

By: Ellis

S.B. No. 287

Substitute the following for S.B. No. 287:

By: Gattis

C.S.S.B. No. 287

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, Section
12 103.002, Health and Safety Code, is amended by amending Subsections
13 (a) and (b) and adding Subsection (b-1) to read as 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 (b-1) In making appointments under this section, the
9 governor shall attempt to appoint members of different minority
10 groups including females, African-Americans, Hispanic-Americans,
11 Native Americans, 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. To achieve an orderly transition from 18 to 9
23 positions on the Texas Higher Education Coordinating Board, the
24 governor on August 31, 2003, or September 1, 2003, shall appoint
25 only three persons to the coordinating board for terms expiring on
26 August 31, 2009. On, or as soon as possible after, August 31, 2005,
27 the governor shall appoint only four members to the coordinating

1 board for terms expiring on August 31, 2011. On, or as soon as
2 possible after, August 31, 2007, the governor shall appoint only
3 two members to the coordinating board for terms expiring on August
4 31, 2013. As terms on the coordinating board expire on and after
5 August 31, 2009, the governor shall appoint three members to the
6 coordinating board in accordance with Section 61.022, Education
7 Code, as amended by this Act.

8 ARTICLE 19. TEXAS HISTORICAL COMMISSION

9 SECTION 19.01. Effective September 1, 2003, Sections
10 442.002(b) and (c), Government Code, are amended to read as
11 follows:

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

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

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

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

4 SECTION 19.02. (a) Of the six positions on the Texas
5 Historical Commission that have terms scheduled to expire on
6 February 1, 2005, one of the positions is abolished on September 1,
7 2003.

8 (b) On or before September 1, 2003, the public members whose
9 terms are scheduled to expire on February 1, 2005, shall determine
10 by unanimous agreement or by lot which public member's position
11 shall be abolished on September 1, 2003, and shall inform the
12 presiding officer of the Texas Historical Commission of that
13 determination.

14 ARTICLE 20. COMMISSION ON HUMAN RIGHTS

15 SECTION 20.01. Effective September 1, 2003, Section
16 461.051(a), Government Code, is amended to read as follows:

17 (a) The commission consists of five [~~six~~] members. One
18 member of the commission shall be a representative of industry, one
19 member shall be a representative of labor, and three [~~four~~] members
20 shall be representatives of the public.

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

24 ARTICLE 21. TEXAS BOARD OF HUMAN SERVICES

25 SECTION 21.01. Effective September 1, 2003, Sections
26 21.003(b), (c), and (e), Human Resources Code, are amended to read
27 as follows:

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

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

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

11 SECTION 21.02. (a) Of the two positions on the Texas Board
12 of Human Services that have terms scheduled to expire on January 20,
13 2005, one of the positions is abolished on September 1, 2003.

14 (b) On or before September 1, 2003, the two members whose
15 terms are scheduled to expire on January 20, 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 Board of Human Services of that determination.

19 ARTICLE 22. DEPARTMENT OF INFORMATION RESOURCES

20 SECTION 22.01. Effective September 1, 2003, Sections
21 2054.021(a) and (b), Government Code, are amended to read as
22 follows:

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

27 (b) Voting members of the board serve for staggered six-year

1 terms with two or three members' terms expiring February 1 of each
2 odd-numbered year.

3 SECTION 22.02. As soon as possible on or after September 1,
4 2003, the governor shall appoint an additional member to the board
5 of the Department of Information Resources for a term expiring
6 February 1, 2009.

7 ARTICLE 23. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

8 SECTION 23.01. Effective September 1, 2003, Section
9 1071.051(a), Occupations Code, is amended to read as follows:

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

12 (1) the commissioner;

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

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

20 (4) three members who represent the public.

21 SECTION 23.02. Effective September 1, 2003, Section
22 1071.054(a), Occupations Code, is amended to read as follows:

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

26 SECTION 23.03. Of the four positions on the Texas Board of
27 Professional Land Surveying held by registered professional land

1 surveyor members, one of the positions is abolished on September 1,
2 2003. On or before September 1, 2003, the four members who hold
3 those positions shall determine by unanimous agreement or by lot
4 which of the four positions is abolished on September 1, 2003, and
5 shall inform the presiding officer of the Texas Board of
6 Professional Land Surveying of that determination.

7 ARTICLE 24. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

8 SECTION 24.01. Effective September 1, 2003, Section
9 441.001(a), Government Code, is amended to read as follows:

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

16 (1) is registered, certified, or licensed by an
17 occupational regulatory agency in the field of library or
18 information science;

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

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

26 (4) uses or receives a substantial amount of tangible
27 goods, services, or funds from the commission, other than

1 compensation or reimbursement authorized by law for commission
2 membership, attendance, or expenses.

3 SECTION 24.02. As soon as possible on or after September 1,
4 2003, the governor shall appoint an additional member to the Texas
5 State Library and Archives Commission for a term expiring September
6 28, 2007.

7 ARTICLE 25. TEXAS COMMISSION OF LICENSING AND REGULATION

8 SECTION 25.01. Effective September 1, 2003, Section
9 51.052(a), Occupations Code, is amended to read as follows:

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

12 SECTION 25.02. Effective September 1, 2003, Section
13 51.055(a), Occupations Code, is amended to read as follows:

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

17 SECTION 25.03. (a) Of the two positions on the Texas
18 Commission of Licensing and Regulation that have terms scheduled to
19 expire on February 1, 2005, one of the positions is abolished on
20 September 1, 2003.

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

27 ARTICLE 26. TEXAS STATE BOARD OF MEDICAL EXAMINERS

1 SECTION 26.01. Effective September 1, 2003, Section
2 152.002(a), Occupations Code, is amended to read as follows:

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

5 (1) twelve members who are learned and eminent
6 physicians licensed in this state for at least three years before
7 the appointment, nine of whom must be graduates of a reputable
8 medical school or college with a degree of doctor of medicine (M.D.)
9 and three of whom must be graduates of a reputable medical school or
10 college with a degree of doctor of osteopathic medicine (D.O.); and

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

12 SECTION 26.02. As soon as possible on or after September 1,
13 2003, the governor shall appoint an additional public member to the
14 Texas State Board of Medical Examiners for a term expiring April 14,
15 2009.

16 ARTICLE 27. TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS

17 SECTION 27.01. Effective September 1, 2003, Sections
18 614.002(a) and (b), Health and Safety Code, are amended to read as
19 follows:

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

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

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

27 (2) one at-large member who is the judge of a court

1 with criminal jurisdiction;

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

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

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

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

9 (7) one at-large member who represents the general
10 public.

11 SECTION 27.02. Effective September 1, 2003, Section
12 614.004, Health and Safety Code, is amended to read as follows:

13 Sec. 614.004. TERMS. The at-large members of the council
14 serve for staggered six-year terms with the terms of approximately
15 one-third of the at-large members expiring on February 1 of each
16 odd-numbered year.

17 SECTION 27.03. As soon as possible on or after September 1,
18 2003, the governor shall appoint a public at-large member to the
19 Texas Council on Offenders with Mental Impairments for a term
20 expiring February 1, 2009.

21 ARTICLE 28. TEXAS MILITARY FACILITIES COMMISSION

22 SECTION 28.01. Effective September 1, 2003, Section
23 435.004(a), Government Code, is amended to read as follows:

24 (a) The commission is composed of:

25 (1) one senior officer of the Texas National Guard who
26 is appointed by the governor with the advice and consent of the
27 senate from a list submitted by the adjutant general and who must be

1 actively serving in the Texas National Guard at the time of
2 appointment; and

3 (2) six [~~five~~] members of the general public who are
4 appointed by the governor with the advice and consent of the senate,
5 who must not be actively serving in the Texas National Guard while
6 serving as members of the commission, and two of whom must have
7 experience in architecture, civil engineering, or construction
8 management.

9 SECTION 28.02. As soon as possible on or after September 1,
10 2003, the governor shall appoint an additional public member to the
11 Texas Military Facilities Commission for a term expiring April 30,
12 2009.

13 ARTICLE 29. OPERATION GAME THIEF COMMITTEE

14 SECTION 29.01. Effective September 1, 2003, Sections
15 12.202(a) and (b), Parks and Wildlife Code, are amended to read as
16 follows:

17 (a) The director shall appoint an Operation Game Thief
18 Committee composed of eleven [~~nine~~] members to administer the
19 operation game thief fund and to make reward payments and death
20 benefit payments from that fund. The director shall appoint
21 persons who are not employees of the department and who have a
22 demonstrated interest in game and fish conservation. The director
23 may consider the recommendations or nominations of any club or
24 association. The director shall designate one of the members as
25 chairman of the committee. The director shall [~~may~~] appoint a
26 former committee member to serve as chairman emeritus [~~if the~~
27 ~~director determines the appointment is in the best interest of the~~

1 ~~operation game thief program~~]. The chairman emeritus has the same
2 rights and duties as any other [a] committee member. The director
3 or an employee designated by the director for that purpose shall
4 serve as secretary to the committee. A member of the committee
5 serves without compensation.

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

13 SECTION 29.02. Effective September 1, 2003, Section
14 12.202(d), Parks and Wildlife Code, is repealed.

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

18 (1) shall appoint an additional member to the
19 Operation Game Thief Committee for a term expiring January 31,
20 2007; and

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

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

27 ARTICLE 30. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

1 SECTION 30.01. Effective September 1, 2003, Section
2 605.052(a), Occupations Code, is amended to read as follows:

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

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

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

9 (3) one licensed prosthetist orthotist member who has
10 practiced orthotics and prosthetics for the five years preceding
11 the date of appointment;

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

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

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

19 SECTION 30.02. Effective September 1, 2003, Section
20 605.055(a), Occupations Code, is amended to read as follows:

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

24 SECTION 30.03. As soon as possible on or after September 1,
25 2003, the governor shall appoint an additional public member to the
26 Texas Board of Orthotics and Prosthetics under Section
27 605.052(a)(6), Occupations Code, as amended by this Act, for a term

1 expiring on February 1, 2009.

2 ARTICLE 31. BOARD OF PARDONS AND PAROLES POLICY BOARD

3 SECTION 31.01. Effective September 1, 2003, Sections
4 508.036(a) and (b), Government Code, are amended to read as
5 follows:

6 (a) The governor shall designate seven [~~six~~] members of the
7 board to serve as the Board of Pardons and Paroles Policy Board.
8 The governor shall designate the presiding officer of the board as
9 one of the seven [~~six~~] members of the policy board, and the
10 presiding officer of the board shall serve as presiding officer of
11 the policy board. Service on the policy board is an additional duty
12 of office for members appointed to the policy board.

13 (b) Members of the board designated as members of the policy
14 board serve on the policy board for six-year terms that are
15 concurrent with their six-year terms on the board, with the service
16 of two or three members expiring February 1 of each odd-numbered
17 year.

18 SECTION 31.02. As soon as possible on or after September 1,
19 2003, the governor shall appoint an additional member to the Board
20 of Pardons and Paroles Policy Board under Section 508.036(a),
21 Government Code, as amended by this Act, for a term expiring
22 February 1, 2009.

23 ARTICLE 32. POLYGRAPH EXAMINERS BOARD

24 SECTION 32.01. Effective September 1, 2003, Section
25 1703.051(a), Occupations Code, is amended to read as follows:

26 (a) The Polygraph Examiners Board consists of seven [~~six~~]
27 members appointed by the governor with the advice and consent of the

1 senate as follows:

2 (1) two polygraph examiner members who are qualified
3 polygraph examiners for a governmental law enforcement agency[~~one~~
4 ~~of whom must be the supervisor of the department's polygraph~~
5 ~~section~~];

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

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

9 SECTION 32.02. As soon as possible on or after September 1,
10 2003, the governor shall appoint an additional public member to the
11 Polygraph Examiners Board for a term expiring June 18, 2009.

12 ARTICLE 33. PRIVATE SECTOR PRISON INDUSTRIES
13 OVERSIGHT AUTHORITY

14 SECTION 33.01. Effective September 1, 2003, Section
15 497.052(a), Government Code, is amended to read as follows:

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

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

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

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

22 (4) one of whom is representative of groups advocating
23 the rights of inmates;

24 (5) one of whom is experienced in the field of
25 vocational rehabilitation; and

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

27 SECTION 33.02. Effective September 1, 2003, Section

1 497.053, Government Code, is amended to read as follows:

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

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

9 (b) On or before September 1, 2003, the two public members
10 whose terms are scheduled to expire on February 1, 2005, shall
11 determine by unanimous agreement or by lot which of the two
12 positions shall be abolished on September 1, 2003, and shall inform
13 the presiding officer of the Private Sector Prison Industries
14 Oversight Authority of that determination.

15 ARTICLE 34. TEXAS COMMISSION ON PRIVATE SECURITY

16 SECTION 34.01. Effective September 1, 2003, Section
17 1702.021(a), Occupations Code, is amended to read as follows:

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

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

23 (2) one member who:

24 (A) is licensed under this chapter as a private
25 investigator;

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

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

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

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

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

9 (4) one member who:

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

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

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

16 (5) one member who:

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

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

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

24 SECTION 34.02. Effective September 1, 2003, Section
25 1702.025(a), Occupations Code, is amended to read as follows:

26 (a) The appointed commission members serve staggered
27 six-year terms, with the terms of two or three appointed members

1 expiring on January 31 of each odd-numbered year.

2 SECTION 34.03. (a) Of the public member positions on the
3 Texas Commission on Private Security, the position of the public
4 member whose term on the board is next scheduled to expire is
5 abolished on September 1, 2003.

6 (b) If, of the public member positions on the Texas
7 Commission on Private Security, two or more public members of the
8 board have terms next scheduled to expire, one of the positions is
9 abolished on September 1, 2003. On or before September 1, 2003, the
10 public members whose terms are next scheduled to expire shall
11 determine by unanimous agreement or by lot which of the positions
12 shall be abolished on September 1, 2003, and shall inform the
13 presiding officer of the Texas Commission on Private Security of
14 that determination.

15 ARTICLE 35. PRODUCE RECOVERY FUND BOARD

16 SECTION 35.01. Effective September 1, 2003, Section
17 103.003(a), Agriculture Code, is amended to read as follows:

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

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

26 ARTICLE 36. BOARD OF PROTECTIVE AND REGULATORY SERVICES

27 SECTION 36.01. Effective September 1, 2003, Sections

1 40.021(a) and (b), Human Resources Code, are amended to read as
2 follows:

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

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

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

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

15 SECTION 36.03. (a) The position of the member of the Board
16 of Protective and Regulatory Services who has a demonstrated
17 interest in the services provided by the Department of Protective
18 and Regulatory Services whose term on the board is scheduled to
19 expire on February 1, 2005, is abolished on September 1, 2003.

20 (b) If more than one member of the Board of Protective and
21 Regulatory Services who has a demonstrated interest in the services
22 provided by the Department of Protective and Regulatory Services
23 has a term scheduled to expire on February 1, 2005, one of the
24 positions is abolished on September 1, 2003. On or before September
25 1, 2003, the members whose terms are scheduled to expire on February
26 1, 2005, shall determine by unanimous agreement or by lot which of
27 the two positions shall be abolished on September 1, 2003, and shall

1 inform the presiding officer of the Board of Protective and
2 Regulatory Services of that determination.

3 ARTICLE 37. TEXAS RACING COMMISSION

4 SECTION 37.01. Effective September 1, 2003, Section
5 2.02(a), Texas Racing Act (Article 179e, Vernon's Texas Civil
6 Statutes), is amended to read as follows:

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

11 (1) the chairman of the Public Safety Commission or a
12 member of the Public Safety Commission designated by the chairman
13 of the Public Safety Commission; and

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

16 SECTION 37.02. Effective September 1, 2003, Section
17 2.03(a), Texas Racing Act (Article 179e, Vernon's Texas Civil
18 Statutes), is amended to read as follows:

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

23 SECTION 37.03. Effective September 1, 2003, Section
24 2.05(a), Texas Racing Act (Article 179e, Vernon's Texas Civil
25 Statutes), is amended to read as follows:

26 (a) Five [~~Four~~] of the appointed members of the commission
27 must be representatives of the general public and have general

1 knowledge of business or agribusiness. One additional appointed
2 member must have special knowledge or experience related to
3 greyhound racing and one additional appointed member must have
4 special knowledge or experience related to horse racing. A person
5 is not eligible for appointment as a member of the commission if the
6 person or the person's spouse:

7 (1) is licensed by the commission, except as a
8 commissioner;

9 (2) is employed by the commission or participates in
10 the management of a business entity or other organization regulated
11 by the commission or receiving funds from or through the
12 commission;

13 (3) owns or controls, directly or indirectly, more
14 than a 10 percent interest in a business entity or other
15 organization regulated by the commission or receiving funds from or
16 through the commission; or

17 (4) uses or receives a substantial amount of tangible
18 goods, services, or funds from or through the commission, other
19 than compensation or reimbursement authorized by law for commission
20 membership, attendance, or expenses.

21 SECTION 37.04. As soon as possible on or after September 1,
22 2003, the governor shall appoint an additional public member to the
23 Texas Racing Commission for a term expiring February 1, 2009.

24 ARTICLE 38. TEXAS REAL ESTATE BROKER-LAWYER COMMITTEE

25 SECTION 38.01. Effective September 1, 2003, Section
26 1101.252(a), Occupations Code, is amended to read as follows:

27 (a) The Texas Real Estate Broker-Lawyer Committee consists

1 of 13 [~~12~~] members appointed as follows:

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

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

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

6 SECTION 38.02. Effective September 1, 2003, Section
7 1101.253(a), Occupations Code, is amended to read as follows:

8 (a) Committee members serve staggered six-year terms, with
9 the terms of two commission appointees and two State Bar of Texas
10 appointees expiring every two years and the term of the public
11 member expiring every six years.

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

18 ARTICLE 39. TEXAS REHABILITATION COMMISSION

19 SECTION 39.01. Effective September 1, 2003, Section
20 111.013(a), Human Resources Code, is amended to read as follows:

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

26 SECTION 39.02. (a) Of the two positions on the board of the
27 Texas Rehabilitation Commission that have terms scheduled to expire

1 on August 31, 2005, one of the positions is abolished on September
2 1, 2003.

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

8 ARTICLE 40. RISK MANAGEMENT BOARD

9 SECTION 40.01. Effective September 1, 2003, Sections
10 412.021(b) and (c), Labor Code, are amended to read as follows:

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

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

17 SECTION 40.02. (a) Of the two positions on the risk
18 management board that have terms scheduled to expire on February 1,
19 2005, one of the positions is abolished on 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 presiding
24 officer of the risk management board of that determination.

25 ARTICLE 41. STATEWIDE RURAL HEALTH CARE SYSTEM

26 SECTION 41.01. Effective September 1, 2003, Sections
27 845.101(a) and (b), Insurance Code, are amended to read as follows:

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

6 (b) The participating hospital providers shall elect, by a
7 majority vote of the governing bodies of the participating hospital
8 providers, five [~~six~~] members who represent the participating
9 hospital providers.

10 SECTION 41.02. Effective September 1, 2003, Section
11 845.102(a), Insurance Code, is amended to read as follows:

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

15 SECTION 41.03. (a) Of the two positions on the board of the
16 statewide rural health care system elected by the participating
17 hospital providers that have terms scheduled to expire on December
18 1, 2004, one of the positions is abolished on September 1, 2003.

19 (b) On or before September 1, 2003, the two members elected
20 by the participating hospital providers to the board of the
21 statewide rural health care system whose terms are scheduled to
22 expire on December 1, 2004, shall determine by unanimous agreement
23 or by lot which of the two positions shall be abolished on September
24 1, 2003, and shall inform the presiding officer of the board of the
25 statewide rural health care system of that determination.

26 ARTICLE 42. COUNCIL ON SEX OFFENDER TREATMENT

27 SECTION 42.01. Effective September 1, 2003, Section 3(a),

1 Chapter 462, Acts of the 68th Legislature, Regular Session, 1983
2 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to
3 read as follows:

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

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

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

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

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

26 SECTION 42.02. Effective September 1, 2003, Section 4(a),
27 Chapter 462, Acts of the 68th Legislature, Regular Session, 1983

1 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to
2 read as follows:

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

6 SECTION 42.03. As soon as possible on or after September 1,
7 2003, the governor shall appoint an additional public member to the
8 Council on Sex Offender Treatment for a term expiring on February 1,
9 2009.

10 ARTICLE 43. BOARD OF TAX PROFESSIONAL EXAMINERS

11 SECTION 43.01. Effective September 1, 2003, Section
12 1151.051, Occupations Code, is amended to read as follows:

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

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

22 (1) be actively engaged in property tax
23 administration;

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

26 (3) be certified under this chapter as a registered
27 professional appraiser, registered Texas collector, or registered

1 Texas assessor.

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

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

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

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

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

17 SECTION 43.02. Effective September 1, 2003, Section
18 1151.052, Occupations Code, is amended to read as follows:

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

22 SECTION 43.03. (a) The two positions on the Board of Tax
23 Professional Examiners that have terms scheduled to expire on March
24 1, 2005, are abolished on September 1, 2003.

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

1 1, 2005.

2 ARTICLE 44. TEXAS-ISRAEL EXCHANGE FUND BOARD

3 SECTION 44.01. Effective September 1, 2003, Sections
4 45.006(a) and (d), Agriculture Code, are amended to read as
5 follows:

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

8 (1) the commissioner of agriculture;

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

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

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

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

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

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

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

26 (b) If there is more than one position on the Texas-Israel
27 Exchange Fund Board that is appointed by the commissioner of

1 agriculture and that is next scheduled to expire, the members who
2 were appointed by the commissioner of agriculture and whose terms
3 are next scheduled to expire shall determine by unanimous agreement
4 or by lot which of the positions shall be abolished on September 1,
5 2003, and shall inform the commissioner of that determination.

6 ARTICLE 45. TEXAS VETERANS COMMISSION

7 SECTION 45.01. Effective September 1, 2003, Sections
8 434.003(a) and (b), Government Code, are amended to read as
9 follows:

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

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

22 SECTION 45.02. (a) Of the two positions on the Texas
23 Veterans Commission that have terms scheduled to expire on December
24 31, 2003, one of the positions is abolished on September 1, 2003.
25 If one of the positions is filled by a disabled veteran as described
26 by Section 434.003(b), Government Code, and the other position is
27 not, the position that is not filled by the disabled veteran is

1 abolished on September 1, 2003. Otherwise, the position is
2 abolished in accordance with Subsection (b) of this section.

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

10 ARTICLE 46. TEXAS WORKERS' COMPENSATION COMMISSION

11 SECTION 46.01. Effective September 1, 2003, Section
12 402.002(a), Labor Code, is amended to read as follows:

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

17 SECTION 46.02. The current terms of the members of the Texas
18 Workers' Compensation Commission expire February 1, 2005.

19 ARTICLE 47. COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS

20 SECTION 47.01. Effective September 1, 2003, Section
21 2308.052(b), Government Code, is amended to read as follows:

22 (b) The council is composed of:

23 (1) three voting members who represent education, one
24 of whom represents local public education, one of whom represents
25 public postsecondary education, and one of whom represents
26 vocational education;

27 (2) five voting members who represent organized labor

1 appointed from recommendations made by recognized labor
2 organizations;

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

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

8 (5) the following ex officio voting members:

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

10 (B) the chair of the Texas Higher Education
11 Coordinating Board;

12 (C) the presiding officer of the Texas Board of
13 Human Services;

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

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

17 SECTION 47.02. Effective September 1, 2003, Section
18 2308.054(a), Government Code, is amended to read as follows:

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

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

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

10 ARTICLE 48. TEXAS YOUTH COMMISSION

11 SECTION 48.01. Effective September 1, 2003, Sections
12 61.012(a) and (c), Human Resources Code, are amended to read as
13 follows:

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

19 (c) The board members hold office for staggered terms of six
20 years, with the terms of two or three members expiring every two
21 years.

22 SECTION 48.02. As soon as possible on or after September 1,
23 2003, the governor shall appoint an additional member to the Texas
24 Youth Commission for a term expiring August 31, 2009.

25 ARTICLE 49. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

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

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

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

7 (2) there is no provision of the Texas Constitution
8 under which the governing body is allowed to be composed in that
9 manner.

10 (b) Notwithstanding the terms of the statute that
11 prescribes the composition and terms of the governing body, the
12 appointed members of the governing body serve two-year terms.

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

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

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

27 (2) the governor and the presiding officer of each

1 house of the legislature;

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

6 (4) the Legislative Reference Library for purposes of
7 including current information in the Texas Appointment System
8 database.

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

21 SECTION 49.02. If this Act requires that a position is to be
22 abolished on September 1, 2003, and in connection with describing
23 the position to be abolished incorrectly describes the number of
24 positions that are required to be filled by a member with an
25 identified qualification for office with terms that expire on the
26 date identified by this Act, then:

27 (1) if there is only one position on the governing body

1 required to be filled by a member with the identified qualification
2 for office with a term scheduled to expire on the identified date,
3 that member's term is abolished; or

4 (2) if there is more than one position on the governing
5 body required to be filled by a member with the identified
6 qualification for office with a term scheduled to expire on the
7 identified date, all members with the identified qualification for
8 office with a term scheduled to expire on the identified date shall
9 meet to determine by unanimous agreement or by lot which member's
10 position is abolished.

11 SECTION 49.03. If a conflict exists between this Act and
12 another Act passed by the 78th Legislature, Regular Session, 2003,
13 that becomes law, the other law controls unless this Act changes the
14 composition of a governing body in a manner allowed by the Texas
15 Constitution and under the other law, the composition and terms of
16 the governing body do not comply with the Texas Constitution.

17 SECTION 49.04. Except as otherwise provided by this Act,
18 this Act takes effect immediately if it receives a vote of
19 two-thirds of all the members elected to each house, as provided by
20 Section 39, Article III, Texas Constitution. If this Act does not
21 receive the vote necessary for immediate effect, this Act takes
22 effect September 1, 2003.