

By: Ellis

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. STATE BOARD OF BARBER EXAMINERS

22 SECTION 4.01. Effective September 1, 2003, Section
23 1601.051(a), Occupations Code, is amended to read as follows:

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

27 (1) two members, each of whom:

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

4 (B) does not hold a barbershop permit;

5 (2) one member who:

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

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

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

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

13 SECTION 4.02. Effective September 1, 2003, Section
14 1601.055(a), Occupations Code, is amended to read as follows:

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

18 SECTION 4.03. As soon as possible on or after September 1,
19 2003, the governor shall appoint an additional public member to the
20 State Board of Barber Examiners for a term expiring January 31,
21 2009.

22 ARTICLE 5. STATE BOARD OF DENTAL EXAMINERS

23 SECTION 5.01. Effective September 1, 2003, Section
24 252.001(a), Occupations Code, is amended to read as follows:

25 (a) The State Board of Dental Examiners consists of 15 [~~14~~]
26 members appointed by the governor with the advice and consent of the
27 senate as follows:

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

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

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

9 SECTION 5.02. (a) Of the four dentist positions on the
10 State Board of Dental Examiners that have terms scheduled to expire
11 on February 1, 2005, one of the positions is abolished on September
12 1, 2003. On or before September 1, 2003, the four dentist members
13 whose terms are scheduled to expire on February 1, 2005, shall
14 determine by unanimous agreement or by lot which of the four
15 positions shall be abolished on September 1, 2003, and shall inform
16 the president of the State Board of Dental Examiners of that
17 determination.

18 (b) Of the three dentist positions on the State Board of
19 Dental Examiners that have terms scheduled to expire on February 1,
20 2007, one of the positions is abolished on September 1, 2003. On or
21 before September 1, 2003, the three dentist members whose terms are
22 scheduled to expire on February 1, 2007, shall determine by
23 unanimous agreement or by lot which of the three positions shall be
24 abolished on September 1, 2003, and shall inform the president of
25 the State Board of Dental Examiners of that determination.

26 (c) Of the two public member positions on the State Board of
27 Dental Examiners that have terms scheduled to expire on February 1,

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

7 ARTICLE 6. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

8 SECTION 6.01. Effective September 1, 2003, Section 112.012,
9 Human Resources Code, is amended to read as follows:

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

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

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

21 SECTION 6.02. Effective September 1, 2003, Section
22 112.013(a), Human Resources Code, is amended to read as follows:

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

27 SECTION 6.03. If the number of appointed positions on the

1 Texas Council for Developmental Disabilities on September 1, 2003,
2 is an even number, the governor, as soon as possible after that
3 date, shall appoint an additional member to the council in
4 accordance with federal developmental disability laws for a term
5 expiring on February 1, 2009.

6 ARTICLE 7. TEXAS DIABETES COUNCIL

7 SECTION 7.01. Effective September 1, 2003, Sections
8 103.002(a) and (b), Health and Safety Code, are amended to read as
9 follows:

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

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

17 (1) a licensed physician with a specialization in
18 treating diabetes;

19 (2) a registered nurse with a specialization in
20 diabetes education and training;

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

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

25 (5) three [~~four~~] consumer members, with special
26 consideration given to persons active in the Texas affiliates of
27 the Juvenile Diabetes Foundation or the American Diabetes

1 Association; and

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

4 In making appointments under this section, the governor shall
5 attempt to appoint members of different minority groups including
6 females, African-Americans, Hispanic-Americans, Native Americans,
7 and Asian-Americans.

8 SECTION 7.02. Effective September 1, 2003, Section
9 103.005(a), Health and Safety Code, is amended to read as follows:

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

13 SECTION 7.03. (a) Of the two consumer positions on the
14 Texas Diabetes Council that have terms scheduled to expire on
15 February 1, 2005, one of the positions is abolished on September 1,
16 2003.

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

22 ARTICLE 8. TEXAS DISTINGUISHED SERVICE AWARDS COMMITTEE

23 SECTION 8.01. Effective September 1, 2003, Sections
24 3102.003(a) and (b), Government Code, are amended to read as
25 follows:

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

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

3 SECTION 8.02. (a) Of the two positions on the Texas
4 Distinguished Service Awards Committee that have terms scheduled to
5 expire on January 31, 2005, one of the positions is abolished on
6 September 1, 2003.

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

13 ARTICLE 9. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL
14 COMMISSION

15 SECTION 9.01. Effective September 1, 2003, Section 448.003,
16 Government Code, is amended to read as follows:

17 Sec. 448.003. COMPOSITION OF COMMISSION. The commission is
18 composed of:

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

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

23 (3) two members of the house of representatives
24 appointed by the speaker of the house to serve as ex officio,
25 nonvoting members; and

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

1 SECTION 9.02. Effective September 1, 2003, Section 448.007,
2 Government Code, is amended to read as follows:

3 Sec. 448.007. TERMS. Public members of the commission
4 serve staggered terms of six years with the terms of approximately
5 one-third of the members expiring on February 1 of each
6 odd-numbered year.

7 SECTION 9.03. (a) Of the two positions on the Texas
8 Emancipation Juneteenth Cultural and Historical Commission that
9 have terms scheduled to expire on February 1, 2005, one of the
10 positions is abolished on September 1, 2003.

11 (b) On or before September 1, 2003, the two members whose
12 terms are scheduled to expire on February 1, 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 Emancipation Juneteenth Cultural and
16 Historical Commission of that determination.

17 ARTICLE 10. TEXAS COMMISSION ON FIRE PROTECTION

18 SECTION 10.01. Effective September 1, 2003, Sections
19 419.004(a) and (b), Government Code, are amended to read as
20 follows:

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

23 (1) two members to be selected from a list of five
24 names submitted by the Texas Fire Chiefs Association who are chief
25 officers with a minimum rank that is equivalent to the position
26 immediately below that of the fire chief and who are employed in
27 fire departments as defined by Section 419.021 that are under the

1 jurisdiction of the commission, at least one of whom must be the
2 head of a fire department and one of whom must be employed by a
3 political subdivision with a population of less than 50,000;

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

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

15 (4) one certified fire protection engineer;

16 (5) one certified arson investigator or certified fire
17 protection inspector;

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

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

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

26 SECTION 10.02. As soon as possible on or after September 1,
27 2003, the governor shall appoint an additional public member to the

1 Texas Commission on Fire Protection for a term expiring on February
2 1, 2009.

3 ARTICLE 11. TEXAS BOARD OF HEALTH

4 SECTION 11.01. Effective September 1, 2003, Sections
5 11.005(a) and (c), Health and Safety Code, are amended to read as
6 follows:

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

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

12 SECTION 11.02. Effective September 1, 2003, Section 11.007,
13 Health and Safety Code, is amended to read as follows:

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

17 SECTION 11.03. As soon as possible on or after September 1,
18 2003, the governor shall appoint an additional public member to the
19 Texas Board of Health for a term expiring on February 1, 2009.

20 ARTICLE 12. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

21 SECTION 12.01. Effective September 1, 2003, Articles
22 26.13(b) and (c), Insurance Code, are amended to read as follows:

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

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

4 SECTION 12.02. The position of the employer member whose
5 term on the board of trustees of the Texas Health Benefits
6 Purchasing Cooperative is scheduled to expire on February 1, 2005,
7 is abolished on September 1, 2003.

8 ARTICLE 13. TEXAS HIGHER EDUCATION COORDINATING BOARD

9 SECTION 13.01. Effective September 1, 2003, Section 61.022,
10 Education Code, is amended to read as follows:

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

26 SECTION 13.02. (a) Of the six positions on the Texas
27 Higher Education Coordinating Board that have terms scheduled to

1 expire on August 31, 2003, one of the positions is abolished on
2 September 1, 2003. On or before September 1, 2003, the governor
3 shall designate which of the six positions shall be abolished and
4 shall appoint five persons to fill the other positions for terms
5 expiring on August 31, 2009.

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

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

22 ARTICLE 14. TEXAS HISTORICAL COMMISSION

23 SECTION 14.01. Effective September 1, 2003, Sections
24 442.002(b) and (c), Government Code, are amended to read as
25 follows:

26 (b) The commission is composed of 17 [~~18~~] members appointed
27 by the governor with the advice and consent of the senate. One

1 member must be a professional archeologist, one must be a
2 professional historian, and one must be a licensed architect who
3 has expertise in historic preservation and architectural history.
4 Fourteen [~~Fifteen~~] members must be representatives of the general
5 public. A person is not eligible for appointment as a public member
6 of the commission if the person or the person's spouse:

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

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

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

18 SECTION 14.02. (a) Of the six positions on the Texas
19 Historical Commission that have terms scheduled to expire on
20 February 1, 2005, one of the positions is abolished on September 1,
21 2003.

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

ARTICLE 15. COMMISSION ON HUMAN RIGHTS

SECTION 15.01. Effective September 1, 2003, Section 461.051(a), Government Code, is amended to read as follows:

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

SECTION 15.02. The position of the public member whose term on the Commission on Human Rights is scheduled to expire on September 24, 2003, is abolished on September 1, 2003.

ARTICLE 16. TEXAS BOARD OF HUMAN SERVICES

SECTION 16.01. Effective September 1, 2003, Sections 21.003(b), (c), and (e), Human Resources Code, are amended to read as follows:

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

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

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

SECTION 16.02. (a) Of the two positions on the Texas Board of Human Services that have terms scheduled to expire on January 20, 2005, one of the positions is abolished on September 1, 2003.

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

6 ARTICLE 17. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

7 SECTION 17.01. Effective September 1, 2003, Section
8 1071.051(a), Occupations Code, is amended to read as follows:

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

11 (1) the commissioner;

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

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

19 (4) three members who represent the public.

20 SECTION 17.02. Effective September 1, 2003, Section
21 1071.054(a), Occupations Code, is amended to read as follows:

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

25 SECTION 17.03. Of the four positions on the Texas Board of
26 Professional Land Surveying held by registered professional land
27 surveyor members, one of the positions is abolished on September 1,

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

6 ARTICLE 18. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

7 SECTION 18.01. Effective September 1, 2003, Section
8 441.001(a), Government Code, is amended to read as follows:

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

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

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

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

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

1 membership, attendance, or expenses.

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

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

12 ARTICLE 19. TEXAS COMMISSION OF LICENSING AND REGULATION

13 SECTION 19.01. Effective September 1, 2003, Section
14 51.052(a), Occupations Code, is amended to read as follows:

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

17 SECTION 19.02. Effective September 1, 2003, Section
18 51.055(a), Occupations Code, is amended to read as 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 19.03. (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 20. TEXAS STATE BOARD OF MEDICAL EXAMINERS

6 SECTION 20.01. Effective September 1, 2003, Section
7 152.002(a), Occupations Code, is amended to read as follows:

8 (a) The board consists of 17 [~~18~~] members appointed by the
9 governor with the advice and consent of the senate as follows:

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

17 (2) six members who represent the public.

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

23 (b) On or before September 1, 2003, the physician members
24 described by Subsection (a) of this section whose terms are
25 scheduled to expire on April 14, 2005, shall determine by unanimous
26 agreement or by lot which of the positions shall be abolished on
27 September 1, 2003, and shall inform the president of the Texas State

1 Board of Medical Examiners of that determination.

2 ARTICLE 21. OPERATION GAME THIEF COMMITTEE

3 SECTION 21.01. Effective September 1, 2003, Sections
4 12.202(a), (b), and (d), Parks and Wildlife Code, are amended to
5 read as follows:

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

21 (b) Each member of the committee ~~[, including the chairman
22 emeritus,]~~ serves a term of six years. The terms of one-third of
23 the members ~~[, excluding the chairman emeritus,]~~ expire on January
24 31 of each odd-numbered year. ~~[The term of the chairman emeritus
25 expires on the date of the sixth anniversary after the day the
26 chairman emeritus is appointed.]~~ The director may reappoint
27 members.

1 (d) If the vote of the full membership of the committee[~~7~~
2 ~~including a chairman emeritus,~~] results in a tie vote, the chairman
3 of the committee may vote a second time to break the tie.

4 SECTION 21.02. The position of the chairman emeritus on the
5 Operation Game Thief Committee is abolished on September 1, 2003.

6 ARTICLE 22. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

7 SECTION 22.01. Effective September 1, 2003, Section
8 605.052(a), Occupations Code, is amended to read as 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 22.02. Effective September 1, 2003, Section
26 605.055(a), Occupations Code, is amended to read as follows:

27 (a) Members of the board serve staggered six-year terms.

1 The terms of two or three members expire on February 1 of each
2 odd-numbered year.

3 SECTION 22.03. As soon as possible on or after September 1,
4 2003, the governor shall appoint an additional public member to the
5 Texas Board of Orthotics and Prosthetics under Section
6 605.052(a)(6), Occupations Code, as amended by this Act, for a term
7 expiring on February 1, 2009.

8 ARTICLE 23. POLYGRAPH EXAMINERS BOARD

9 SECTION 23.01. Effective September 1, 2003, Section
10 1703.051(a), Occupations Code, is amended to read as follows:

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

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

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

21 (3) two members who represent the public.

22 SECTION 23.02. The position of the commercial polygraph
23 examiner member whose term on the Polygraph Examiners Board is
24 scheduled to expire on June 18, 2007, is abolished on September 1,
25 2003.

26 ARTICLE 24. PRODUCE RECOVERY FUND BOARD

27 SECTION 24.01. Effective September 1, 2003, Section

1 103.003(a), Agriculture Code, is amended to read as follows:

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

7 SECTION 24.02. The position of the license holder member
8 whose term on the Produce Recovery Fund Board is scheduled to expire
9 on January 31, 2005, is abolished on September 1, 2003.

10 ARTICLE 25. BOARD OF PROTECTIVE AND REGULATORY SERVICES

11 SECTION 25.01. Effective September 1, 2003, Sections
12 40.021(a) and (b), Human Resources Code, are amended to read as
13 follows:

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

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

21 SECTION 25.02. Effective September 1, 2003, Section 40.024,
22 Human Resources Code, is amended to read as follows:

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

26 SECTION 25.03. (a) The position of the member of the Board
27 of Protective and Regulatory Services who has a demonstrated

1 interest in the services provided by the Department of Protective
2 and Regulatory Services whose term on the board is scheduled to
3 expire on February 1, 2005, is abolished on September 1, 2003.

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

14 ARTICLE 26. TEXAS REHABILITATION COMMISSION

15 SECTION 26.01. Effective September 1, 2003, Section
16 111.013(a), Human Resources Code, is amended to read as follows:

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

22 SECTION 26.02. (a) Of the two positions on the board of the
23 Texas Rehabilitation Commission that have terms scheduled to expire
24 on August 31, 2005, one of the positions is abolished on September
25 1, 2003.

26 (b) On or before September 1, 2003, the two members whose
27 terms are scheduled to expire on August 31, 2005, shall determine by

1 unanimous agreement or by lot which of the two positions shall be
2 abolished and shall inform the presiding officer of the board of the
3 Texas Rehabilitation Commission of that determination.

4 ARTICLE 27. RISK MANAGEMENT BOARD

5 SECTION 27.01. Effective September 1, 2003, Sections
6 412.021(b) and (c), Labor Code, are amended to read as follows:

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

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

13 SECTION 27.02. (a) Of the two positions on the risk
14 management board that have terms scheduled to expire on February 1,
15 2005, one of the positions is abolished on September 1, 2003.

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

21 ARTICLE 28. STATEWIDE RURAL HEALTH CARE SYSTEM

22 SECTION 28.01. Effective September 1, 2003, Sections
23 845.101(a) and (b), Insurance Code, are amended to read as follows:

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

1 this section.

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

6 SECTION 28.02. Effective September 1, 2003, Section
7 845.102(a), Insurance Code, is amended to read as 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 28.03. (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 December
14 1, 2004, one of the positions is abolished on September 1, 2003.

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

22 ARTICLE 29. COUNCIL ON SEX OFFENDER TREATMENT

23 SECTION 29.01. Effective September 1, 2003, Section 3(a),
24 Chapter 462, Acts of the 68th Legislature, Regular Session, 1983
25 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to
26 read as follows:

27 (a) The council is composed of seven [~~six~~] part-time

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

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

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

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

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

22 SECTION 29.02. Effective September 1, 2003, Section 4(a),
23 Chapter 462, Acts of the 68th Legislature, Regular Session, 1983
24 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to
25 read as follows:

26 (a) Members of the council hold office for staggered terms
27 of six years, with two or three members' terms expiring February 1

1 of each odd-numbered year.

2 SECTION 29.03. As soon as possible on or after September 1,
3 2003, the governor shall appoint an additional public member to the
4 Council on Sex Offender Treatment for a term expiring on February 1,
5 2009.

6 ARTICLE 30. BOARD OF TAX PROFESSIONAL EXAMINERS

7 SECTION 30.01. Effective September 1, 2003, Section
8 1151.051, Occupations Code, is amended to read as follows:

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

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

18 (1) be actively engaged in property tax
19 administration;

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

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

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

27 (1) is registered, certified, or licensed by a

1 regulatory agency in the field of property tax appraisal,
2 assessment, or collection;

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

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

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

13 SECTION 30.02. Effective September 1, 2003, Section
14 1151.052, Occupations Code, is amended to read as follows:

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

18 SECTION 30.03. (a) The two positions on the Board of Tax
19 Professional Examiners that have terms scheduled to expire on March
20 1, 2005, are abolished on September 1, 2003.

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

25 ARTICLE 31. TEXAS VETERANS COMMISSION

26 SECTION 31.01. Effective September 1, 2003, Sections
27 434.003(a) and (b), Government Code, are amended to read as

1 follows:

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

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

14 SECTION 31.02. (a) Of the two positions on the Texas
15 Veterans Commission that have terms scheduled to expire on December
16 31, 2003, one of the positions is abolished on September 1, 2003.
17 If one of the positions is filled by a disabled veteran as described
18 by Section 434.003(b), Government Code, and the other position is
19 not, the position that is not filled by the disabled veteran is
20 abolished on September 1, 2003. Otherwise, the position is
21 abolished in accordance with Subsection (b) of this section.

22 (b) If it cannot be determined under Subsection (a) which
23 position on the Texas Veterans Commission will be abolished, then
24 on or before September 1, 2003, the two members whose terms are
25 scheduled to expire on December 31, 2003, shall determine by
26 unanimous agreement or by lot which of the two positions shall be
27 abolished on September 1, 2003, and shall inform the chairman of the

1 Texas Veterans Commission of that determination.

2 ARTICLE 32. TEXAS WORKERS' COMPENSATION COMMISSION

3 SECTION 32.01. Effective September 1, 2003, Sections
4 402.001(a) and (c), Labor Code, are amended to read as follows:

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

8 (c) Three members of the commission must be employers of
9 labor and three members of the commission must be wage earners. One
10 member of the commission must be a representative of the general
11 public. A person is not eligible for appointment as a member of
12 the commission if the person provides services subject to
13 regulation by the commission or charges fees that are subject to
14 regulation by the commission.

15 SECTION 32.02. Effective September 1, 2003, Section
16 402.002(a), Labor Code, is amended to read as follows:

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

23 SECTION 32.03. As soon as possible on or after September 1,
24 2003, the governor shall appoint a public member to the Texas
25 Workers' Compensation Commission for a term expiring February 1,
26 2009.

1 ARTICLE 33. TEXAS YOUTH COMMISSION

2 SECTION 33.01. Effective September 1, 2003, Sections
3 61.012(a) and (c), Human Resources Code, are amended to read as
4 follows:

5 (a) The governing board of the Texas Youth Commission
6 consists of five [~~six~~] members appointed by the governor with the
7 consent of the senate. Appointments to the board shall be made
8 without regard to the race, color, disability, sex, religion, age,
9 or national origin of the appointees.

10 (c) The board members hold office for staggered terms of six
11 years, with the terms of one or two members expiring every two
12 years.

13 SECTION 33.02. Effective September 1, 2003, Section 61.014,
14 Human Resources Code, is amended to read as follows:

15 Sec. 61.014. QUORUM. Three [~~Four~~] members constitute a
16 quorum for the exercise of functions of the commission not
17 delegated to the executive director or other employees.

18 SECTION 33.03. (a) Of the two positions on the governing
19 board of the Texas Youth Commission that have terms scheduled to
20 expire 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 by
24 unanimous agreement or by lot which of the two positions shall be
25 abolished on September 1, 2003, and shall inform the chairman of the
26 governing board of the Texas Youth Commission of that
27 determination.

ARTICLE 34. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

SECTION 34.01. Chapter 651, Government Code, is amended by adding Section 651.008 to read as follows:

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

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

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

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

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

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

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

3 (2) the governor and the presiding officer of each
4 house of the legislature;

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

9 (4) the Legislative Reference Library for purposes of
10 including current information in the Texas Appointment System
11 database.

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

24 SECTION 34.02. If this Act requires that a position is to be
25 abolished on September 1, 2003, and in connection with describing
26 the position to be abolished incorrectly describes the number of
27 positions that are required to be filled by a member with an

1 identified qualification for office and that expire on the date
2 identified by this Act, then:

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

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

14 SECTION 34.03. If a conflict exists between this Act and
15 another Act passed by the 78th Legislature, Regular Session, 2003,
16 that becomes law, the other law controls unless this Act changes the
17 composition of a governing body in a manner allowed by the Texas
18 Constitution and the other law changes the composition of the
19 governing body in a manner that is not allowed by the Texas
20 Constitution.

21 SECTION 34.04. Except as otherwise provided by this Act,
22 this Act takes effect immediately if it receives a vote of
23 two-thirds of all the members elected to each house, as provided by
24 Section 39, Article III, Texas Constitution. If this Act does not
25 receive the vote necessary for immediate effect, this Act takes
26 effect September 1, 2003.