 (b) On or before September 1, 2003, the public members whose
19 terms are scheduled to expire on February 1, 2005, shall determine
20 by unanimous agreement or by lot which public member's position
21 shall be abolished on September 1, 2003, and shall inform the
22 presiding officer of the Texas Historical Commission of that
23 determination.

24 ARTICLE 20. COMMISSION ON HUMAN RIGHTS

25 SECTION 20.01. Effective September 1, 2003, Section
26 461.051(a), Government Code, is amended to read as follows:

27 (a) The commission consists of five [~~six~~] members. One

1 member of the commission shall be a representative of industry, one
2 member shall be a representative of labor, and three [~~four~~] members
3 shall be representatives of the public.

4 SECTION 20.02. The position of the public member whose term
5 on the Commission on Human Rights is scheduled to expire on
6 September 24, 2003, is abolished on September 1, 2003.

7 ARTICLE 21. TEXAS BOARD OF HUMAN SERVICES

8 SECTION 21.01. Effective September 1, 2003, Sections
9 21.003(b), (c), and (e), Human Resources Code, are amended to read
10 as follows:

11 (b) The board is composed of five [~~six~~] members appointed by
12 the governor with the advice and consent of the senate and
13 representing all geographic regions of the state. To qualify for an
14 appointment to the board, a person must have demonstrated an
15 interest in and knowledge of human services.

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

19 (e) Three [~~Four~~] members of the board constitute a quorum
20 for the transaction of business.

21 SECTION 21.02. (a) Of the two positions on the Texas Board
22 of Human Services that have terms scheduled to expire on January 20,
23 2005, one of the positions is abolished on September 1, 2003.

24 (b) On or before September 1, 2003, the two members whose
25 terms are scheduled to expire on January 20, 2005, shall determine
26 by unanimous agreement or by lot which of the two positions shall be
27 abolished on September 1, 2003, and shall inform the presiding

1 officer of the Texas Board of Human Services of that determination.

2 ARTICLE 22. DEPARTMENT OF INFORMATION RESOURCES

3 SECTION 22.01. Effective September 1, 2003, Sections
4 2054.021(a) and (b), Government Code, are amended to read as
5 follows:

6 (a) The department is governed by a board composed of seven
7 [~~six~~] voting members appointed by the governor with the advice and
8 consent of the senate. One member must be employed by an institution
9 of higher education as defined by Section 61.003, Education Code.

10 (b) Voting members of the board serve for staggered six-year
11 terms with two or three members' terms expiring February 1 of each
12 odd-numbered year.

13 SECTION 22.02. As soon as possible on or after September 1,
14 2003, the governor shall appoint an additional member to the board
15 of the Department of Information Resources for a term expiring
16 February 1, 2009.

17 ARTICLE 23. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

18 SECTION 23.01. Effective September 1, 2003, Section
19 1071.051(a), Occupations Code, is amended to read as follows:

20 (a) The Texas Board of Professional Land Surveying consists
21 of nine [~~10~~] members as follows:

- 22 (1) the commissioner;
- 23 (2) two licensed state land surveyor members actively
24 engaged in the practice of state land surveying for not less than
25 the five years preceding appointment;
- 26 (3) three [~~four~~] registered professional land
27 surveyor members actively engaged in the practice of professional

1 surveying in this state for not less than the five years preceding
2 appointment; and

3 (4) three members who represent the public.

4 SECTION 23.02. Effective September 1, 2003, Section
5 1071.054(a), Occupations Code, is amended to read as follows:

6 (a) Members of the board appointed by the governor serve
7 staggered six-year terms, with the terms of approximately one-third
8 of those members expiring on January 31 of each odd-numbered year.

9 SECTION 23.03. Of the four positions on the Texas Board of
10 Professional Land Surveying held by registered professional land
11 surveyor members, one of the positions is abolished on September 1,
12 2003. On or before September 1, 2003, the four members who hold
13 those positions shall determine by unanimous agreement or by lot
14 which of the four positions is abolished on September 1, 2003, and
15 shall inform the presiding officer of the Texas Board of
16 Professional Land Surveying of that determination.

17 ARTICLE 24. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

18 SECTION 24.01. Effective September 1, 2003, Section
19 441.001(a), Government Code, is amended to read as follows:

20 (a) The Texas State Library and Archives Commission is
21 composed of seven [~~six~~] members appointed by the governor with the
22 advice and consent of the senate. All seven [~~six~~] members must be
23 representatives of the general public. A person is not eligible for
24 appointment as a member of the commission if the person or the
25 person's spouse:

26 (1) is registered, certified, or licensed by an
27 occupational regulatory agency in the field of library or

1 information science;

2 (2) is employed by or participates in the management
3 of a business entity or other organization regulated by the
4 commission or receiving funds from the commission;

5 (3) owns or controls, directly or indirectly, more
6 than a 10 percent interest in a business entity or other
7 organization regulated by the commission or receiving funds from
8 the commission; or

9 (4) uses or receives a substantial amount of tangible
10 goods, services, or funds from the commission, other than
11 compensation or reimbursement authorized by law for commission
12 membership, attendance, or expenses.

13 SECTION 24.02. As soon as possible on or after September 1,
14 2003, the governor shall appoint an additional member to the Texas
15 State Library and Archives Commission for a term expiring September
16 28, 2007.

17 ARTICLE 25. TEXAS COMMISSION OF LICENSING AND REGULATION

18 SECTION 25.01. Effective September 1, 2003, Section
19 51.052(a), Occupations Code, is amended to read as follows:

20 (a) The commission consists of five [~~six~~] members appointed
21 by the governor with the advice and consent of the senate.

22 SECTION 25.02. Effective September 1, 2003, Section
23 51.055(a), Occupations Code, is amended to read as follows:

24 (a) Members of the commission serve staggered six-year
25 terms. The terms of one or two members expire on February 1 of each
26 odd-numbered year.

27 SECTION 25.03. (a) Of the two positions on the Texas

1 Commission of Licensing and Regulation that have terms scheduled to
2 expire on February 1, 2005, one of the positions is abolished on
3 September 1, 2003.

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

10 ARTICLE 26. TEXAS STATE BOARD OF MEDICAL EXAMINERS

11 SECTION 26.01. Effective September 1, 2003, Section
12 152.002(a), Occupations Code, is amended to read as follows:

13 (a) The board consists of 19 [~~18~~] members appointed by the
14 governor with the advice and consent of the senate as follows:

15 (1) twelve members who are learned and eminent
16 physicians licensed in this state for at least three years before
17 the appointment, nine of whom must be graduates of a reputable
18 medical school or college with a degree of doctor of medicine (M.D.)
19 and three of whom must be graduates of a reputable medical school or
20 college with a degree of doctor of osteopathic medicine (D.O.); and

21 (2) seven [~~six~~] members who represent the public.

22 SECTION 26.02. As soon as possible on or after September 1,
23 2003, the governor shall appoint an additional public member to the
24 Texas State Board of Medical Examiners for a term expiring April 14,
25 2009.

26 ARTICLE 27. TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS

27 SECTION 27.01. Effective September 1, 2003, Sections

1 614.002(a) and (b), Health and Safety Code, are amended to read as
2 follows:

3 (a) The Texas Council on Offenders with Mental Impairments
4 is composed of 31 [~~30~~] members.

5 (b) The governor shall appoint, with the advice and consent
6 of the senate:

7 (1) four at-large members who have expertise in mental
8 health, mental retardation, or developmental disabilities, one of
9 whom must be a psychiatrist;

10 (2) one at-large member who is the judge of a court
11 with criminal jurisdiction;

12 (3) one at-large member who is a prosecuting attorney;

13 (4) one at-large member who is a criminal defense
14 attorney;

15 (5) one at-large member from an established pretrial
16 services agency; [~~and~~]

17 (6) one at-large member who has expertise in the
18 criminal justice system; and

19 (7) one at-large member who represents the general
20 public.

21 SECTION 27.02. Effective September 1, 2003, Section
22 614.004, Health and Safety Code, is amended to read as follows:

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

27 SECTION 27.03. As soon as possible on or after September 1,

1 2003, the governor shall appoint a public at-large member to the
2 Texas Council on Offenders with Mental Impairments for a term
3 expiring February 1, 2009.

4 ARTICLE 28. TEXAS MILITARY FACILITIES COMMISSION

5 SECTION 28.01. Effective September 1, 2003, Section
6 435.004(a), Government Code, is amended to read as follows:

7 (a) The commission is composed of:

8 (1) one senior officer of the Texas National Guard who
9 is appointed by the governor with the advice and consent of the
10 senate from a list submitted by the adjutant general and who must be
11 actively serving in the Texas National Guard at the time of
12 appointment; and

13 (2) six [~~five~~] members of the general public who are
14 appointed by the governor with the advice and consent of the senate,
15 who must not be actively serving in the Texas National Guard while
16 serving as members of the commission, and two of whom must have
17 experience in architecture, civil engineering, or construction
18 management.

19 SECTION 28.02. As soon as possible on or after September 1,
20 2003, the governor shall appoint an additional public member to the
21 Texas Military Facilities Commission for a term expiring April 30,
22 2009.

23 ARTICLE 29. OPERATION GAME THIEF COMMITTEE

24 SECTION 29.01. Effective September 1, 2003, Sections
25 12.202(a) and (b), Parks and Wildlife Code, are amended to read as
26 follows:

27 (a) The director shall appoint an Operation Game Thief

1 Committee composed of eleven [~~nine~~] members to administer the
2 operation game thief fund and to make reward payments and death
3 benefit payments from that fund. The director shall appoint
4 persons who are not employees of the department and who have a
5 demonstrated interest in game and fish conservation. The director
6 may consider the recommendations or nominations of any club or
7 association. The director shall designate one of the members as
8 chairman of the committee. The director shall [~~may~~] appoint a
9 former committee member to serve as chairman emeritus [~~if the~~
10 ~~director determines the appointment is in the best interest of the~~
11 ~~operation game thief program~~]. The chairman emeritus has the same
12 rights and duties as any other [~~a~~] committee member. The director
13 or an employee designated by the director for that purpose shall
14 serve as secretary to the committee. A member of the committee
15 serves without compensation.

16 (b) Each member of the committee, including the chairman
17 emeritus, serves a term of six years. The terms of approximately
18 one-third of the members, including [~~excluding~~] the chairman
19 emeritus, expire on January 31 of each odd-numbered year. [~~The term~~
20 ~~of the chairman emeritus expires on the date of the sixth~~
21 ~~anniversary after the day the chairman emeritus is appointed.~~] The
22 director may reappoint members.

23 SECTION 29.02. Effective September 1, 2003, Section
24 12.202(d), Parks and Wildlife Code, is repealed.

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

1 (1) shall appoint an additional member to the
2 Operation Game Thief Committee for a term expiring January 31,
3 2007; and

4 (2) shall appoint a chairman emeritus to the Operation
5 Game Thief Committee for a term expiring January 31, 2009, if there
6 is not currently a chairman emeritus serving on the committee.

7 (b) If there is a chairman emeritus currently serving on the
8 Operation Game Thief Committee, the term of the currently serving
9 chairman emeritus expires January 31, 2009.

10 ARTICLE 30. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

11 SECTION 30.01. Effective September 1, 2003, Section
12 605.052(a), Occupations Code, is amended to read as follows:

13 (a) The board consists of seven [~~six~~] members appointed by
14 the governor with the advice and consent of the senate as follows:

15 (1) one licensed orthotist member who has practiced
16 orthotics for the five years preceding the date of appointment;

17 (2) one licensed prosthetist member who has practiced
18 prosthetics for the five years preceding the date of appointment;

19 (3) one licensed prosthetist orthotist member who has
20 practiced orthotics and prosthetics for the five years preceding
21 the date of appointment;

22 (4) one member who is a representative of the public
23 who uses an orthosis;

24 (5) one member who is a representative of the public
25 who uses a prosthesis; and

26 (6) two members [~~one member~~] who are representatives
27 [~~is a representative~~] of the public who do [~~does~~] not use an

1 orthosis or prosthesis.

2 SECTION 30.02. Effective September 1, 2003, Section
3 605.055(a), Occupations Code, is amended to read as follows:

4 (a) Members of the board serve staggered six-year terms.
5 The terms of two or three members expire on February 1 of each
6 odd-numbered year.

7 SECTION 30.03. As soon as possible on or after September 1,
8 2003, the governor shall appoint an additional public member to the
9 Texas Board of Orthotics and Prosthetics under Section
10 605.052(a)(6), Occupations Code, as amended by this Act, for a term
11 expiring on February 1, 2009.

12 ARTICLE 31. BOARD OF PARDONS AND PAROLES POLICY BOARD

13 SECTION 31.01. Effective September 1, 2003, Sections
14 508.036(a) and (b), Government Code, are amended to read as
15 follows:

16 (a) The governor shall designate seven [~~six~~] members of the
17 board to serve as the Board of Pardons and Paroles Policy Board.
18 The governor shall designate the presiding officer of the board as
19 one of the seven [~~six~~] members of the policy board, and the
20 presiding officer of the board shall serve as presiding officer of
21 the policy board. Service on the policy board is an additional duty
22 of office for members appointed to the policy board.

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

1 SECTION 31.02. As soon as possible on or after September 1,
2 2003, the governor shall appoint an additional member to the Board
3 of Pardons and Paroles Policy Board under Section 508.036(a),
4 Government Code, as amended by this Act, for a term expiring
5 February 1, 2009.

6 ARTICLE 32. POLYGRAPH EXAMINERS BOARD

7 SECTION 32.01. Effective September 1, 2003, Section
8 1703.051(a), Occupations Code, is amended to read as follows:

9 (a) The Polygraph Examiners Board consists of seven [~~six~~]
10 members appointed by the governor with the advice and consent of the
11 senate as follows:

12 (1) two polygraph examiner members who are qualified
13 polygraph examiners for a governmental law enforcement agency, one
14 of whom must be the supervisor of the department's polygraph
15 section;

16 (2) two polygraph examiner members who are qualified
17 polygraph examiners in the commercial field; and

18 (3) three [~~two~~] members who represent the public.

19 SECTION 32.02. As soon as possible on or after September 1,
20 2003, the governor shall appoint an additional public member to the
21 Polygraph Examiners Board for a term expiring June 18, 2009.

22 ARTICLE 33. PRIVATE SECTOR PRISON INDUSTRIES

23 OVERSIGHT AUTHORITY

24 SECTION 33.01. Effective September 1, 2003, Section
25 497.052(a), Government Code, is amended to read as follows:

26 (a) The authority is composed of eight [~~nine~~] members
27 appointed by the governor:

- 1 (1) one of whom is representative of organized labor;
- 2 (2) one of whom is representative of employers;
- 3 (3) one of whom is representative of groups advocating
- 4 the rights of victims of criminal offenses;
- 5 (4) one of whom is representative of groups advocating
- 6 the rights of inmates;
- 7 (5) one of whom is experienced in the field of
- 8 vocational rehabilitation; and
- 9 (6) three [~~four~~] of whom are public members.

10 SECTION 33.02. Effective September 1, 2003, Section
11 497.053, Government Code, is amended to read as follows:

12 Sec. 497.053. TERMS. Appointed members of the authority
13 serve staggered six-year terms, with two or three members' terms
14 expiring on February 1 of each odd-numbered year.

15 SECTION 33.03. (a) Of the two public positions on the
16 Private Sector Prison Industries Oversight Authority that have
17 terms scheduled to expire on February 1, 2005, one of the positions
18 is abolished on September 1, 2003.

19 (b) On or before September 1, 2003, the two public members
20 whose terms are scheduled to expire on February 1, 2005, shall
21 determine by unanimous agreement or by lot which of the two
22 positions shall be abolished on September 1, 2003, and shall inform
23 the presiding officer of the Private Sector Prison Industries
24 Oversight Authority of that determination.

25 ARTICLE 34. TEXAS COMMISSION ON PRIVATE SECURITY

26 SECTION 34.01. Effective September 1, 2003, Section
27 1702.021(a), Occupations Code, is amended to read as follows:

1 (a) The Texas Commission on Private Security consists of
2 eight [~~nine~~] members appointed by the governor with the advice and
3 consent of the senate as follows:

4 (1) four [~~five~~] public members, each of whom is a
5 citizen of the United States;

6 (2) one member who:

7 (A) is licensed under this chapter as a private
8 investigator;

9 (B) has been engaged as a private investigator
10 for at least the five years preceding appointment; and

11 (C) is not employed by a person who employs
12 another member of the commission;

13 (3) one member who is licensed under this chapter as an
14 alarm systems company and who:

15 (A) has been engaged as an alarm systems company
16 for at least the five years preceding appointment; and

17 (B) is not employed by a person who employs
18 another member of the commission;

19 (4) one member who:

20 (A) is licensed under this chapter as the owner
21 or operator of a guard company;

22 (B) has been the owner or operator of the guard
23 company for at least the five years preceding appointment; and

24 (C) is not employed by a person who employs
25 another member of the commission; and

26 (5) one member who:

27 (A) holds a license, security officer

1 commission, or registration under this chapter;

2 (B) has been engaged in activity regulated by the
3 commission under this chapter for at least the five years preceding
4 appointment; and

5 (C) is not employed by a person who employs
6 another member of the commission.

7 SECTION 34.02. Effective September 1, 2003, Section
8 1702.025(a), Occupations Code, is amended to read as follows:

9 (a) The appointed commission members serve staggered
10 six-year terms, with the terms of two or three appointed members
11 expiring on January 31 of each odd-numbered year.

12 SECTION 34.03. (a) Of the public member positions on the
13 Texas Commission on Private Security, the position of the public
14 member whose term on the board is next scheduled to expire is
15 abolished on September 1, 2003.

16 (b) If, of the public member positions on the Texas
17 Commission on Private Security, two or more public members of the
18 board have terms next scheduled to expire, one of the positions is
19 abolished on September 1, 2003. On or before September 1, 2003, the
20 public members whose terms are next scheduled to expire shall
21 determine by unanimous agreement or by lot which of the positions
22 shall be abolished on September 1, 2003, and shall inform the
23 presiding officer of the Texas Commission on Private Security of
24 that determination.

25 ARTICLE 35. PRODUCE RECOVERY FUND BOARD

26 SECTION 35.01. Effective September 1, 2003, Section
27 103.003(a), Agriculture Code, is amended to read as follows:

1 (a) The Produce Recovery Fund Board is composed of five
2 [~~six~~] members appointed by the governor with the advice and consent
3 of the senate. Two members must be producers, one [~~two~~] must be a
4 license holder [~~holders~~] licensed under Chapter 101, and two must
5 be members of the general public.

6 SECTION 35.02. The position of the license holder member
7 whose term on the Produce Recovery Fund Board is scheduled to expire
8 on January 31, 2005, is abolished on September 1, 2003.

9 ARTICLE 36. BOARD OF PROTECTIVE AND REGULATORY SERVICES

10 SECTION 36.01. Effective September 1, 2003, Sections
11 40.021(a) and (b), Human Resources Code, are amended to read as
12 follows:

13 (a) The board is composed of five [~~six~~] members appointed by
14 the governor with the advice and consent of the senate. The
15 governor shall designate one member to be the presiding officer of
16 the board to serve in that capacity at the pleasure of the governor.

17 (b) Three [~~Four~~] members of the board must have a
18 demonstrated interest in the services provided by the department,
19 and two members must represent the public.

20 SECTION 36.02. Effective September 1, 2003, Section 40.024,
21 Human Resources Code, is amended to read as follows:

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

25 SECTION 36.03. (a) The position of the member of the Board
26 of Protective and Regulatory Services who has a demonstrated
27 interest in the services provided by the Department of Protective

1 and Regulatory Services whose term on the board is scheduled to
2 expire on February 1, 2005, is abolished on September 1, 2003.

3 (b) If more than one member of the Board of Protective and
4 Regulatory Services who has a demonstrated interest in the services
5 provided by the Department of Protective and Regulatory Services
6 has a term scheduled to expire on February 1, 2005, one of the
7 positions is abolished on September 1, 2003. On or before September
8 1, 2003, the members whose terms are scheduled to expire on February
9 1, 2005, shall determine by unanimous agreement or by lot which of
10 the two positions shall be abolished on September 1, 2003, and shall
11 inform the presiding officer of the Board of Protective and
12 Regulatory Services of that determination.

13 ARTICLE 37. TEXAS RACING COMMISSION

14 SECTION 37.01. Effective September 1, 2003, Section
15 2.02(a), Texas Racing Act (Article 179e, Vernon's Texas Civil
16 Statutes), is amended to read as follows:

17 (a) The commission consists of seven [~~six~~] members
18 appointed by the governor with the advice and consent of the senate
19 and two ex officio members who shall have the right to vote. The ex
20 officio members are:

21 (1) the chairman of the Public Safety Commission or a
22 member of the Public Safety Commission designated by the chairman
23 of the Public Safety Commission; and

24 (2) the comptroller of public accounts or the
25 comptroller's designee.

26 SECTION 37.02. Effective September 1, 2003, Section
27 2.03(a), Texas Racing Act (Article 179e, Vernon's Texas Civil

1 Statutes), is amended to read as follows:

2 (a) Appointed members hold office for staggered terms of six
3 years with two or three members' terms expiring February 1 of each
4 odd-numbered year. A member holds office until that member's
5 successor is appointed and qualifies.

6 SECTION 37.03. Effective September 1, 2003, Section
7 2.05(a), Texas Racing Act (Article 179e, Vernon's Texas Civil
8 Statutes), is amended to read as follows:

9 (a) Five [~~Four~~] of the appointed members of the commission
10 must be representatives of the general public and have general
11 knowledge of business or agribusiness. One additional appointed
12 member must have special knowledge or experience related to
13 greyhound racing and one additional appointed member must have
14 special knowledge or experience related to horse racing. A person
15 is not eligible for appointment as a member of the commission if the
16 person or the person's spouse:

17 (1) is licensed by the commission, except as a
18 commissioner;

19 (2) is employed by the commission or participates in
20 the management of a business entity or other organization regulated
21 by the commission or receiving funds from or through the
22 commission;

23 (3) owns or controls, directly or indirectly, more
24 than a 10 percent interest in a business entity or other
25 organization regulated by the commission or receiving funds from or
26 through the commission; or

27 (4) uses or receives a substantial amount of tangible

1 goods, services, or funds from or through the commission, other
2 than compensation or reimbursement authorized by law for commission
3 membership, attendance, or expenses.

4 SECTION 37.04. As soon as possible on or after September 1,
5 2003, the governor shall appoint an additional public member to the
6 Texas Racing Commission for a term expiring February 1, 2009.

7 ARTICLE 38. TEXAS REAL ESTATE BROKER-LAWYER COMMITTEE

8 SECTION 38.01. Effective September 1, 2003, Section
9 1101.252(a), Occupations Code, is amended to read as follows:

10 (a) The Texas Real Estate Broker-Lawyer Committee consists
11 of 13 [~~12~~] members appointed as follows:

12 (1) six members appointed by the commission; [~~and~~]

13 (2) six members of the State Bar of Texas appointed by
14 the president of the state bar; and

15 (3) one public member appointed by the governor.

16 SECTION 38.02. Effective September 1, 2003, Section
17 1101.253(a), Occupations Code, is amended to read as follows:

18 (a) Committee members serve staggered six-year terms, with
19 the terms of two commission appointees and two State Bar of Texas
20 appointees expiring every two years and the term of the public
21 member expiring every six years.

22 SECTION 38.03. As soon as possible after September 1, 2003,
23 the governor shall appoint a public member to the Texas Real Estate
24 Broker-Lawyer Committee under Section 1101.252(a)(3), Occupations
25 Code, as amended by this Act, for a term expiring on the date that
26 the terms of lawyers and brokers on the committee whose terms expire
27 in 2009 expire.

ARTICLE 39. TEXAS REHABILITATION COMMISSION

SECTION 39.01. Effective September 1, 2003, Section 111.013(a), Human Resources Code, is amended to read as follows:

(a) The board of the Texas Rehabilitation Commission is composed of five [~~six~~] members appointed by the governor with the advice and consent of the senate. Members serve for staggered terms of six years with the terms of one or two members expiring every two years.

SECTION 39.02. (a) 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) On or before September 1, 2003, the two members whose terms are scheduled to expire on August 31, 2005, shall 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.

ARTICLE 40. RISK MANAGEMENT BOARD

SECTION 40.01. Effective September 1, 2003, Sections 412.021(b) and (c), Labor Code, are amended to read as follows:

(b) The board is composed of five [~~six~~] members appointed by the governor.

(c) Members of the board hold office for staggered terms of six years with one or two members' terms expiring February 1 of each odd-numbered year. A member appointed to fill a vacancy shall hold office for the remainder of that term.

SECTION 40.02. (a) Of the two positions on the risk

1 management board that have terms scheduled to expire on February 1,
2 2005, one of the positions is abolished on September 1, 2003.

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

8 ARTICLE 41. STATEWIDE RURAL HEALTH CARE SYSTEM

9 SECTION 41.01. Effective September 1, 2003, Sections
10 845.101(a) and (b), Insurance Code, are amended to read as follows:

11 (a) The system is governed by a board of directors that
12 consists of 17 [~~18~~] members. Notwithstanding the Texas Non-Profit
13 Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil
14 Statutes), appointments to the board shall be made as provided by
15 this section.

16 (b) The participating hospital providers shall elect, by a
17 majority vote of the governing bodies of the participating hospital
18 providers, five [~~six~~] members who represent the participating
19 hospital providers.

20 SECTION 41.02. Effective September 1, 2003, Section
21 845.102(a), Insurance Code, is amended to read as follows:

22 (a) Members of the board serve staggered six-year terms.
23 The terms of five or six members expire December 1 of each
24 even-numbered year.

25 SECTION 41.03. (a) Of the two positions on the board of the
26 statewide rural health care system elected by the participating
27 hospital providers that have terms scheduled to expire on December

1 1, 2004, one of the positions is abolished on September 1, 2003.

2 (b) On or before September 1, 2003, the two members elected
3 by the participating hospital providers to the board of the
4 statewide rural health care system whose terms are scheduled to
5 expire on December 1, 2004, shall determine by unanimous agreement
6 or by lot which of the two positions shall be abolished on September
7 1, 2003, and shall inform the presiding officer of the board of the
8 statewide rural health care system of that determination.

9 ARTICLE 42. COUNCIL ON SEX OFFENDER TREATMENT

10 SECTION 42.01. Effective September 1, 2003, Section 3(a),
11 Chapter 462, Acts of the 68th Legislature, Regular Session, 1983
12 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to
13 read as follows:

14 (a) The council is composed of seven [~~six~~] part-time
15 members, including three [~~two~~] members who are representatives of
16 the general public and four members each of whom meets the council's
17 requirements for registration as a sex offender treatment provider.
18 A person is not eligible for appointment as a public member if the
19 person meets the council's requirements for registration as a sex
20 offender treatment provider or if the person or the person's
21 spouse:

22 (1) is registered, certified, or licensed by an
23 occupational regulatory agency in the field of sex offender
24 treatment;

25 (2) is employed by or participates in the management
26 of a business entity or other organization regulated by the council
27 or receiving funds from the council;

1 (3) owns or controls, directly or indirectly, more
2 than a 10 percent interest in a business entity or other
3 organization regulated by the council or receiving funds from the
4 council; or

5 (4) uses or receives a substantial amount of tangible
6 goods, services, or funds from the council, other than compensation
7 or reimbursement authorized by law for council membership,
8 attendance, or expenses.

9 SECTION 42.02. Effective September 1, 2003, Section 4(a),
10 Chapter 462, Acts of the 68th Legislature, Regular Session, 1983
11 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to
12 read as follows:

13 (a) Members of the council hold office for staggered terms
14 of six years, with two or three members' terms expiring February 1
15 of each odd-numbered year.

16 SECTION 42.03. As soon as possible on or after September 1,
17 2003, the governor shall appoint an additional public member to the
18 Council on Sex Offender Treatment for a term expiring on February 1,
19 2009.

20 ARTICLE 43. BOARD OF TAX PROFESSIONAL EXAMINERS

21 SECTION 43.01. Effective September 1, 2003, Section
22 1151.051, Occupations Code, is amended to read as follows:

23 Sec. 1151.051. BOARD MEMBERSHIP; ELIGIBILITY. (a) The
24 Board of Tax Professional Examiners consists of five [~~six~~] members,
25 four of whom must be tax professionals and one of whom must be a
26 representative of the general public. Members of the board are
27 appointed by the governor with the advice and consent of the senate.

1 A vacancy on the board is filled in the same manner for the
2 unexpired portion of the term.

3 (b) To be eligible to serve on the board as a tax
4 professional member, a person must:

5 (1) be actively engaged in property tax
6 administration;

7 (2) have at least five years' experience in appraisal,
8 assessment, or collection; and

9 (3) be certified under this chapter as a registered
10 professional appraiser, registered Texas collector, or registered
11 Texas assessor.

12 (c) A person is not eligible for appointment as a public
13 member of the board if the person or the person's spouse:

14 (1) is registered, certified, or licensed by a
15 regulatory agency in the field of property tax appraisal,
16 assessment, or collection;

17 (2) is employed by or participates in the management
18 of a business entity or other organization regulated by or
19 receiving money from the board;

20 (3) owns or controls, directly or indirectly, more
21 than a 10 percent interest in a business entity or other
22 organization regulated by or receiving money from the board; or

23 (4) uses or receives a substantial amount of tangible
24 goods, services, or money from the board other than compensation or
25 reimbursement authorized by law for board membership, attendance,
26 or expenses.

27 SECTION 43.02. Effective September 1, 2003, Section

1 1151.052, Occupations Code, is amended to read as follows:

2 Sec. 1151.052. TERMS. Board members serve six-year terms,
3 with the terms of one or two members expiring on March 1 of each
4 odd-numbered year.

5 SECTION 43.03. (a) The two positions on the Board of Tax
6 Professional Examiners that have terms scheduled to expire on March
7 1, 2005, are abolished on September 1, 2003.

8 (b) As soon as possible on or after September 1, 2003, the
9 governor shall appoint a member representing the general public to
10 the Board of Tax Professional Examiners for a term expiring on March
11 1, 2005.

12 ARTICLE 44. TEXAS-ISRAEL EXCHANGE FUND BOARD

13 SECTION 44.01. Effective September 1, 2003, Sections
14 45.006(a) and (d), Agriculture Code, are amended to read as
15 follows:

16 (a) The Texas-Israel Exchange Fund Board is created and
17 composed of:

- 18 (1) the commissioner of agriculture;
- 19 (2) five [~~six~~] members appointed by the commissioner;
- 20 (3) one member appointed by the executive officer of
21 The University of Texas System;
- 22 (4) one member appointed by the executive officer of
23 The Texas A&M University System;
- 24 (5) one member appointed by the executive officer of
25 Texas Tech University; and
- 26 (6) as nonvoting, ex officio members, the lieutenant
27 governor, the speaker of the house of representatives, and the

1 comptroller or their designees.

2 (d) Appointed board members serve for staggered six-year
3 terms. The terms of approximately one-third of the appointed board
4 members expire on February 1 of each odd-numbered year.

5 SECTION 44.02. (a) Of the six positions on the Texas-Israel
6 Exchange Fund Board that are appointed by the commissioner of
7 agriculture, the position next scheduled to expire is abolished on
8 September 1, 2003.

9 (b) If there is more than one position on the Texas-Israel
10 Exchange Fund Board that is appointed by the commissioner of
11 agriculture and that is next scheduled to expire, the members who
12 were appointed by the commissioner of agriculture and whose terms
13 are next scheduled to expire shall determine by unanimous agreement
14 or by lot which of the positions shall be abolished on September 1,
15 2003, and shall inform the commissioner of that determination.

16 ARTICLE 45. TEXAS VETERANS COMMISSION

17 SECTION 45.01. Effective September 1, 2003, Sections
18 434.003(a) and (b), Government Code, are amended to read as
19 follows:

20 (a) The commission is composed of five [~~six~~] members
21 appointed by the governor with the advice and consent of the senate.
22 The governor shall make each appointment without regard to the
23 race, creed, sex, religion, or national origin of the appointee.

24 (b) A member must be a citizen and resident of the state. At
25 least three [~~four~~] members must have been honorably discharged or
26 honorably released from active military service of the United
27 States. At least one member must be a person classified as a

1 disabled veteran by the United States Veterans Administration or
2 the branch of the United States armed forces in which the person
3 served. This person's disability must be service-connected and
4 compensable.

5 SECTION 45.02. (a) Of the two positions on the Texas
6 Veterans Commission that have terms scheduled to expire on December
7 31, 2003, one of the positions is abolished on September 1, 2003.
8 If one of the positions is filled by a disabled veteran as described
9 by Section 434.003(b), Government Code, and the other position is
10 not, the position that is not filled by the disabled veteran is
11 abolished on September 1, 2003. Otherwise, the position is
12 abolished in accordance with Subsection (b) of this section.

13 (b) If it cannot be determined under Subsection (a) which
14 position on the Texas Veterans Commission will be abolished, then
15 on or before September 1, 2003, the two members whose terms are
16 scheduled to expire on December 31, 2003, shall determine by
17 unanimous agreement or by lot which of the two positions shall be
18 abolished on September 1, 2003, and shall inform the chairman of the
19 Texas Veterans Commission of that determination.

20 ARTICLE 46. TEXAS WORKERS' COMPENSATION COMMISSION

21 SECTION 46.01. Effective September 1, 2003, Section
22 402.002(a), Labor Code, is amended to read as follows:

23 (a) Members of the commission hold office for two-year
24 [~~staggered six-year~~] terms, with the terms [~~of one member~~
25 ~~representing employers and one member representing wage earners~~]
26 expiring on February 1 of each odd-numbered year.

27 SECTION 46.02. The current terms of the members of the Texas

1 Workers' Compensation Commission expire February 1, 2005.

2 ARTICLE 47. COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS

3 SECTION 47.01. Effective September 1, 2003, Section
4 2308.052(b), Government Code, is amended to read as follows:

5 (b) The council is composed of:

6 (1) three voting members who represent education, one
7 of whom represents local public education, one of whom represents
8 public postsecondary education, and one of whom represents
9 vocational education;

10 (2) five voting members who represent organized labor
11 appointed from recommendations made by recognized labor
12 organizations;

13 (3) five voting members who represent business and
14 industry, including business members serving on local workforce
15 development boards or private industry councils;

16 (4) one [~~two~~] voting member [~~members~~] who represents
17 [~~represent~~] community-based organizations; and

18 (5) the following ex officio voting members:

19 (A) the chair of the State Board of Education;

20 (B) the chair of the Texas Higher Education
21 Coordinating Board;

22 (C) the presiding officer of the Texas Board of
23 Human Services;

24 (D) the presiding officer of the policy advisory
25 board of the Texas Department of Economic Development; and

26 (E) the chair of the Texas Workforce Commission.

27 SECTION 47.02. Effective September 1, 2003, Section

1 2308.054(a), Government Code, is amended to read as follows:

2 (a) A member of the council who does not serve as an ex
3 officio member serves a six-year term. Approximately one-third
4 [~~One-third~~] of these members' terms expire in each odd-numbered
5 year.

6 SECTION 47.03. (a) Of the positions on the Council on
7 Workforce and Economic Competitiveness that must be filled by a
8 member who represents community-based organizations, the position
9 of the member whose term on the council is next scheduled to expire
10 is abolished on September 1, 2003.

11 (b) If, of the positions on the Council on Workforce and
12 Economic Competitiveness that must be filled by a member who
13 represents community-based organizations, two members have terms
14 that are next scheduled to expire, one of the positions is abolished
15 on September 1, 2003. On or before September 1, 2003, both of the
16 members shall determine by unanimous agreement or by lot which of
17 the positions shall be abolished on September 1, 2003, and shall
18 inform the presiding officer of the Council on Workforce and
19 Economic Competitiveness of that determination.

20 ARTICLE 48. TEXAS YOUTH COMMISSION

21 SECTION 48.01. Effective September 1, 2003, Sections
22 61.012(a) and (c), Human Resources Code, are amended to read as
23 follows:

24 (a) The governing board of the Texas Youth Commission
25 consists of seven [~~six~~] members appointed by the governor with the
26 consent of the senate. Appointments to the board shall be made
27 without regard to the race, color, disability, sex, religion, age,

1 or national origin of the appointees.

2 (c) The board members hold office for staggered terms of six
3 years, with the terms of two or three members expiring every two
4 years.

5 SECTION 48.02. As soon as possible on or after September 1,
6 2003, the governor shall appoint an additional member to the Texas
7 Youth Commission for a term expiring August 31, 2009.

8 ARTICLE 49. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

9 SECTION 49.01. Chapter 651, Government Code, is amended by
10 adding Section 651.008 to read as follows:

11 Sec. 651.008. UNCONSTITUTIONALLY COMPOSED GOVERNING BODY
12 WITH SIX-YEAR TERMS. (a) This section applies to the governing
13 body of a state board or commission or other state agency only if:

14 (1) by statute the governing body is composed of an
15 even number of voting members, the appointed members of whom serve
16 staggered six-year terms; and

17 (2) there is no provision of the Texas Constitution
18 under which the governing body is allowed to be composed in that
19 manner.

20 (b) Notwithstanding the terms of the statute that
21 prescribes the composition and terms of the governing body, the
22 appointed members of the governing body serve two-year terms.

23 (c) The terms of the members of the governing body who have
24 served less than two years since the date their current terms began
25 expire on the second anniversary of the date their current terms
26 began. The members of the governing body who have served two or
27 more years since the date their current terms began are considered

1 to be performing the duties of their office in a holdover capacity
2 until their successors are qualified in accordance with Section 17,
3 Article XVI, Texas Constitution.

4 (d) As soon as possible after it is determined that this
5 section applies to the governing body, the administrative head of
6 the state board or commission or other state agency shall inform of
7 that fact:

8 (1) each state officer or other entity that by statute
9 appoints one or more members to the governing body;

10 (2) the governor and the presiding officer of each
11 house of the legislature;

12 (3) each standing committee of each house of the
13 legislature that under the rules of either house has jurisdiction
14 over legislative matters pertaining to the board, commission, or
15 other agency; and

16 (4) the Legislative Reference Library for purposes of
17 including current information in the Texas Appointment System
18 database.

19 (e) As soon as possible after an appointing officer or
20 entity is informed under Subsection (d), the appointing authority
21 shall make any necessary appointments or reappointments to the
22 governing body to fill the positions of members described by
23 Subsection (c) who are serving in a holdover capacity. If a member
24 whose position is being filled has served two or more years but less
25 than four years of a term, the appointment made under this
26 subsection is for a term expiring on the fourth anniversary of the
27 date the term began. If a member whose position is being filled has

1 served four or more years but less than six years of a term, the
2 appointment made under this subsection is for a term expiring on the
3 sixth anniversary of the date the term began.

4 SECTION 49.02. If this Act requires that a position is to be
5 abolished on September 1, 2003, and in connection with describing
6 the position to be abolished incorrectly describes the number of
7 positions that are required to be filled by a member with an
8 identified qualification for office with terms that expire on the
9 date identified by this Act, then:

10 (1) if there is only one position on the governing body
11 required to be filled by a member with the identified qualification
12 for office with a term scheduled to expire on the identified date,
13 that member's term is abolished; or

14 (2) if there is more than one position on the governing
15 body required to be filled by a member with the identified
16 qualification for office with a term scheduled to expire on the
17 identified date, all members with the identified qualification for
18 office with a term scheduled to expire on the identified date shall
19 meet to determine by unanimous agreement or by lot which member's
20 position is abolished.

21 SECTION 49.03. If a conflict exists between this Act and
22 another Act passed by the 78th Legislature, Regular Session, 2003,
23 that becomes law, the other law controls unless this Act changes the
24 composition of a governing body in a manner allowed by the Texas
25 Constitution and under the other law, the composition and terms of
26 the governing body do not comply with the Texas Constitution.

27 SECTION 49.04. Except as otherwise provided by this Act,

1 this Act takes effect immediately if it receives a vote of
2 two-thirds of all the members elected to each house, as provided by
3 Section 39, Article III, Texas Constitution. If this Act does not
4 receive the vote necessary for immediate effect, this Act takes
5 effect September 1, 2003.