

By: Ellis

S.B. No. 287

A BILL TO BE ENTITLED

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AN ACT

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

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

ARTICLE 1. TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

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

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

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

Sec. 461.006. TERMS. 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) 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) On or before September 1, 2003, the two members whose terms are scheduled to expire on February 1, 2005, shall determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and shall inform the chairman of

1 the Texas Commission on Alcohol and Drug Abuse of that
2 determination.

3 ARTICLE 2. TEXAS ANIMAL HEALTH COMMISSION

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

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

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

22 SECTION 2.02. Effective September 1, 2003, Section
23 161.022, Agriculture Code, is amended to read as follows:

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

27 SECTION 2.03. As soon as possible on or after September 1,

1 2003, the governor shall appoint an additional public member to the
2 Texas Animal Health Commission for a term expiring September 6,
3 2007.

4 ARTICLE 3. TEXAS COMMISSION ON THE ARTS

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

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

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

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

23 ARTICLE 4. ADVISORY BOARD OF ATHLETIC TRAINERS

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

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

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

3 (2) two members who represent the public.

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

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

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

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

22 ARTICLE 5. STATE BOARD OF BARBER EXAMINERS

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

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

1 (1) two members, each of whom:

2 (A) is engaged in the practice of barbering as a
3 Class A barber and has been for at least five years before being
4 appointed; and

5 (B) does not hold a barbershop permit;

6 (2) one member who:

7 (A) is a barbershop owner who holds a barbershop
8 permit; and

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

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

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

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

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

19 SECTION 5.03. As soon as possible on or after September 1,
20 2003, the governor shall appoint an additional public member to the
21 State Board of Barber Examiners for a term expiring January 31,
22 2009.

23 ARTICLE 6. COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

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

26 Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS.

27 (a) The Council on Cardiovascular Disease and Stroke is composed

1 of 11 [~~12~~] members appointed by the board.

2 (b) Members of the council serve staggered six-year terms
3 with the terms of approximately one-third of the members expiring
4 February 1 of each odd-numbered year.

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

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

14 ARTICLE 7. COMMODITY PRODUCERS BOARDS

15 SECTION 7.01. Subsection (c), Section 41.011, Agriculture
16 Code, is amended to read as follows:

17 (c) The petition must propose an odd-numbered [~~either a~~
18 ~~6-member, 9-member, 12-member, or 15-member~~] board with 5 to 15
19 members.

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

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

ARTICLE 8. STATE BOARD OF DENTAL EXAMINERS

SECTION 8.01. Effective September 1, 2003, Subsection (a), Section 252.001, Occupations Code, is amended to read as follows:

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

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

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

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

SECTION 8.02. (a) 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. On or before September 1, 2003, the four dentist members whose terms are scheduled to expire on February 1, 2005, shall determine by unanimous agreement or by lot which of the four positions shall be abolished on September 1, 2003, and shall inform the president of the State Board of Dental Examiners of that determination.

(b) 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. On or before September 1, 2003, the three dentist members whose terms are

1 scheduled to expire on February 1, 2007, shall determine by
2 unanimous agreement or by lot which of the three positions shall be
3 abolished on September 1, 2003, and shall inform the president of
4 the State Board of Dental Examiners of that determination.

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

13 ARTICLE 9. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

14 SECTION 9.01. Effective September 1, 2003, Section
15 112.012, Human Resources Code, is amended to read as follows:

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

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

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

27 SECTION 9.02. Effective September 1, 2003, Subsection (a),

1 Section 112.013, Human Resources Code, is amended to read as
2 follows:

3 (a) Members of the council appointed by the governor serve
4 for staggered terms of six years with the term of one-third or
5 approximately one-third of the members expiring on February 1 of
6 each odd-numbered year.

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

13 ARTICLE 10. TEXAS DIABETES COUNCIL

14 SECTION 10.01. Effective September 1, 2003, Subsections
15 (a) and (b), Section 103.002, Health and Safety Code, are amended to
16 read as follows:

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

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

24 (1) a licensed physician with a specialization in
25 treating diabetes;

26 (2) a registered nurse with a specialization in
27 diabetes education and training;

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

3 (4) a person with experience and training in public
4 health policy;

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

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

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

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

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

21 SECTION 10.03. (a) Of the two consumer positions on the
22 Texas Diabetes Council that have terms scheduled to expire on
23 February 1, 2005, one of the positions is abolished on September 1,
24 2003.

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

1 positions shall be abolished on September 1, 2003, and shall inform
2 the chairman of the Texas Diabetes Council of that determination.

3 ARTICLE 11. TEXAS DISTINGUISHED SERVICE AWARDS COMMITTEE

4 SECTION 11.01. Effective September 1, 2003, Subsections
5 (a) and (b), Section 3102.003, Government Code, are amended to read
6 as follows:

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

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

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

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

21 ARTICLE 12. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL
22 COMMISSION

23 SECTION 12.01. Effective September 1, 2003, Section
24 448.003, Government Code, is amended to read as follows:

25 Sec. 448.003. COMPOSITION OF COMMISSION. The commission is
26 composed of:

27 (1) five [~~six~~] public members appointed by the

1 governor with the advice and consent of the senate;

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

4 (3) two members of the house of representatives
5 appointed by the speaker of the house to serve as ex officio,
6 nonvoting members; and

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

9 SECTION 12.02. Effective September 1, 2003, Section
10 448.007, Government Code, is amended to read as follows:

11 Sec. 448.007. TERMS. Public members of the commission
12 serve staggered terms of six years with the terms of approximately
13 one-third of the members expiring on February 1 of each
14 odd-numbered year.

15 SECTION 12.03. (a) Of the two positions on the Texas
16 Emancipation Juneteenth Cultural and Historical Commission that
17 have terms scheduled to expire on February 1, 2005, one of the
18 positions is abolished on September 1, 2003.

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

25 ARTICLE 13. TEXAS COMMISSION ON FIRE PROTECTION

26 SECTION 13.01. Effective September 1, 2003, Subsections
27 (a) and (b), Section 419.004, Government Code, are amended to read

1 as follows:

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

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

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

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

23 (4) one certified fire protection engineer;

24 (5) one certified arson investigator or certified fire
25 protection inspector;

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

1 and

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

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

7 SECTION 13.02. As soon as possible on or after September 1,
8 2003, the governor shall appoint an additional public member to the
9 Texas Commission on Fire Protection for a term expiring on
10 February 1, 2009.

11 ARTICLE 14. TEXAS GUARANTEED STUDENT LOAN CORPORATION

12 SECTION 14.01. Effective September 1, 2003, Subsections
13 (a) and (b), Section 57.13, Education Code, are amended to read as
14 follows:

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

17 (b) The governor, with the advice and consent of the senate,
18 shall appoint nine members to the board. Four [~~Five~~] members must
19 have knowledge of or experience in finance, including management of
20 funds or business operations. One member must be a student who is
21 enrolled at a postsecondary educational institution for the number
22 of credit hours required by the institution to be classified as a
23 full-time student of the institution. Three members must be
24 members of the faculty or administration of an eligible
25 postsecondary educational institution, as defined by Section 57.46
26 of this code.

27 SECTION 14.02. Effective September 1, 2003, Section 57.14,

1 Education Code, is amended to read as follows:

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

6 SECTION 14.03. (a) Of the positions on the board of the
7 Texas Guaranteed Student Loan Corporation that must be filled by
8 members with knowledge or experience in finance, the position of
9 the member whose term on the board is next scheduled to expire is
10 abolished on September 1, 2003.

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

21 ARTICLE 15. TEXAS BOARD OF HEALTH

22 SECTION 15.01. Effective September 1, 2003, Subsections
23 (a) and (c), Section 11.005, Health and Safety Code, are amended to
24 read as follows:

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

27 (c) Four members of the board must have a demonstrated

1 interest in the services provided by the department, and three
2 [~~two~~] members must represent the public.

3 SECTION 15.02. Effective September 1, 2003, Section
4 11.007, Health and Safety Code, is amended to read as follows:

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

8 SECTION 15.03. As soon as possible on or after September 1,
9 2003, the governor shall appoint an additional public member to the
10 Texas Board of Health for a term expiring on February 1, 2009.

11 ARTICLE 16. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

12 SECTION 16.01. Effective September 1, 2003, Subsections
13 (b) and (c), Article 26.13, Insurance Code, are amended to read as
14 follows:

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

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

23 SECTION 16.02. The position of the employer member whose
24 term on the board of trustees of the Texas Health Benefits
25 Purchasing Cooperative is scheduled to expire on February 1, 2005,
26 is abolished on September 1, 2003.

ARTICLE 17. TEXAS HIGHER EDUCATION COORDINATING BOARD

SECTION 17.01. Effective September 1, 2003, Section 61.022, Education Code, is amended to read as follows:

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE. The board shall consist of 15 [~~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. Members of the board serve staggered six-year terms. The terms of one-third of the members expire August 31 of each odd-numbered year [~~Of the initial appointments to the board six shall be for terms which shall expire August 31, 1967, six for terms which shall expire August 31, 1969, and six for terms which shall expire on August 31, 1971, or at such time as their successors are appointed and have qualified. Thereafter, the governor shall appoint members for terms of six years. Members of the Texas Commission on Higher Education are eligible for appointment to the board~~]. No member may be employed professionally for remuneration in the field of education during his term of office.

SECTION 17.02. (a) Of the six positions on the Texas Higher Education Coordinating Board that have terms scheduled to expire on August 31, 2003, one of the positions is abolished on September 1, 2003. On or before September 1, 2003, the governor shall designate which of the six positions shall be abolished and shall appoint five persons to fill the other positions for terms expiring on August 31, 2009.

(b) Of the six positions on the Texas Higher Education Coordinating Board that have terms scheduled to expire on

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

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

15 ARTICLE 18. TEXAS HISTORICAL COMMISSION

16 SECTION 18.01. Effective September 1, 2003, Subsections
17 (b) and (c), Section 442.002, Government Code, are amended to read
18 as follows:

19 (b) The commission is composed of 17 [~~18~~] members appointed
20 by the governor with the advice and consent of the senate. One
21 member must be a professional archeologist, one must be a
22 professional historian, and one must be a licensed architect who
23 has expertise in historic preservation and architectural history.
24 Fourteen [~~Fifteen~~] members must be representatives of the general
25 public. A person is not eligible for appointment as a public member
26 of the commission if the person or the person's spouse:

27 (1) owns or controls, directly or indirectly, more

1 than a 10 percent interest in a business entity or other
2 organization regulated by the commission or receiving funds other
3 than grant funds from the commission; or

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

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

11 SECTION 18.02. (a) Of the six positions on the Texas
12 Historical Commission that have terms scheduled to expire on
13 February 1, 2005, one of the positions is abolished on September 1,
14 2003.

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

21 ARTICLE 19. COMMISSION ON HUMAN RIGHTS

22 SECTION 19.01. Effective September 1, 2003, Subsection
23 (a), Section 461.051, Government Code, is amended to read as
24 follows:

25 (a) The commission consists of five [~~six~~] members. One
26 member of the commission shall be a representative of industry, one
27 member shall be a representative of labor, and three [~~four~~] members

1 shall be representatives of the public.

2 SECTION 19.02. The position of the public member whose term
3 on the Commission on Human Rights is scheduled to expire on
4 September 24, 2003, is abolished on September 1, 2003.

5 ARTICLE 20. TEXAS BOARD OF HUMAN SERVICES

6 SECTION 20.01. Effective September 1, 2003, Subsections
7 (b), (c), and (e), Section 21.003, Human Resources Code, are
8 amended to read as follows:

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

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

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

19 SECTION 20.02. (a) Of the two positions on the Texas Board
20 of Human Services that have terms scheduled to expire on
21 January 20, 2005, one of the positions is abolished on September 1,
22 2003.

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

1 ARTICLE 21. DEPARTMENT OF INFORMATION RESOURCES

2 SECTION 21.01. Effective September 1, 2003, Subsections
3 (a) and (b), Section 2054.021, Government Code, are amended to read
4 as follows:

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

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

13 SECTION 21.02. (a) The position of the member of the board
14 of the Department of Information Resources, excluding the member
15 employed by an institution of higher education as defined by
16 Section 61.003, Education Code, whose term on the board is next
17 scheduled to expire is abolished on September 1, 2003.

18 (b) If neither of the positions on the board of the
19 Department of Information Resources with terms that are next
20 scheduled to expire is filled by an employee of an institution of
21 higher education, one of the positions is abolished on September 1,
22 2003. On or before September 1, 2003, the members whose terms are
23 next scheduled to expire shall determine by unanimous agreement or
24 by lot which of the two positions shall be abolished on September 1,
25 2003, and shall inform the presiding officer of the Department of
26 Information Resources of that determination.

1 ARTICLE 22. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

2 SECTION 22.01. Effective September 1, 2003, Subsection
3 (a), Section 1071.051, Occupations Code, is amended to read as
4 follows:

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

7 (1) the commissioner;

8 (2) two licensed state land surveyor members actively
9 engaged in the practice of state land surveying for not less than
10 the five years preceding appointment;

11 (3) three [~~four~~] registered professional land
12 surveyor members actively engaged in the practice of professional
13 surveying in this state for not less than the five years preceding
14 appointment; and

15 (4) three members who represent the public.

16 SECTION 22.02. Effective September 1, 2003, Subsection
17 (a), Section 1071.054, Occupations Code, is amended to read as
18 follows:

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

22 SECTION 22.03. Of the four positions on the Texas Board of
23 Professional Land Surveying held by registered professional land
24 surveyor members, one of the positions is abolished on September 1,
25 2003. On or before September 1, 2003, the four members who hold
26 those positions shall determine by unanimous agreement or by lot
27 which of the four positions is abolished on September 1, 2003, and

1 shall inform the presiding officer of the Texas Board of
2 Professional Land Surveying of that determination.

3 ARTICLE 23. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

4 SECTION 23.01. Effective September 1, 2003, Subsection
5 (a), Section 441.001, Government Code, is amended to read as
6 follows:

7 (a) The Texas State Library and Archives Commission is
8 composed of five [~~six~~] members appointed by the governor with the
9 advice and consent of the senate. All five [~~six~~] members must be
10 representatives of the general public. A person is not eligible for
11 appointment as a member of the commission if the person or the
12 person's spouse:

13 (1) is registered, certified, or licensed by an
14 occupational regulatory agency in the field of library or
15 information science;

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

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

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

27 SECTION 23.02. (a) Of the two positions on the Texas State

1 Library and Archives Commission that have terms scheduled to expire
2 on September 28, 2003, 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 September 28, 2003, shall
6 determine by unanimous agreement or by lot which of the two
7 positions shall be abolished on September 1, 2003, and shall inform
8 the presiding officer of the Texas State Library and Archives
9 Commission of that determination.

10 ARTICLE 24. TEXAS COMMISSION OF LICENSING AND REGULATION

11 SECTION 24.01. Effective September 1, 2003, Subsection
12 (a), Section 51.052, Occupations Code, is amended to read as
13 follows:

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

16 SECTION 24.02. Effective September 1, 2003, Subsection
17 (a), Section 51.055, Occupations Code, is amended to read as
18 follows:

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

22 SECTION 24.03. (a) Of the two positions on the Texas
23 Commission of Licensing and Regulation that have terms scheduled to
24 expire on February 1, 2005, one of the positions is abolished on
25 September 1, 2003.

26 (b) On or before September 1, 2003, the two members whose
27 terms are scheduled to expire on February 1, 2005, shall determine

1 by unanimous agreement or by lot which of the two positions shall be
2 abolished on September 1, 2003, and shall inform the presiding
3 officer of the Texas Commission of Licensing and Regulation of that
4 determination.

5 ARTICLE 25. TEXAS STATE BOARD OF MEDICAL EXAMINERS

6 SECTION 25.01. Effective September 1, 2003, Subsection
7 (a), Section 152.002, Occupations Code, is amended to read as
8 follows:

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

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

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

18 SECTION 25.02. As soon as possible on or after September 1,
19 2003, the governor shall appoint an additional public member to the
20 Texas State Board of Medical Examiners for a term expiring
21 April 14, 2009.

22 ARTICLE 26. TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS

23 SECTION 26.01. Effective September 1, 2003, Subsections
24 (a) and (b), Section 614.002, Health and Safety Code, are amended to
25 read as follows:

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

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

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

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

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

9 (4) one at-large member who is a criminal defense
10 attorney;

11 (5) one at-large member from an established pretrial
12 services agency; ~~and~~

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

15 (7) one at-large member who represents the general
16 public.

17 SECTION 26.02. Effective September 1, 2003, Section
18 614.004, Health and Safety Code, is amended to read as follows:

19 Sec. 614.004. TERMS. The at-large members of the council
20 serve for staggered six-year terms with the terms of approximately
21 one-third of the at-large members expiring on February 1 of each
22 odd-numbered year.

23 SECTION 26.03. As soon as possible on or after September 1,
24 2003, the governor shall appoint a public at-large member to the
25 Texas Council on Offenders with Mental Impairments for a term
26 expiring February 1, 2009.

ARTICLE 27. OPERATION GAME THIEF COMMITTEE

SECTION 27.01. Effective September 1, 2003, Subsections (a), (b), and (d), Section 12.202, Parks and Wildlife Code, are amended to read as follows:

(a) The director shall appoint an Operation Game Thief Committee composed of nine members to administer the operation game thief fund and to make reward payments and death benefit payments from that fund. The director shall appoint persons who are not employees of the department and who have a demonstrated interest in game and fish conservation. The director may consider the recommendations or nominations of any club or association. The director shall designate one of the members as chairman of the committee. ~~[The director may appoint a former committee member to serve as chairman emeritus if the director determines the appointment is in the best interest of the operation game thief program. The chairman emeritus has the same rights and duties as a committee member.]~~ The director or an employee designated by the director for that purpose shall serve as secretary to the committee. A member of the committee serves without compensation.

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

(d) If the vote of the full membership of the committee~~[,~~

1 ~~including a chairman emeritus,~~] results in a tie vote, the chairman
2 of the committee may vote a second time to break the tie.

3 SECTION 27.02. The position of the chairman emeritus on the
4 Operation Game Thief Committee is abolished on September 1, 2003.

5 ARTICLE 28. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

6 SECTION 28.01. Effective September 1, 2003, Subsection
7 (a), Section 605.052, Occupations Code, is amended to read as
8 follows:

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

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

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

15 (3) one licensed prosthetist orthotist member who has
16 practiced orthotics and prosthetics for the five years preceding
17 the date of appointment;

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

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

22 (6) two members ~~[one member]~~ who are representatives
23 ~~[is a representative]~~ of the public who do ~~[does]~~ not use an
24 orthosis or prosthesis.

25 SECTION 28.02. Effective September 1, 2003, Subsection
26 (a), Section 605.055, Occupations Code, is amended to read as
27 follows:

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

4 SECTION 28.03. As soon as possible on or after September 1,
5 2003, the governor shall appoint an additional public member to the
6 Texas Board of Orthotics and Prosthetics under Subdivision (6),
7 Subsection (a), Section 605.052, Occupations Code, as amended by
8 this Act, for a term expiring on February 1, 2009.

9 ARTICLE 29. BOARD OF PARDONS AND PAROLES POLICY BOARD

10 SECTION 29.01. Effective September 1, 2003, Subsections
11 (a) and (b), Section 508.036, Government Code, are amended to read
12 as follows:

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

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

25 SECTION 29.02. As soon as possible on or after September 1,
26 2003, the governor shall appoint an additional member to the Board
27 of Pardons and Paroles Policy Board under Subsection (a), Section

1 508.036, Government Code, as amended by this Act, for a term
2 expiring February 1, 2009.

3 ARTICLE 30. POLYGRAPH EXAMINERS BOARD

4 SECTION 30.01. Effective September 1, 2003, Subsection
5 (a), Section 1703.051, Occupations Code, is amended to read as
6 follows:

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

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

14 (2) one [~~two~~] polygraph examiner member [~~members~~] who
15 is a [~~are~~] qualified polygraph examiner [~~examiners~~] in the
16 commercial field; and

17 (3) two members who represent the public.

18 SECTION 30.02. The position of the commercial polygraph
19 examiner member whose term on the Polygraph Examiners Board is
20 scheduled to expire on June 18, 2007, is abolished on September 1,
21 2003.

22 ARTICLE 31. PRIVATE SECTOR PRISON INDUSTRIES

23 OVERSIGHT AUTHORITY

24 SECTION 31.01. Effective September 1, 2003, Subsection
25 (a), Section 497.052, Government Code, is amended to read as
26 follows:

27 (a) The authority is composed of eight [~~nine~~] members

1 appointed by the governor:

2 (1) one of whom is representative of organized labor;

3 (2) one of whom is representative of employers;

4 (3) one of whom is representative of groups advocating
5 the rights of victims of criminal offenses;

6 (4) one of whom is representative of groups advocating
7 the rights of inmates;

8 (5) one of whom is experienced in the field of
9 vocational rehabilitation; and

10 (6) three [~~four~~] of whom are public members.

11 SECTION 31.02. Effective September 1, 2003, Section
12 497.053, Government Code, is amended to read as follows:

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

16 SECTION 31.03. (a) Of the two public positions on the
17 Private Sector Prison Industries Oversight Authority that have
18 terms scheduled to expire on February 1, 2005, one of the positions
19 is abolished on September 1, 2003.

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

26 ARTICLE 32. TEXAS COMMISSION ON PRIVATE SECURITY

27 SECTION 32.01. Effective September 1, 2003, Subsection

1 (a), Section 1702.021, Occupations Code, is amended to read as
2 follows:

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

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

8 (2) one member who:

9 (A) is licensed under this chapter as a private
10 investigator;

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

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

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

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

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

21 (4) one member who:

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

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

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

1 (5) one member who:

2 (A) holds a license, security officer
3 commission, or registration under this chapter;

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

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

9 SECTION 32.02. Effective September 1, 2003, Subsection
10 (a), Section 1702.025, Occupations Code, is amended to read as
11 follows:

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

15 SECTION 32.03. (a) Of the public member positions on the
16 Texas Commission on Private Security, the position of the public
17 member whose term on the board is next scheduled to expire is
18 abolished on September 1, 2003.

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

ARTICLE 33. PRODUCE RECOVERY FUND BOARD

SECTION 33.01. Effective September 1, 2003, Subsection (a), Section 103.003, Agriculture Code, is amended to read as follows:

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

SECTION 33.02. 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 34. BOARD OF PROTECTIVE AND REGULATORY SERVICES

SECTION 34.01. Effective September 1, 2003, Subsections (a) and (b), Section 40.021, Human Resources Code, are amended to read as follows:

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

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

SECTION 34.02. Effective September 1, 2003, Section 40.024, Human Resources Code, is amended to read as follows:

Sec. 40.024. BOARD TERMS. Members of the board serve six-year terms, with the terms of one or two members expiring

1 February 1 of each odd-numbered year.

2 SECTION 34.03. (a) The position of the member of the Board
3 of Protective and Regulatory Services who has a demonstrated
4 interest in the services provided by the Department of Protective
5 and Regulatory Services whose term on the board is scheduled to
6 expire on February 1, 2005, is abolished on September 1, 2003.

7 (b) If more than one member of the Board of Protective and
8 Regulatory Services who has a demonstrated interest in the services
9 provided by the Department of Protective and Regulatory Services
10 has a term scheduled to expire on February 1, 2005, one of the
11 positions is abolished on September 1, 2003. On or before
12 September 1, 2003, the members whose terms are scheduled to expire
13 on February 1, 2005, shall determine by unanimous agreement or by
14 lot which of the two positions shall be abolished on September 1,
15 2003, and shall inform the presiding officer of the Board of
16 Protective and Regulatory Services of that determination.

17 ARTICLE 35. TEXAS RACING COMMISSION

18 SECTION 35.01. Effective September 1, 2003, Subsection
19 (a), Section 2.02, Texas Racing Act (Article 179e, Vernon's Texas
20 Civil Statutes), is amended to read as follows:

21 (a) The commission consists of five [~~six~~] members appointed
22 by the governor with the advice and consent of the senate and two ex
23 officio members who shall have the right to vote. The ex officio
24 members are:

25 (1) the chairman of the Public Safety Commission or a
26 member of the Public Safety Commission designated by the chairman
27 of the Public Safety Commission; and

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

3 SECTION 35.02. Effective September 1, 2003, Subsection
4 (a), Section 2.03, Texas Racing Act (Article 179e, Vernon's Texas
5 Civil Statutes), is amended to read as follows:

6 (a) Appointed members hold office for staggered terms of six
7 years with one or two members' terms expiring February 1 of each
8 odd-numbered year. A member holds office until that member's
9 successor is appointed and qualifies.

10 SECTION 35.03. (a) Of the two positions on the Texas
11 Racing Commission that have terms scheduled to expire on
12 February 1, 2005, one of the positions is abolished September 1,
13 2003.

14 (b) On or before September 1, 2003, the two members whose
15 terms are scheduled to expire on February 1, 2005, shall determine
16 by unanimous agreement or by lot which of the two positions shall be
17 abolished on September 1, 2003, and shall inform the presiding
18 officer of the Texas Racing Commission of that determination.

19 (c) Notwithstanding Subsection (b) of this section, if one
20 of the members of the Texas Racing Commission whose term is
21 scheduled to expire February 1, 2005, has special knowledge or
22 experience related to greyhound racing or horse racing and the
23 other member whose term is scheduled to expire February 1, 2005,
24 does not, the position of the member who does not have special
25 knowledge or experience related to greyhound racing or horse racing
26 is abolished September 1, 2003.

27 (d) If the members of the Texas Racing Commission whose

1 terms are scheduled to expire February 1, 2005, cannot, under
2 Subsection (b) or (c) of this section, abolish a position on the
3 commission in a way that allows the composition of the commission to
4 comply with Section 2.05, Texas Racing Act (Article 179e, Vernon's
5 Texas Civil Statutes), all appointed members of the commission
6 shall:

7 (1) determine by unanimous agreement or by lot, in
8 accordance with Section 2.05, Texas Racing Act (Article 179e,
9 Vernon's Texas Civil Statutes), which position on the commission is
10 abolished on September 1, 2003; and

11 (2) inform the presiding officer of the commission,
12 the governor, and the Legislative Reference Library of that
13 determination.

14 ARTICLE 36. TEXAS REAL ESTATE BROKER-LAWYER COMMITTEE

15 SECTION 36.01. Effective September 1, 2003, Subsection
16 (a), Section 1101.252, Occupations Code, is amended to read as
17 follows:

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

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

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

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

24 SECTION 36.02. Subsection (a), Section 1101.253,
25 Occupations Code, is amended to read as follows:

26 (a) Committee members serve staggered six-year terms, with
27 the terms of two commission appointees and two State Bar of Texas

1 appointees expiring every two years and the term of the public
2 member expiring every six years.

3 SECTION 36.03. As soon as possible after September 1, 2003,
4 the governor shall appoint a public member to the Texas Real Estate
5 Broker-Lawyer Committee under Subdivision (3), Subsection (a),
6 Section 1101.252, Occupations Code, as amended by this Act, for a
7 term expiring on the date that the terms of lawyers and brokers on
8 the committee whose terms expire in 2009 expire.

9 ARTICLE 37. TEXAS REHABILITATION COMMISSION

10 SECTION 37.01. Effective September 1, 2003, Subsection
11 (a), Section 111.013, Human Resources Code, is amended to read as
12 follows:

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

18 SECTION 37.02. (a) Of the two positions on the board of the
19 Texas Rehabilitation Commission that have terms scheduled to expire
20 on August 31, 2005, one of the positions is abolished on
21 September 1, 2003.

22 (b) On or before September 1, 2003, the two members whose
23 terms are scheduled to expire on August 31, 2005, shall determine
24 by unanimous agreement or by lot which of the two positions shall be
25 abolished and shall inform the presiding officer of the board of the
26 Texas Rehabilitation Commission of that determination.

ARTICLE 38. RISK MANAGEMENT BOARD

SECTION 38.01. Effective September 1, 2003, Subsections (b) and (c), Section 412.021, 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 38.02. (a) 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) On or before September 1, 2003, the two members whose terms are scheduled to expire on February 1, 2005, shall determine by unanimous agreement or by lot which of the two positions shall be abolished on September 1, 2003, and shall inform the presiding officer of the risk management board of that determination.

ARTICLE 39. STATEWIDE RURAL HEALTH CARE SYSTEM

SECTION 39.01. Effective September 1, 2003, Subsections (a) and (b), Section 845.101, Insurance Code, are amended to read as follows:

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

1 (b) The participating hospital providers shall elect, by a
2 majority vote of the governing bodies of the participating hospital
3 providers, five [~~six~~] members who represent the participating
4 hospital providers.

5 SECTION 39.02. Effective September 1, 2003, Subsection
6 (a), Section 845.102, Insurance Code, is amended to read as
7 follows:

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

11 SECTION 39.03. (a) Of the two positions on the board of the
12 statewide rural health care system elected by the participating
13 hospital providers that have terms scheduled to expire on
14 December 1, 2004, one of the positions is abolished on September 1,
15 2003.

16 (b) On or before September 1, 2003, the two members elected
17 by the participating hospital providers to the board of the
18 statewide rural health care system whose terms are scheduled to
19 expire on December 1, 2004, shall determine by unanimous agreement
20 or by lot which of the two positions shall be abolished on
21 September 1, 2003, and shall inform the presiding officer of the
22 board of the statewide rural health care system of that
23 determination.

24 ARTICLE 40. COUNCIL ON SEX OFFENDER TREATMENT

25 SECTION 40.01. Effective September 1, 2003, Subsection
26 (a), Section 3, Chapter 462, Acts of the 68th Legislature, Regular
27 Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes), is

1 amended to read as follows:

2 (a) The council is composed of seven [~~six~~] part-time
3 members, including three [~~two~~] members who are representatives of
4 the general public and four members each of whom meets the council's
5 requirements for registration as a sex offender treatment provider.
6 A person is not eligible for appointment as a public member if the
7 person meets the council's requirements for registration as a sex
8 offender treatment provider or if the person or the person's
9 spouse:

10 (1) is registered, certified, or licensed by an
11 occupational regulatory agency in the field of sex offender
12 treatment;

13 (2) is employed by or participates in the management
14 of a business entity or other organization regulated by the council
15 or receiving funds from the council;

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

20 (4) uses or receives a substantial amount of tangible
21 goods, services, or funds from the council, other than compensation
22 or reimbursement authorized by law for council membership,
23 attendance, or expenses.

24 SECTION 40.02. Effective September 1, 2003, Subsection
25 (a), Section 4, Chapter 462, Acts of the 68th Legislature, Regular
26 Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes), is
27 amended to read as follows:

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

4 SECTION 40.03. As soon as possible on or after September 1,
5 2003, the governor shall appoint an additional public member to the
6 Council on Sex Offender Treatment for a term expiring on
7 February 1, 2009.

8 ARTICLE 41. BOARD OF TAX PROFESSIONAL EXAMINERS

9 SECTION 41.01. Effective September 1, 2003, Section
10 1151.051, Occupations Code, is amended to read as follows:

11 Sec. 1151.051. BOARD MEMBERSHIP; ELIGIBILITY. (a) The
12 Board of Tax Professional Examiners consists of five [~~six~~] members,
13 four of whom must be tax professionals and one of whom must be a
14 representative of the general public. Members of the board are
15 appointed by the governor with the advice and consent of the senate.
16 A vacancy on the board is filled in the same manner for the
17 unexpired portion of the term.

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

20 (1) be actively engaged in property tax
21 administration;

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

24 (3) be certified under this chapter as a registered
25 professional appraiser, registered Texas collector, or registered
26 Texas assessor.

27 (c) A person is not eligible for appointment as a public

1 member of the board if the person or the person's spouse:

2 (1) is registered, certified, or licensed by a
3 regulatory agency in the field of property tax appraisal,
4 assessment, or collection;

5 (2) is employed by or participates in the management
6 of a business entity or other organization regulated by or
7 receiving money from the board;

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

11 (4) uses or receives a substantial amount of tangible
12 goods, services, or money from the board other than compensation or
13 reimbursement authorized by law for board membership, attendance,
14 or expenses.

15 SECTION 41.02. Effective September 1, 2003, Section
16 1151.052, Occupations Code, is amended to read as follows:

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

20 SECTION 41.03. (a) The two positions on the Board of Tax
21 Professional Examiners that have terms scheduled to expire on
22 March 1, 2005, are abolished on September 1, 2003.

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

1 ARTICLE 42. TEXAS-ISRAEL EXCHANGE FUND BOARD

2 SECTION 42.01. Effective September 1, 2003, Subsections
3 (a) and (d), Section 45.006, Agriculture Code, are amended to read
4 as follows:

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

7 (1) the commissioner of agriculture;

8 (2) five [~~six~~] members appointed by the commissioner;

9 (3) one member appointed by the executive officer of
10 The University of Texas System;

11 (4) one member appointed by the executive officer of
12 The Texas A&M University System;

13 (5) one member appointed by the executive officer of
14 Texas Tech University; and

15 (6) as nonvoting, ex officio members, the lieutenant
16 governor, the speaker of the house of representatives, and the
17 comptroller or their designees.

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

21 SECTION 42.02. (a) Of the six positions on the
22 Texas-Israel Exchange Fund Board that are appointed by the
23 commissioner of agriculture, the position next scheduled to expire
24 is abolished on September 1, 2003.

25 (b) If there is more than one position on the Texas-Israel
26 Exchange Fund Board that is appointed by the commissioner of
27 agriculture and that is next scheduled to expire, the members who

1 were appointed by the commissioner of agriculture and whose terms
2 are next scheduled to expire shall determine by unanimous agreement
3 or by lot which of the positions shall be abolished on September 1,
4 2003, and shall inform the commissioner of that determination.

5 ARTICLE 43. TEXAS VETERANS COMMISSION

6 SECTION 43.01. Effective September 1, 2003, Subsections
7 (a) and (b), Section 434.003, Government Code, are amended to read
8 as follows:

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

13 (b) A member must be a citizen and resident of the state. At
14 least three [~~four~~] members must have been honorably discharged or
15 honorably released from active military service of the United
16 States. At least one member must be a person classified as a
17 disabled veteran by the United States Veterans Administration or
18 the branch of the United States armed forces in which the person
19 served. This person's disability must be service-connected and
20 compensable.

21 SECTION 43.02. (a) Of the two positions on the Texas
22 Veterans Commission that have terms scheduled to expire on
23 December 31, 2003, one of the positions is abolished on
24 September 1, 2003. If one of the positions is filled by a disabled
25 veteran as described by Subsection (b), Section 434.003, Government
26 Code, and the other position is not, the position that is not filled
27 by the disabled veteran is abolished on September 1, 2003.

1 Otherwise, the position is abolished in accordance with Subsection
2 (b) of this section.

3 (b) If it cannot be determined under Subsection (a) of this
4 section which position on the Texas Veterans Commission will be
5 abolished, then on or before September 1, 2003, the two members
6 whose terms are scheduled to expire on December 31, 2003, shall
7 determine by unanimous agreement or by lot which of the two
8 positions shall be abolished on September 1, 2003, and shall inform
9 the chairman of the Texas Veterans Commission of that
10 determination.

11 ARTICLE 44. TEXAS WORKERS' COMPENSATION COMMISSION

12 SECTION 44.01. Effective September 1, 2003, Section
13 402.001, Labor Code, is amended by amending Subsections (a) and (c)
14 and adding Subsection (c-1) to read as follows:

15 (a) The Texas Workers' Compensation Commission is composed
16 of seven [~~six~~] members appointed by the governor with the advice and
17 consent of the senate.

18 (c) Three members of the commission must be employers of
19 labor and three members of the commission must be wage earners. One
20 member of the commission must be a representative of the general
21 public. A person is not eligible for appointment as a member of the
22 commission if the person provides services subject to regulation by
23 the commission or charges fees that are subject to regulation by the
24 commission.

25 (c-1) An individual may not serve as the public
26 representative if that person:

27 (1) has at any time in the two years preceding the

1 appointment been an officer, managerial employee, or paid
2 consultant of a labor organization or employer trade association
3 that has represented the interests of its members before the
4 commission;

5 (2) has at any time in the two years preceding the
6 appointment been an officer, managerial employee, or paid
7 consultant of an insurance carrier or insurance trade association;
8 or

9 (3) on account of that person's previous vocation, can
10 be reasonably classified as a representative of employers,
11 insurance carriers, or employees.

12 SECTION 44.02. Effective September 1, 2003, Subsection
13 (a), Section 402.002, Labor Code, is amended to read as follows:

14 (a) Members of the commission hold office for staggered
15 six-year terms. The~~[, with the]~~ terms of one member representing
16 employers and one member representing wage earners expire
17 ~~[expiring]~~ on February 1 of each odd-numbered year. The term of the
18 member representing the general public expires on February 1 of
19 every third odd-numbered year.

20 SECTION 44.03. As soon as possible on or after September 1,
21 2003, the governor shall appoint a public member to the Texas
22 Workers' Compensation Commission for a term expiring February 1,
23 2009.

24 ARTICLE 45. COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS

25 SECTION 45.01. Effective September 1, 2003, Subsection
26 (b), Section 2308.052, Government Code, is amended to read as
27 follows:

1 (b) The council is composed of:

2 (1) three voting members who represent education, one
3 of whom represents local public education, one of whom represents
4 public postsecondary education, and one of whom represents
5 vocational education;

6 (2) five voting members who represent organized labor
7 appointed from recommendations made by recognized labor
8 organizations;

9 (3) five voting members who represent business and
10 industry, including business members serving on local workforce
11 development boards or private industry councils;

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

14 (5) the following ex officio voting members:

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

16 (B) the chair of the Texas Higher Education
17 Coordinating Board;

18 (C) the presiding officer of the Texas Board of
19 Human Services;

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

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

23 SECTION 45.02. Effective September 1, 2003, Subsection
24 (a), Section 2308.054, Government Code, is amended to read as
25 follows:

26 (a) A member of the council who does not serve as an ex
27 officio member serves a six-year term. Approximately one-third

1 [~~One-third~~] of these members' terms expire in each odd-numbered
2 year.

3 SECTION 45.03. (a) Of the positions on the Council on
4 Workforce and Economic Competitiveness that must be filled by a
5 member who represents community-based organizations, the position
6 of the member whose term on the council is next scheduled to expire
7 is abolished on September 1, 2003.

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

17 ARTICLE 46. TEXAS YOUTH COMMISSION

18 SECTION 46.01. Effective September 1, 2003, Subsections
19 (a) and (c), Section 61.012, Human Resources Code, are amended to
20 read as follows:

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

26 (c) The board members hold office for staggered terms of six
27 years, with the terms of two or three members expiring every two

1 years.

2 SECTION 46.02. As soon as possible on or after September 1,
3 2003, the governor shall appoint an additional member to the Texas
4 Youth Commission for a term expiring August 31, 2009.

5 ARTICLE 47. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

6 SECTION 47.01. Chapter 651, Government Code, is amended by
7 adding Section 651.008 to read as follows:

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

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

14 (2) there is no provision of the Texas Constitution
15 under which the governing body is allowed to be composed in that
16 manner.

17 (b) Notwithstanding the terms of the statute that
18 prescribes the composition and terms of the governing body, the
19 appointed members of the governing body serve two-year terms.

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

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

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

7 (2) the governor and the presiding officer of each
8 house of the legislature;

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

13 (4) the Legislative Reference Library for purposes of
14 including current information in the Texas Appointment System
15 database.

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

1 SECTION 47.02. If this Act requires that a position is to be
2 abolished on September 1, 2003, and in connection with describing
3 the position to be abolished incorrectly describes the number of
4 positions that are required to be filled by a member with an
5 identified qualification for office with terms that expire on the
6 date identified by this Act, then:

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

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

18 SECTION 47.03. If a conflict exists between this Act and
19 another Act passed by the 78th Legislature, Regular Session, 2003,
20 that becomes law, the other law controls unless this Act changes the
21 composition of a governing body in a manner allowed by the Texas
22 Constitution and the other law changes the composition of the
23 governing body in a manner that is not allowed by the Texas
24 Constitution.

25 SECTION 47.04. Except as otherwise provided by this Act,
26 this Act takes effect immediately if it receives a vote of
27 two-thirds of all the members elected to each house, as provided by

S.B. No. 287

1 Section 39, Article III, Texas Constitution. If this Act does not
2 receive the vote necessary for immediate effect, this Act takes
3 effect September 1, 2003.