

1-1 By: Ellis S.B. No. 287  
1-2 (In the Senate - Filed March 12, 2003; March 17, 2003, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 8, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 8, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 287 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to changing the composition of certain state agency  
1-11 governing bodies with an even number of members to comply with the  
1-12 changes made to Section 30a, Article XVI, Texas Constitution.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

1-15 SECTION 1.01. Effective September 1, 2003, Subsection (b),  
1-16 Section 461.003, Health and Safety Code, is amended to read as  
1-17 follows:

1-18 (b) The commission is composed of five [~~six~~] members  
1-19 appointed by the governor with the advice and consent of the senate.

1-20 SECTION 1.02. Effective September 1, 2003, Section  
1-21 461.006, Health and Safety Code, is amended to read as follows:

1-22 Sec. 461.006. TERMS. Commission members serve staggered  
1-23 six-year terms, with the terms of one or two members expiring  
1-24 February 1 of each odd-numbered year.

1-25 SECTION 1.03. (a) Of the two positions on the Texas  
1-26 Commission on Alcohol and Drug Abuse that have terms scheduled to  
1-27 expire on February 1, 2005, one of the positions is abolished on  
1-28 September 1, 2003.

1-29 (b) On or before September 1, 2003, the two members whose  
1-30 terms are scheduled to expire on February 1, 2005, shall determine  
1-31 by unanimous agreement or by lot which of the two positions shall be  
1-32 abolished on September 1, 2003, and shall inform the chairman of  
1-33 the Texas Commission on Alcohol and Drug Abuse of that  
1-34 determination.

1-35 ARTICLE 2. TEXAS ANIMAL HEALTH COMMISSION

1-36 SECTION 2.01. Effective September 1, 2003, Subsection (a),  
1-37 Section 161.021, Agriculture Code, is amended to read as follows:

1-38 (a) The commission is composed of 13 [~~twelve~~] commissioners  
1-39 appointed by the governor with the advice and consent of the senate,  
1-40 with the appropriate number from each of the following categories:

1-41 (1) a practitioner of veterinary medicine;  
1-42 (2) a dairyman;  
1-43 (3) a cattle raiser;  
1-44 (4) a hog raiser;  
1-45 (5) a sheep or goat raiser;  
1-46 (6) a poultry raiser;  
1-47 (7) an individual involved in the equine industry;  
1-48 (8) an individual involved in the feedlot industry;  
1-49 (9) an individual involved in the livestock marketing  
1-50 industry;

1-51 (10) three [~~two~~] members of the general public; and

1-52 (11) an individual involved in the exotic livestock or  
1-53 exotic fowl industry.

1-54 SECTION 2.02. Effective September 1, 2003, Section  
1-55 161.022, Agriculture Code, is amended to read as follows:

1-56 Sec. 161.022. TERM. Commissioners serve for staggered  
1-57 terms of six years, with the terms of four or five members expiring  
1-58 every other year.

1-59 SECTION 2.03. As soon as possible on or after September 1,  
1-60 2003, the governor shall appoint an additional public member to the  
1-61 Texas Animal Health Commission for a term expiring September 6,  
1-62 2007.

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ARTICLE 3. TEXAS COMMISSION ON THE ARTS

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

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

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

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

ARTICLE 4. ADVISORY BOARD OF ATHLETIC TRAINERS

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

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

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

(2) two members who represent the public.

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

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

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

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

ARTICLE 5. STATE BOARD OF BARBER EXAMINERS

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

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

(1) two members, each of whom:

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

(B) does not hold a barbershop permit;

(2) one member who:

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

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

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

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

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

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

3-1 SECTION 5.03. As soon as possible on or after September 1,  
3-2 2003, the governor shall appoint an additional public member to the  
3-3 State Board of Barber Examiners for a term expiring January 31,  
3-4 2009.

3-5 ARTICLE 6. COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

3-6 SECTION 6.01. Effective September 1, 2003, Section 93.002,  
3-7 Health and Safety Code, is amended to read as follows:

3-8 Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS.  
3-9 (a) The Council on Cardiovascular Disease and Stroke is composed  
3-10 of 11 [~~12~~] members appointed by the board.

3-11 (b) Members of the council serve staggered six-year terms  
3-12 with the terms of approximately one-third of the members expiring  
3-13 February 1 of each odd-numbered year.

3-14 SECTION 6.02. (a) Of the four positions on the Council on  
3-15 Cardiovascular Disease and Stroke that have terms scheduled to  
3-16 expire on February 1, 2005, one of the positions is abolished on  
3-17 September 1, 2003.

3-18 (b) On or before September 1, 2003, the four members whose  
3-19 terms are scheduled to expire on February 1, 2005, shall determine  
3-20 by unanimous agreement or by lot which of the positions shall be  
3-21 abolished on September 1, 2003, and shall inform the commissioner  
3-22 of public health of that determination.

3-23 ARTICLE 7. COMMODITY PRODUCERS BOARDS

3-24 SECTION 7.01. Subsection (c), Section 41.011, Agriculture  
3-25 Code, is amended to read as follows:

3-26 (c) The petition must propose an odd-numbered [~~either a~~  
3-27 ~~6-member, 9-member, 12-member, or 15-member~~] board with 5 to 15  
3-28 members.

3-29 SECTION 7.02. Effective September 1, 2003, Subsection (b),  
3-30 Section 41.053, Agriculture Code, is amended to read as follows:

3-31 (b) Members of the initial board shall draw lots so that  
3-32 one-third, or as near one-third as possible, of the members shall  
3-33 hold office for two years, one-third, or as near one-third as  
3-34 possible, for four years, and one-third, or as near one-third as  
3-35 possible, for six years. Thereafter, members of the board serve for  
3-36 terms of six years.

3-37 ARTICLE 8. STATE BOARD OF DENTAL EXAMINERS

3-38 SECTION 8.01. Effective September 1, 2003, Subsection (a),  
3-39 Section 252.001, Occupations Code, is amended to read as follows:

3-40 (a) The State Board of Dental Examiners consists of 15 [~~18~~]  
3-41 members appointed by the governor with the advice and consent of the  
3-42 senate as follows:

3-43 (1) eight [~~10~~] reputable dentist members who reside in  
3-44 this state and have been actively engaged in the practice of  
3-45 dentistry for at least the five years preceding appointment;

3-46 (2) two reputable dental hygienist members who reside  
3-47 in this state and have been actively engaged in the practice of  
3-48 dental hygiene for at least the five years preceding appointment;  
3-49 and

3-50 (3) five [~~six~~] members who represent the public.

3-51 SECTION 8.02. (a) Of the four dentist positions on the  
3-52 State Board of Dental Examiners that have terms scheduled to expire  
3-53 on February 1, 2005, one of the positions is abolished on  
3-54 September 1, 2003. On or before September 1, 2003, the four  
3-55 dentist members whose terms are scheduled to expire on February 1,  
3-56 2005, shall determine by unanimous agreement or by lot which of the  
3-57 four positions shall be abolished on September 1, 2003, and shall  
3-58 inform the president of the State Board of Dental Examiners of that  
3-59 determination.

3-60 (b) Of the three dentist positions on the State Board of  
3-61 Dental Examiners that have terms scheduled to expire on February 1,  
3-62 2007, one of the positions is abolished on September 1, 2003. On or  
3-63 before September 1, 2003, the three dentist members whose terms are  
3-64 scheduled to expire on February 1, 2007, shall determine by  
3-65 unanimous agreement or by lot which of the three positions shall be  
3-66 abolished on September 1, 2003, and shall inform the president of  
3-67 the State Board of Dental Examiners of that determination.

3-68 (c) Of the two public member positions on the State Board of  
3-69 Dental Examiners that have terms scheduled to expire on February 1,

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

ARTICLE 9. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

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

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

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

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

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

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

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

ARTICLE 10. TEXAS DIABETES COUNCIL

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 10.03. (a) Of the two consumer positions on the

5-1 Texas Diabetes Council that have terms scheduled to expire on  
5-2 February 1, 2005, one of the positions is abolished on September 1,  
5-3 2003.

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

5-9 ARTICLE 11. TEXAS DISTINGUISHED SERVICE AWARDS COMMITTEE

5-10 SECTION 11.01. Effective September 1, 2003, Subsections  
5-11 (a) and (b), Section 3102.003, Government Code, are amended to read  
5-12 as follows:

5-13 (a) The committee consists of five [~~six~~] members appointed  
5-14 by the governor with the advice and consent of the senate.

5-15 (b) Committee members serve staggered six-year terms with  
5-16 the terms of one or two members expiring each odd-numbered year.

5-17 SECTION 11.02. (a) Of the two positions on the Texas  
5-18 Distinguished Service Awards Committee that have terms scheduled to  
5-19 expire on January 31, 2005, one of the positions is abolished on  
5-20 September 1, 2003.

5-21 (b) On or before September 1, 2003, the two members whose  
5-22 terms are scheduled to expire on January 31, 2005, shall determine  
5-23 by unanimous agreement or by lot which of the two positions shall be  
5-24 abolished on September 1, 2003, and shall inform the presiding  
5-25 officer of the Texas Distinguished Service Awards Committee of that  
5-26 determination.

5-27 ARTICLE 12. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL  
5-28 COMMISSION

5-29 SECTION 12.01. Effective September 1, 2003, Section  
5-30 448.003, Government Code, is amended to read as follows:

5-31 Sec. 448.003. COMPOSITION OF COMMISSION. The commission is  
5-32 composed of:

5-33 (1) five [~~six~~] public members appointed by the  
5-34 governor with the advice and consent of the senate;

5-35 (2) two members of the senate appointed by the  
5-36 lieutenant governor to serve as ex officio, nonvoting members;

5-37 (3) two members of the house of representatives  
5-38 appointed by the speaker of the house to serve as ex officio,  
5-39 nonvoting members; and

5-40 (4) the executive director of the Texas Historical  
5-41 Commission to serve as an ex officio, nonvoting member.

5-42 SECTION 12.02. Effective September 1, 2003, Section  
5-43 448.007, Government Code, is amended to read as follows:

5-44 Sec. 448.007. TERMS. Public members of the commission  
5-45 serve staggered terms of six years with the terms of approximately  
5-46 one-third of the members expiring on February 1 of each  
5-47 odd-numbered year.

5-48 SECTION 12.03. (a) Of the two positions on the Texas  
5-49 Emancipation Juneteenth Cultural and Historical Commission that  
5-50 have terms scheduled to expire on February 1, 2005, one of the  
5-51 positions is abolished on September 1, 2003.

5-52 (b) On or before September 1, 2003, the two members whose  
5-53 terms are scheduled to expire on February 1, 2005, shall determine  
5-54 by unanimous agreement or by lot which of the two positions shall be  
5-55 abolished on September 1, 2003, and shall inform the presiding  
5-56 officer of the Texas Emancipation Juneteenth Cultural and  
5-57 Historical Commission of that determination.

5-58 ARTICLE 13. TEXAS COMMISSION ON FIRE PROTECTION

5-59 SECTION 13.01. Effective September 1, 2003, Subsections  
5-60 (a) and (b), Section 419.004, Government Code, are amended to read  
5-61 as follows:

5-62 (a) The commission is composed of the following 13 [~~12~~]  
5-63 members:

5-64 (1) two members to be selected from a list of five  
5-65 names submitted by the Texas Fire Chiefs Association who are chief  
5-66 officers with a minimum rank that is equivalent to the position  
5-67 immediately below that of the fire chief and who are employed in  
5-68 fire departments as defined by Section 419.021 that are under the  
5-69 jurisdiction of the commission, at least one of whom must be the

6-1 head of a fire department and one of whom must be employed by a  
6-2 political subdivision with a population of less than 50,000;

6-3 (2) two members to be selected from a list of five  
6-4 names submitted by the Texas State Association of Fire Fighters who  
6-5 are fire protection personnel as defined by Section 419.021 with  
6-6 the rank of battalion chief or below and who are employed in fire  
6-7 departments or other appropriate local authorities under the  
6-8 jurisdiction of the commission, one of whom must be employed by a  
6-9 political subdivision with a population of less than 50,000;

6-10 (3) two members to be selected from a list of five  
6-11 names submitted by the State Firemen's and Fire Marshals'  
6-12 Association of Texas who are volunteer fire chiefs or volunteer  
6-13 fire fighters;

6-14 (4) one certified fire protection engineer;

6-15 (5) one certified arson investigator or certified fire  
6-16 protection inspector;

6-17 (6) one fire protection instructor from an institution  
6-18 of higher education as defined by Section 61.003, Education Code;  
6-19 and

6-20 (7) four [~~three~~] public members.

6-21 (b) The members of the commission are appointed by the  
6-22 governor with the advice and consent of the senate for staggered  
6-23 terms of six years with four or five members' terms expiring  
6-24 February 1 of each odd-numbered year.

6-25 SECTION 13.02. As soon as possible on or after September 1,  
6-26 2003, the governor shall appoint an additional public member to the  
6-27 Texas Commission on Fire Protection for a term expiring on  
6-28 February 1, 2009.

#### 6-29 ARTICLE 14. TEXAS GUARANTEED STUDENT LOAN CORPORATION

6-30 SECTION 14.01. Effective September 1, 2003, Subsections  
6-31 (a) and (b), Section 57.13, Education Code, are amended to read as  
6-32 follows:

6-33 (a) The corporation is governed by a board of nine [~~10~~]  
6-34 directors appointed in accordance with this section.

6-35 (b) The governor, with the advice and consent of the senate,  
6-36 shall appoint nine members to the board. Four [~~Five~~] members must  
6-37 have knowledge of or experience in finance, including management of  
6-38 funds or business operations. One member must be a student who is  
6-39 enrolled at a postsecondary educational institution for the number  
6-40 of credit hours required by the institution to be classified as a  
6-41 full-time student of the institution. Three members must be  
6-42 members of the faculty or administration of an eligible  
6-43 postsecondary educational institution, as defined by Section 57.46  
6-44 of this code.

6-45 SECTION 14.02. Effective September 1, 2003, Section 57.14,  
6-46 Education Code, is amended to read as follows:

6-47 Sec. 57.14. DIRECTORS' TERMS OF OFFICE. Members of the  
6-48 board appointed by the governor [~~or the commissioner of higher~~  
6-49 ~~education~~] serve for terms of six years, with the terms of two or  
6-50 three members expiring on January 31 of each odd-numbered year.

6-51 SECTION 14.03. (a) Of the positions on the board of the  
6-52 Texas Guaranteed Student Loan Corporation that must be filled by  
6-53 members with knowledge or experience in finance, the position of  
6-54 the member whose term on the board is next scheduled to expire is  
6-55 abolished on September 1, 2003.

6-56 (b) If, of the positions on the board of the Texas  
6-57 Guaranteed Student Loan Corporation that must be filled by members  
6-58 with knowledge or experience in finance, two or more members have  
6-59 terms next scheduled to expire, one of the positions is abolished on  
6-60 September 1, 2003. On or before September 1, 2003, the affected  
6-61 members whose terms are next scheduled to expire shall determine by  
6-62 unanimous agreement or by lot which of the positions shall be  
6-63 abolished on September 1, 2003, and shall inform the chairman of  
6-64 the board of the Texas Guaranteed Student Loan Corporation of that  
6-65 determination.

#### 6-66 ARTICLE 15. TEXAS BOARD OF HEALTH

6-67 SECTION 15.01. Effective September 1, 2003, Subsections  
6-68 (a) and (c), Section 11.005, Health and Safety Code, are amended to  
6-69 read as follows:

7-1 (a) The board is composed of seven [~~six~~] members appointed  
7-2 by the governor with the advice and consent of the senate.

7-3 (c) Four members of the board must have a demonstrated  
7-4 interest in the services provided by the department, and three  
7-5 [~~two~~] members must represent the public.

7-6 SECTION 15.02. Effective September 1, 2003, Section  
7-7 11.007, Health and Safety Code, is amended to read as follows:

7-8 Sec. 11.007. TERMS. Board members serve for staggered  
7-9 six-year terms, with the terms of two or three members expiring  
7-10 February 1 of each odd-numbered year.

7-11 SECTION 15.03. As soon as possible on or after September 1,  
7-12 2003, the governor shall appoint an additional public member to the  
7-13 Texas Board of Health for a term expiring on February 1, 2009.

7-14 ARTICLE 16. TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE

7-15 SECTION 16.01. Effective September 1, 2003, Subsections  
7-16 (b) and (c), Article 26.13, Insurance Code, are amended to read as  
7-17 follows:

7-18 (b) The Texas cooperative is administered by a five-member  
7-19 [~~six-member~~] board of trustees appointed by the governor with the  
7-20 advice and consent of the senate. Two [~~Three~~] members must  
7-21 represent employers, two members must represent employees, and one  
7-22 member must represent the public.

7-23 (c) The appointed members of the board of trustees serve  
7-24 staggered six-year terms, with the terms of one or two members  
7-25 expiring February 1 of each odd-numbered year.

7-26 SECTION 16.02. The position of the employer member whose  
7-27 term on the board of trustees of the Texas Health Benefits  
7-28 Purchasing Cooperative is scheduled to expire on February 1, 2005,  
7-29 is abolished on September 1, 2003.

7-30 ARTICLE 17. TEXAS HIGHER EDUCATION COORDINATING BOARD

7-31 SECTION 17.01. Effective September 1, 2003, Section  
7-32 61.022, Education Code, is amended to read as follows:

7-33 Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF  
7-34 OFFICE. The board shall consist of 15 [~~18~~] members appointed by the  
7-35 governor so as to provide representation from all areas of the state  
7-36 with the advice and consent of the senate, and as the constitution  
7-37 provides. Members of the board serve staggered six-year terms. The  
7-38 terms of one-third of the members expire August 31 of each  
7-39 odd-numbered year. [Of the initial appointments to the board six  
7-40 shall be for terms which shall expire August 31, 1967, six for terms  
7-41 which shall expire August 31, 1969, and six for terms which shall  
7-42 expire on August 31, 1971, or at such time as their successors are  
7-43 appointed and have qualified. Thereafter, the governor shall  
7-44 appoint members for terms of six years. Members of the Texas  
7-45 Commission on Higher Education are eligible for appointment to the  
7-46 board.] No member may be employed professionally for remuneration  
7-47 in the field of education during his term of office.

7-48 SECTION 17.02. (a) Of the six positions on the Texas  
7-49 Higher Education Coordinating Board that have terms scheduled to  
7-50 expire on August 31, 2003, one of the positions is abolished on  
7-51 September 1, 2003. On or before September 1, 2003, the governor  
7-52 shall designate which of the six positions shall be abolished and  
7-53 shall appoint five persons to fill the other positions for terms  
7-54 expiring on August 31, 2009.

7-55 (b) Of the six positions on the Texas Higher Education  
7-56 Coordinating Board that have terms scheduled to expire on  
7-57 August 31, 2005, one of the positions is abolished on September 1,  
7-58 2003. On or before September 1, 2003, the members whose terms are  
7-59 scheduled to expire on August 31, 2005, shall determine by  
7-60 unanimous agreement or by lot which of the six positions shall be  
7-61 abolished and shall inform the chairman of the Texas Higher  
7-62 Education Coordinating Board of that determination.

7-63 (c) Of the six positions on the Texas Higher Education  
7-64 Coordinating Board that have terms scheduled to expire on  
7-65 August 31, 2007, one of the positions is abolished on September 1,  
7-66 2003. On or before September 1, 2003, the members whose terms are  
7-67 scheduled to expire on August 31, 2007, shall determine by  
7-68 unanimous agreement or by lot which of the six positions shall be  
7-69 abolished and shall inform the chairman of the Texas Higher

8-1 Education Coordinating Board of that determination.

8-2 ARTICLE 18. TEXAS HISTORICAL COMMISSION

8-3 SECTION 18.01. Effective September 1, 2003, Subsections  
8-4 (b) and (c), Section 442.002, Government Code, are amended to read  
8-5 as follows:

8-6 (b) The commission is composed of 17 [~~18~~] members appointed  
8-7 by the governor with the advice and consent of the senate. One  
8-8 member must be a professional archeologist, one must be a  
8-9 professional historian, and one must be a licensed architect who  
8-10 has expertise in historic preservation and architectural history.  
8-11 Fourteen [~~Fifteen~~] members must be representatives of the general  
8-12 public. A person is not eligible for appointment as a public member  
8-13 of the commission if the person or the person's spouse:

8-14 (1) owns or controls, directly or indirectly, more  
8-15 than a 10 percent interest in a business entity or other  
8-16 organization regulated by the commission or receiving funds other  
8-17 than grant funds from the commission; or

8-18 (2) uses or receives a substantial amount of tangible  
8-19 goods, services, or funds from the commission, other than  
8-20 compensation or reimbursement authorized by law for commission  
8-21 membership, attendance, or expenses.

8-22 (c) Members serve for staggered six-year terms, with the  
8-23 terms of approximately one-third of the members expiring February 1  
8-24 of each odd-numbered year.

8-25 SECTION 18.02. (a) Of the six positions on the Texas  
8-26 Historical Commission that have terms scheduled to expire on  
8-27 February 1, 2005, one of the positions is abolished on September 1,  
8-28 2003.

8-29 (b) On or before September 1, 2003, the public members whose  
8-30 terms are scheduled to expire on February 1, 2005, shall determine  
8-31 by unanimous agreement or by lot which public member's position  
8-32 shall be abolished on September 1, 2003, and shall inform the  
8-33 presiding officer of the Texas Historical Commission of that  
8-34 determination.

8-35 ARTICLE 19. COMMISSION ON HUMAN RIGHTS

8-36 SECTION 19.01. Effective September 1, 2003, Subsection  
8-37 (a), Section 461.051, Government Code, is amended to read as  
8-38 follows:

8-39 (a) The commission consists of five [~~six~~] members. One  
8-40 member of the commission shall be a representative of industry, one  
8-41 member shall be a representative of labor, and three [~~four~~] members  
8-42 shall be representatives of the public.

8-43 SECTION 19.02. The position of the public member whose term  
8-44 on the Commission on Human Rights is scheduled to expire on  
8-45 September 24, 2003, is abolished on September 1, 2003.

8-46 ARTICLE 20. TEXAS BOARD OF HUMAN SERVICES

8-47 SECTION 20.01. Effective September 1, 2003, Subsections  
8-48 (b), (c), and (e), Section 21.003, Human Resources Code, are  
8-49 amended to read as follows:

8-50 (b) The board is composed of five [~~six~~] members appointed by  
8-51 the governor with the advice and consent of the senate and  
8-52 representing all geographic regions of the state. To qualify for an  
8-53 appointment to the board, a person must have demonstrated an  
8-54 interest in and knowledge of human services.

8-55 (c) Members of the board serve for staggered terms of six  
8-56 years with the term of one or two members expiring on January 20 of  
8-57 each odd-numbered year.

8-58 (e) Three [~~Four~~] members of the board constitute a quorum  
8-59 for the transaction of business.

8-60 SECTION 20.02. (a) Of the two positions on the Texas Board  
8-61 of Human Services that have terms scheduled to expire on  
8-62 January 20, 2005, one of the positions is abolished on September 1,  
8-63 2003.

8-64 (b) On or before September 1, 2003, the two members whose  
8-65 terms are scheduled to expire on January 20, 2005, shall determine  
8-66 by unanimous agreement or by lot which of the two positions shall be  
8-67 abolished on September 1, 2003, and shall inform the presiding  
8-68 officer of the Texas Board of Human Services of that determination.

8-



## ARTICLE 21. DEPARTMENT OF INFORMATION RESOURCES

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

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

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

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

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

## ARTICLE 22. TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

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

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

(1) the commissioner;

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

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

(4) three members who represent the public.

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

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

SECTION 22.03. Of the four positions on the Texas Board of Professional Land Surveying held by registered professional land surveyor members, one of the positions is abolished on September 1, 2003. On or before September 1, 2003, the four members who hold those positions shall determine by unanimous agreement or by lot which of the four positions is abolished on September 1, 2003, and shall inform the presiding officer of the Texas Board of Professional Land Surveying of that determination.

## ARTICLE 23. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

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

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

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

(2) is employed by or participates in the management

10-1 of a business entity or other organization regulated by the  
10-2 commission or receiving funds from the commission;

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

10-7 (4) uses or receives a substantial amount of tangible  
10-8 goods, services, or funds from the commission, other than  
10-9 compensation or reimbursement authorized by law for commission  
10-10 membership, attendance, or expenses.

10-11 SECTION 23.02. (a) Of the two positions on the Texas State  
10-12 Library and Archives Commission that have terms scheduled to expire  
10-13 on September 28, 2003, one of the positions is abolished on  
10-14 September 1, 2003.

10-15 (b) On or before September 1, 2003, the two members whose  
10-16 terms are scheduled to expire on September 28, 2003, shall  
10-17 determine by unanimous agreement or by lot which of the two  
10-18 positions shall be abolished on September 1, 2003, and shall inform  
10-19 the presiding officer of the Texas State Library and Archives  
10-20 Commission of that determination.

10-21 ARTICLE 24. TEXAS COMMISSION OF LICENSING AND REGULATION

10-22 SECTION 24.01. Effective September 1, 2003, Subsection  
10-23 (a), Section 51.052, Occupations Code, is amended to read as  
10-24 follows:

10-25 (a) The commission consists of five [~~six~~] members appointed  
10-26 by the governor with the advice and consent of the senate.

10-27 SECTION 24.02. Effective September 1, 2003, Subsection  
10-28 (a), Section 51.055, Occupations Code, is amended to read as  
10-29 follows:

10-30 (a) Members of the commission serve staggered six-year  
10-31 terms. The terms of one or two members expire on February 1 of each  
10-32 odd-numbered year.

10-33 SECTION 24.03. (a) Of the two positions on the Texas  
10-34 Commission of Licensing and Regulation that have terms scheduled to  
10-35 expire on February 1, 2005, one of the positions is abolished on  
10-36 September 1, 2003.

10-37 (b) On or before September 1, 2003, the two members whose  
10-38 terms are scheduled to expire on February 1, 2005, shall determine  
10-39 by unanimous agreement or by lot which of the two positions shall be  
10-40 abolished on September 1, 2003, and shall inform the presiding  
10-41 officer of the Texas Commission of Licensing and Regulation of that  
10-42 determination.

10-43 ARTICLE 25. TEXAS STATE BOARD OF MEDICAL EXAMINERS

10-44 SECTION 25.01. Effective September 1, 2003, Subsection  
10-45 (a), Section 152.002, Occupations Code, is amended to read as  
10-46 follows:

10-47 (a) The board consists of 19 [~~18~~] members appointed by the  
10-48 governor with the advice and consent of the senate as follows:

10-49 (1) twelve members who are learned and eminent  
10-50 physicians licensed in this state for at least three years before  
10-51 the appointment, nine of whom must be graduates of a reputable  
10-52 medical school or college with a degree of doctor of medicine (M.D.)  
10-53 and three of whom must be graduates of a reputable medical school or  
10-54 college with a degree of doctor of osteopathic medicine (D.O.); and

10-55 (2) seven [~~six~~] members who represent the public.

10-56 SECTION 25.02. As soon as possible on or after September 1,  
10-57 2003, the governor shall appoint an additional public member to the  
10-58 Texas State Board of Medical Examiners for a term expiring  
10-59 April 14, 2009.

10-60 ARTICLE 26. TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS

10-61 SECTION 26.01. Effective September 1, 2003, Subsections  
10-62 (a) and (b), Section 614.002, Health and Safety Code, are amended to  
10-63 read as follows:

10-64 (a) The Texas Council on Offenders with Mental Impairments  
10-65 is composed of 31 [~~30~~] members.

10-66 (b) The governor shall appoint, with the advice and consent  
10-67 of the senate:

10-68 (1) four at-large members who have expertise in mental  
10-69 health, mental retardation, or developmental disabilities, one of

11-1 whom must be a psychiatrist;

11-2 (2) one at-large member who is the judge of a court  
11-3 with criminal jurisdiction;

11-4 (3) one at-large member who is a prosecuting attorney;

11-5 (4) one at-large member who is a criminal defense  
11-6 attorney;

11-7 (5) one at-large member from an established pretrial  
11-8 services agency; ~~and~~

11-9 (6) one at-large member who has expertise in the  
11-10 criminal justice system; and

11-11 (7) one at-large member who represents the general  
11-12 public.

11-13 SECTION 26.02. Effective September 1, 2003, Section  
11-14 614.004, Health and Safety Code, is amended to read as follows:

11-15 Sec. 614.004. TERMS. The at-large members of the council  
11-16 serve for staggered six-year terms with the terms of approximately  
11-17 one-third of the at-large members expiring on February 1 of each  
11-18 odd-numbered year.

11-19 SECTION 26.03. As soon as possible on or after September 1,  
11-20 2003, the governor shall appoint a public at-large member to the  
11-21 Texas Council on Offenders with Mental Impairments for a term  
11-22 expiring February 1, 2009.

11-23 ARTICLE 27. OPERATION GAME THIEF COMMITTEE

11-24 SECTION 27.01. Effective September 1, 2003, Subsections  
11-25 (a), (b), and (d), Section 12.202, Parks and Wildlife Code, are  
11-26 amended to read as follows:

11-27 (a) The director shall appoint an Operation Game Thief  
11-28 Committee composed of nine members to administer the operation game  
11-29 thief fund and to make reward payments and death benefit payments  
11-30 from that fund. The director shall appoint persons who are not  
11-31 employees of the department and who have a demonstrated interest in  
11-32 game and fish conservation. The director may consider the  
11-33 recommendations or nominations of any club or association. The  
11-34 director shall designate one of the members as chairman of the  
11-35 committee. ~~[The director may appoint a former committee member to~~  
11-36 ~~serve as chairman emeritus if the director determines the~~  
11-37 ~~appointment is in the best interest of the operation game thief~~  
11-38 ~~program. The chairman emeritus has the same rights and duties as a~~  
11-39 ~~committee member.]~~ The director or an employee designated by the  
11-40 director for that purpose shall serve as secretary to the  
11-41 committee. A member of the committee serves without compensation.

11-42 (b) Each member of the committee~~[, including the chairman~~  
11-43 ~~emeritus,]~~ serves a term of six years. The terms of one-third of  
11-44 the members~~[, excluding the chairman emeritus,]~~ expire on  
11-45 January 31 of each odd-numbered year. ~~[The term of the chairman~~  
11-46 ~~emeritus expires on the date of the sixth anniversary after the day~~  
11-47 ~~the chairman emeritus is appointed.]~~ The director may reappoint  
11-48 members.

11-49 (d) If the vote of the full membership of the committee~~[,~~  
11-50 ~~including a chairman emeritus,]~~ results in a tie vote, the chairman  
11-51 of the committee may vote a second time to break the tie.

11-52 SECTION 27.02. The position of the chairman emeritus on the  
11-53 Operation Game Thief Committee is abolished on September 1, 2003.

11-54 ARTICLE 28. TEXAS BOARD OF ORTHOTICS AND PROSTHETICS

11-55 SECTION 28.01. Effective September 1, 2003, Subsection  
11-56 (a), Section 605.052, Occupations Code, is amended to read as  
11-57 follows:

11-58 (a) The board consists of seven ~~[six]~~ members appointed by  
11-59 the governor with the advice and consent of the senate as follows:

11-60 (1) one licensed orthotist member who has practiced  
11-61 orthotics for the five years preceding the date of appointment;

11-62 (2) one licensed prosthetist member who has practiced  
11-63 prosthetics for the five years preceding the date of appointment;

11-64 (3) one licensed prosthetist orthotist member who has  
11-65 practiced orthotics and prosthetics for the five years preceding  
11-66 the date of appointment;

11-67 (4) one member who is a representative of the public  
11-68 who uses an orthosis;

11-69 (5) one member who is a representative of the public

12-1 who uses a prosthesis; and

12-2 (6) two members [~~one member~~] who are representatives  
12-3 [~~is a representative~~] of the public who do [~~does~~] not use an  
12-4 orthosis or prosthesis.

12-5 SECTION 28.02. Effective September 1, 2003, Subsection  
12-6 (a), Section 605.055, Occupations Code, is amended to read as  
12-7 follows:

12-8 (a) Members of the board serve staggered six-year terms.  
12-9 The terms of two or three members expire on February 1 of each  
12-10 odd-numbered year.

12-11 SECTION 28.03. As soon as possible on or after September 1,  
12-12 2003, the governor shall appoint an additional public member to the  
12-13 Texas Board of Orthotics and Prosthetics under Subdivision (6),  
12-14 Subsection (a), Section 605.052, Occupations Code, as amended by  
12-15 this Act, for a term expiring on February 1, 2009.

12-16 ARTICLE 29. BOARD OF PARDONS AND PAROLES POLICY BOARD

12-17 SECTION 29.01. Effective September 1, 2003, Subsections  
12-18 (a) and (b), Section 508.036, Government Code, are amended to read  
12-19 as follows:

12-20 (a) The governor shall designate seven [~~six~~] members of the  
12-21 board to serve as the Board of Pardons and Paroles Policy Board.  
12-22 The governor shall designate the presiding officer of the board as  
12-23 one of the seven [~~six~~] members of the policy board, and the  
12-24 presiding officer of the board shall serve as presiding officer of  
12-25 the policy board. Service on the policy board is an additional duty  
12-26 of office for members appointed to the policy board.

12-27 (b) Members of the board designated as members of the policy  
12-28 board serve on the policy board for six-year terms that are  
12-29 concurrent with their six-year terms on the board, with the service  
12-30 of two or three members expiring February 1 of each odd-numbered  
12-31 year.

12-32 SECTION 29.02. As soon as possible on or after September 1,  
12-33 2003, the governor shall appoint an additional member to the Board  
12-34 of Pardons and Paroles Policy Board under Subsection (a), Section  
12-35 508.036, Government Code, as amended by this Act, for a term  
12-36 expiring February 1, 2009.

12-37 ARTICLE 30. POLYGRAPH EXAMINERS BOARD

12-38 SECTION 30.01. Effective September 1, 2003, Subsection  
12-39 (a), Section 1703.051, Occupations Code, is amended to read as  
12-40 follows:

12-41 (a) The Polygraph Examiners Board consists of five [~~six~~]  
12-42 members appointed by the governor with the advice and consent of the  
12-43 senate as follows:

12-44 (1) two polygraph examiner members who are qualified  
12-45 polygraph examiners for a governmental law enforcement agency, one  
12-46 of whom must be the supervisor of the department's polygraph  
12-47 section;

12-48 (2) one [~~two~~] polygraph examiner member [~~members~~] who  
12-49 is a [~~are~~] qualified polygraph examiner [~~examiners~~] in the  
12-50 commercial field; and

12-51 (3) two members who represent the public.

12-52 SECTION 30.02. The position of the commercial polygraph  
12-53 examiner member whose term on the Polygraph Examiners Board is  
12-54 scheduled to expire on June 18, 2007, is abolished on September 1,  
12-55 2003.

12-56 ARTICLE 31. PRIVATE SECTOR PRISON INDUSTRIES  
12-57 OVERSIGHT AUTHORITY

12-58 SECTION 31.01. Effective September 1, 2003, Subsection  
12-59 (a), Section 497.052, Government Code, is amended to read as  
12-60 follows:

12-61 (a) The authority is composed of eight [~~nine~~] members  
12-62 appointed by the governor:

12-63 (1) one of whom is representative of organized labor;

12-64 (2) one of whom is representative of employers;

12-65 (3) one of whom is representative of groups advocating  
12-66 the rights of victims of criminal offenses;

12-67 (4) one of whom is representative of groups advocating  
12-68 the rights of inmates;

12-69 (5) one of whom is experienced in the field of

13-1 vocational rehabilitation; and

13-2 (6) three [~~four~~] of whom are public members.

13-3 SECTION 31.02. Effective September 1, 2003, Section  
13-4 497.053, Government Code, is amended to read as follows:

13-5 Sec. 497.053. TERMS. Appointed members of the authority  
13-6 serve staggered six-year terms, with two or three members' terms  
13-7 expiring on February 1 of each odd-numbered year.

13-8 SECTION 31.03. (a) Of the two public positions on the  
13-9 Private Sector Prison Industries Oversight Authority that have  
13-10 terms scheduled to expire on February 1, 2005, one of the positions  
13-11 is abolished on September 1, 2003.

13-12 (b) On or before September 1, 2003, the two public members  
13-13 whose terms are scheduled to expire on February 1, 2005, shall  
13-14 determine by unanimous agreement or by lot which of the two  
13-15 positions shall be abolished on September 1, 2003, and shall inform  
13-16 the presiding officer of the Private Sector Prison Industries  
13-17 Oversight Authority of that determination.

13-18 ARTICLE 32. TEXAS COMMISSION ON PRIVATE SECURITY

13-19 SECTION 32.01. Effective September 1, 2003, Subsection  
13-20 (a), Section 1702.021, Occupations Code, is amended to read as  
13-21 follows:

13-22 (a) The Texas Commission on Private Security consists of  
13-23 eight [~~nine~~] members appointed by the governor with the advice and  
13-24 consent of the senate as follows:

13-25 (1) four [~~five~~] public members, each of whom is a  
13-26 citizen of the United States;

13-27 (2) one member who:  
13-28 (A) is licensed under this chapter as a private  
13-29 investigator;

13-30 (B) has been engaged as a private investigator  
13-31 for at least the five years preceding appointment; and

13-32 (C) is not employed by a person who employs  
13-33 another member of the commission;

13-34 (3) one member who is licensed under this chapter as an  
13-35 alarm systems company and who:

13-36 (A) has been engaged as an alarm systems company  
13-37 for at least the five years preceding appointment; and

13-38 (B) is not employed by a person who employs  
13-39 another member of the commission;

13-40 (4) one member who:  
13-41 (A) is licensed under this chapter as the owner  
13-42 or operator of a guard company;

13-43 (B) has been the owner or operator of the guard  
13-44 company for at least the five years preceding appointment; and

13-45 (C) is not employed by a person who employs  
13-46 another member of the commission; and

13-47 (5) one member who:  
13-48 (A) holds a license, security officer  
13-49 commission, or registration under this chapter;

13-50 (B) has been engaged in activity regulated by the  
13-51 commission under this chapter for at least the five years preceding  
13-52 appointment; and

13-53 (C) is not employed by a person who employs  
13-54 another member of the commission.

13-55 SECTION 32.02. Effective September 1, 2003, Subsection  
13-56 (a), Section 1702.025, Occupations Code, is amended to read as  
13-57 follows:

13-58 (a) The appointed commission members serve staggered  
13-59 six-year terms, with the terms of two or three appointed members  
13-60 expiring on January 31 of each odd-numbered year.

13-61 SECTION 32.03. (a) Of the public member positions on the  
13-62 Texas Commission on Private Security, the position of the public  
13-63 member whose term on the board is next scheduled to expire is  
13-64 abolished on September 1, 2003.

13-65 (b) If, of the public member positions on the Texas  
13-66 Commission on Private Security, two or more public members of the  
13-67 board have terms next scheduled to expire, one of the positions is  
13-68 abolished on September 1, 2003. On or before September 1, 2003,  
13-69 the public members whose terms are next scheduled to expire shall

14-1 determine by unanimous agreement or by lot which of the positions  
 14-2 shall be abolished on September 1, 2003, and shall inform the  
 14-3 presiding officer of the Texas Commission on Private Security of  
 14-4 that determination.

14-5 ARTICLE 33. PRODUCE RECOVERY FUND BOARD

14-6 SECTION 33.01. Effective September 1, 2003, Subsection  
 14-7 (a), Section 103.003, Agriculture Code, is amended to read as  
 14-8 follows:

14-9 (a) The Produce Recovery Fund Board is composed of five  
 14-10 [~~six~~] members appointed by the governor with the advice and consent  
 14-11 of the senate. Two members must be producers, one [~~two~~] must be a  
 14-12 license holder [~~holders~~] licensed under Chapter 101, and two must  
 14-13 be members of the general public.

14-14 SECTION 33.02. The position of the license holder member  
 14-15 whose term on the Produce Recovery Fund Board is scheduled to expire  
 14-16 on January 31, 2005, is abolished on September 1, 2003.

14-17 ARTICLE 34. BOARD OF PROTECTIVE AND REGULATORY SERVICES

14-18 SECTION 34.01. Effective September 1, 2003, Subsections  
 14-19 (a) and (b), Section 40.021, Human Resources Code, are amended to  
 14-20 read as follows:

14-21 (a) The board is composed of five [~~six~~] members appointed by  
 14-22 the governor with the advice and consent of the senate. The  
 14-23 governor shall designate one member to be the presiding officer of  
 14-24 the board to serve in that capacity at the pleasure of the governor.

14-25 (b) Three [~~Four~~] members of the board must have a  
 14-26 demonstrated interest in the services provided by the department,  
 14-27 and two members must represent the public.

14-28 SECTION 34.02. Effective September 1, 2003, Section  
 14-29 40.024, Human Resources Code, is amended to read as follows:

14-30 Sec. 40.024. BOARD TERMS. Members of the board serve  
 14-31 six-year terms, with the terms of one or two members expiring  
 14-32 February 1 of each odd-numbered year.

14-33 SECTION 34.03. (a) The position of the member of the Board  
 14-34 of Protective and Regulatory Services who has a demonstrated  
 14-35 interest in the services provided by the Department of Protective  
 14-36 and Regulatory Services whose term on the board is scheduled to  
 14-37 expire on February 1, 2005, is abolished on September 1, 2003.

14-38 (b) If more than one member of the Board of Protective and  
 14-39 Regulatory Services who has a demonstrated interest in the services  
 14-40 provided by the Department of Protective and Regulatory Services  
 14-41 has a term scheduled to expire on February 1, 2005, one of the  
 14-42 positions is abolished on September 1, 2003. On or before  
 14-43 September 1, 2003, the members whose terms are scheduled to expire  
 14-44 on February 1, 2005, shall determine by unanimous agreement or by  
 14-45 lot which of the two positions shall be abolished on September 1,  
 14-46 2003, and shall inform the presiding officer of the Board of  
 14-47 Protective and Regulatory Services of that determination.

14-48 ARTICLE 35. TEXAS RACING COMMISSION

14-49 SECTION 35.01. Effective September 1, 2003, Subsection  
 14-50 (a), Section 2.02, Texas Racing Act (Article 179e, Vernon's Texas  
 14-51 Civil Statutes), is amended to read as follows:

14-52 (a) The commission consists of five [~~six~~] members appointed  
 14-53 by the governor with the advice and consent of the senate and two ex  
 14-54 officio members who shall have the right to vote. The ex officio  
 14-55 members are:

14-56 (1) the chairman of the Public Safety Commission or a  
 14-57 member of the Public Safety Commission designated by the chairman  
 14-58 of the Public Safety Commission; and

14-59 (2) the comptroller of public accounts or the  
 14-60 comptroller's designee.

14-61 SECTION 35.02. Effective September 1, 2003, Subsection  
 14-62 (a), Section 2.03, Texas Racing Act (Article 179e, Vernon's Texas  
 14-63 Civil Statutes), is amended to read as follows:

14-64 (a) Appointed members hold office for staggered terms of six  
 14-65 years with one or two members' terms expiring February 1 of each  
 14-66 odd-numbered year. A member holds office until that member's  
 14-67 successor is appointed and qualifies.

14-68 SECTION 35.03. (a) Of the two positions on the Texas  
 14-69 Racing Commission that have terms scheduled to expire on

15-1 February 1, 2005, one of the positions is abolished September 1,  
15-2 2003.

15-3 (b) On or before September 1, 2003, the two members whose  
15-4 terms are scheduled to expire on February 1, 2005, shall determine  
15-5 by unanimous agreement or by lot which of the two positions shall be  
15-6 abolished on September 1, 2003, and shall inform the presiding  
15-7 officer of the Texas Racing Commission of that determination.

15-8 (c) Notwithstanding Subsection (b) of this section, if one  
15-9 of the members of the Texas Racing Commission whose term is  
15-10 scheduled to expire February 1, 2005, has special knowledge or  
15-11 experience related to greyhound racing or horse racing and the  
15-12 other member whose term is scheduled to expire February 1, 2005,  
15-13 does not, the position of the member who does not have special  
15-14 knowledge or experience related to greyhound racing or horse racing  
15-15 is abolished September 1, 2003.

15-16 (d) If the members of the Texas Racing Commission whose  
15-17 terms are scheduled to expire February 1, 2005, cannot, under  
15-18 Subsection (b) or (c) of this section, abolish a position on the  
15-19 commission in a way that allows the composition of the commission to  
15-20 comply with Section 2.05, Texas Racing Act (Article 179e, Vernon's  
15-21 Texas Civil Statutes), all appointed members of the commission  
15-22 shall:

15-23 (1) determine by unanimous agreement or by lot, in  
15-24 accordance with Section 2.05, Texas Racing Act (Article 179e,  
15-25 Vernon's Texas Civil Statutes), which position on the commission is  
15-26 abolished on September 1, 2003; and

15-27 (2) inform the presiding officer of the commission,  
15-28 the governor, and the Legislative Reference Library of that  
15-29 determination.

15-30 ARTICLE 36. TEXAS REAL ESTATE BROKER-LAWYER COMMITTEE

15-31 SECTION 36.01. Effective September 1, 2003, Subsection  
15-32 (a), Section 1101.252, Occupations Code, is amended to read as  
15-33 follows:

15-34 (a) The Texas Real Estate Broker-Lawyer Committee consists  
15-35 of 13 [~~12~~] members appointed as follows:

- 15-36 (1) six members appointed by the commission; [~~and~~]  
15-37 (2) six members of the State Bar of Texas appointed by  
15-38 the president of the state bar; and  
15-39 (3) one public member appointed by the governor.

15-40 SECTION 36.02. Subsection (a), Section 1101.253,  
15-41 Occupations Code, is amended to read as follows:

15-42 (a) Committee members serve staggered six-year terms, with  
15-43 the terms of two commission appointees and two State Bar of Texas  
15-44 appointees expiring every two years and the term of the public  
15-45 member expiring every six years.

15-46 SECTION 36.03. As soon as possible after September 1, 2003,  
15-47 the governor shall appoint a public member to the Texas Real Estate  
15-48 Broker-Lawyer Committee under Subdivision (3), Subsection (a),  
15-49 Section 1101.252, Occupations Code, as amended by this Act, for a  
15-50 term expiring on the date that the terms of lawyers and brokers on  
15-51 the committee whose terms expire in 2009 expire.

15-52 ARTICLE 37. TEXAS REHABILITATION COMMISSION

15-53 SECTION 37.01. Effective September 1, 2003, Subsection  
15-54 (a), Section 111.013, Human Resources Code, is amended to read as  
15-55 follows:

15-56 (a) The board of the Texas Rehabilitation Commission is  
15-57 composed of five [~~six~~] members appointed by the governor with the  
15-58 advice and consent of the senate. Members serve for staggered terms  
15-59 of six years with the terms of one or two members expiring every two  
15-60 years.

15-61 SECTION 37.02. (a) Of the two positions on the board of the  
15-62 Texas Rehabilitation Commission that have terms scheduled to expire  
15-63 on August 31, 2005, one of the positions is abolished on  
15-64 September 1, 2003.

15-65 (b) On or before September 1, 2003, the two members whose  
15-66 terms are scheduled to expire on August 31, 2005, shall determine  
15-67 by unanimous agreement or by lot which of the two positions shall be  
15-68 abolished and shall inform the presiding officer of the board of the  
15-69 Texas Rehabilitation Commission of that determination.

## ARTICLE 38. RISK MANAGEMENT BOARD

SECTION 38.01. Effective September 1, 2003, Subsections (b) and (c), Section 412.021, Labor Code, are amended to read as follows:

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

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

SECTION 38.02. (a) Of the two positions on the risk management board that have terms scheduled to expire on February 1, 2005, one of the positions is abolished on September 1, 2003.

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

## ARTICLE 39. STATEWIDE RURAL HEALTH CARE SYSTEM

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

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

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

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

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

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

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

## ARTICLE 40. COUNCIL ON SEX OFFENDER TREATMENT

SECTION 40.01. Effective September 1, 2003, Subsection (a), Section 3, Chapter 462, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes), is amended to read as follows:

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

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

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



17-1 (3) owns or controls, directly or indirectly, more  
 17-2 than a 10 percent interest in a business entity or other  
 17-3 organization regulated by the council or receiving funds from the  
 17-4 council; or

17-5 (4) uses or receives a substantial amount of tangible  
 17-6 goods, services, or funds from the council, other than compensation  
 17-7 or reimbursement authorized by law for council membership,  
 17-8 attendance, or expenses.

17-9 SECTION 40.02. Effective September 1, 2003, Subsection  
 17-10 (a), Section 4, Chapter 462, Acts of the 68th Legislature, Regular  
 17-11 Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes), is  
 17-12 amended to read as follows:

17-13 (a) Members of the council hold office for staggered terms  
 17-14 of six years, with two or three members' terms expiring February 1  
 17-15 of each odd-numbered year.

17-16 SECTION 40.03. As soon as possible on or after September 1,  
 17-17 2003, the governor shall appoint an additional public member to the  
 17-18 Council on Sex Offender Treatment for a term expiring on  
 17-19 February 1, 2009.

17-20 ARTICLE 41. BOARD OF TAX PROFESSIONAL EXAMINERS

17-21 SECTION 41.01. Effective September 1, 2003, Section  
 17-22 1151.051, Occupations Code, is amended to read as follows:

17-23 Sec. 1151.051. BOARD MEMBERSHIP; ELIGIBILITY. (a) The  
 17-24 Board of Tax Professional Examiners consists of five [~~six~~] members,  
 17-25 four of whom must be tax professionals and one of whom must be a  
 17-26 representative of the general public. Members of the board are  
 17-27 appointed by the governor with the advice and consent of the senate.  
 17-28 A vacancy on the board is filled in the same manner for the  
 17-29 unexpired portion of the term.

17-30 (b) To be eligible to serve on the board as a tax  
 17-31 professional member, a person must:

17-32 (1) be actively engaged in property tax  
 17-33 administration;

17-34 (2) have at least five years' experience in appraisal,  
 17-35 assessment, or collection; and

17-36 (3) be certified under this chapter as a registered  
 17-37 professional appraiser, registered Texas collector, or registered  
 17-38 Texas assessor.

17-39 (c) A person is not eligible for appointment as a public  
 17-40 member of the board if the person or the person's spouse:

17-41 (1) is registered, certified, or licensed by a  
 17-42 regulatory agency in the field of property tax appraisal,  
 17-43 assessment, or collection;

17-44 (2) is employed by or participates in the management  
 17-45 of a business entity or other organization regulated by or  
 17-46 receiving money from the board;

17-47 (3) owns or controls, directly or indirectly, more  
 17-48 than a 10 percent interest in a business entity or other  
 17-49 organization regulated by or receiving money from the board; or

17-50 (4) uses or receives a substantial amount of tangible  
 17-51 goods, services, or money from the board other than compensation or  
 17-52 reimbursement authorized by law for board membership, attendance,  
 17-53 or expenses.

17-54 SECTION 41.02. Effective September 1, 2003, Section  
 17-55 1151.052, Occupations Code, is amended to read as follows:

17-56 Sec. 1151.052. TERMS. Board members serve six-year terms,  
 17-57 with the terms of one or two members expiring on March 1 of each  
 17-58 odd-numbered year.

17-59 SECTION 41.03. (a) The two positions on the Board of Tax  
 17-60 Professional Examiners that have terms scheduled to expire on  
 17-61 March 1, 2005, are abolished on September 1, 2003.

17-62 (b) As soon as possible on or after September 1, 2003, the  
 17-63 governor shall appoint a member representing the general public to  
 17-64 the Board of Tax Professional Examiners for a term expiring on  
 17-65 March 1, 2005.

17-66 ARTICLE 42. TEXAS-ISRAEL EXCHANGE FUND BOARD

17-67 SECTION 42.01. Effective September 1, 2003, Subsections  
 17-68 (a) and (d), Section 45.006, Agriculture Code, are amended to read  
 17-69 as follows:

18-1 (a) The Texas-Israel Exchange Fund Board is created and  
18-2 composed of:

- 18-3 (1) the commissioner of agriculture;  
18-4 (2) five [~~six~~] members appointed by the commissioner;  
18-5 (3) one member appointed by the executive officer of  
18-6 The University of Texas System;  
18-7 (4) one member appointed by the executive officer of  
18-8 The Texas A&M University System;  
18-9 (5) one member appointed by the executive officer of  
18-10 Texas Tech University; and  
18-11 (6) as nonvoting, ex officio members, the lieutenant  
18-12 governor, the speaker of the house of representatives, and the  
18-13 comptroller or their designees.

18-14 (d) Appointed board members serve for staggered six-year  
18-15 terms. The terms of approximately one-third of the appointed board  
18-16 members expire on February 1 of each odd-numbered year.

18-17 SECTION 42.02. (a) Of the six positions on the  
18-18 Texas-Israel Exchange Fund Board that are appointed by the  
18-19 commissioner of agriculture, the position next scheduled to expire  
18-20 is abolished on September 1, 2003.

18-21 (b) If there is more than one position on the Texas-Israel  
18-22 Exchange Fund Board that is appointed by the commissioner of  
18-23 agriculture and that is next scheduled to expire, the members who  
18-24 were appointed by the commissioner of agriculture and whose terms  
18-25 are next scheduled to expire shall determine by unanimous agreement  
18-26 or by lot which of the positions shall be abolished on September 1,  
18-27 2003, and shall inform the commissioner of that determination.

#### 18-28 ARTICLE 43. TEXAS VETERANS COMMISSION

18-29 SECTION 43.01. Effective September 1, 2003, Subsections  
18-30 (a) and (b), Section 434.003, Government Code, are amended to read  
18-31 as follows:

18-32 (a) The commission is composed of five [~~six~~] members  
18-33 appointed by the governor with the advice and consent of the senate.  
18-34 The governor shall make each appointment without regard to the  
18-35 race, creed, sex, religion, or national origin of the appointee.

18-36 (b) A member must be a citizen and resident of the state. At  
18-37 least three [~~four~~] members must have been honorably discharged or  
18-38 honorably released from active military service of the United  
18-39 States. At least one member must be a person classified as a  
18-40 disabled veteran by the United States Veterans Administration or  
18-41 the branch of the United States armed forces in which the person  
18-42 served. This person's disability must be service-connected and  
18-43 compensable.

18-44 SECTION 43.02. (a) Of the two positions on the Texas  
18-45 Veterans Commission that have terms scheduled to expire on  
18-46 December 31, 2003, one of the positions is abolished on  
18-47 September 1, 2003. If one of the positions is filled by a disabled  
18-48 veteran as described by Subsection (b), Section 434.003, Government  
18-49 Code, and the other position is not, the position that is not filled  
18-50 by the disabled veteran is abolished on September 1, 2003.  
18-51 Otherwise, the position is abolished in accordance with Subsection  
18-52 (b) of this section.

18-53 (b) If it cannot be determined under Subsection (a) of this  
18-54 section which position on the Texas Veterans Commission will be  
18-55 abolished, then on or before September 1, 2003, the two members  
18-56 whose terms are scheduled to expire on December 31, 2003, shall  
18-57 determine by unanimous agreement or by lot which of the two  
18-58 positions shall be abolished on September 1, 2003, and shall inform  
18-59 the chairman of the Texas Veterans Commission of that  
18-60 determination.

#### 18-61 ARTICLE 44. TEXAS WORKERS' COMPENSATION COMMISSION

18-62 SECTION 44.01. Effective September 1, 2003, Section  
18-63 402.001, Labor Code, is amended by amending Subsections (a) and (c)  
18-64 and adding Subsection (c-1) to read as follows:

18-65 (a) The Texas Workers' Compensation Commission is composed  
18-66 of seven [~~six~~] members appointed by the governor with the advice and  
18-67 consent of the senate.

18-68 (c) Three members of the commission must be employers of  
18-69 labor and three members of the commission must be wage earners. One

19-1 member of the commission must be a representative of the general  
 19-2 public. A person is not eligible for appointment as a member of the  
 19-3 commission if the person provides services subject to regulation by  
 19-4 the commission or charges fees that are subject to regulation by the  
 19-5 commission.

19-6 (c-1) An individual may not serve as the public  
 19-7 representative if that person:

19-8 (1) has at any time in the two years preceding the  
 19-9 appointment been an officer, managerial employee, or paid  
 19-10 consultant of a labor organization or employer trade association  
 19-11 that has represented the interests of its members before the  
 19-12 commission;

19-13 (2) has at any time in the two years preceding the  
 19-14 appointment been an officer, managerial employee, or paid  
 19-15 consultant of an insurance carrier or insurance trade association;  
 19-16 or

19-17 (3) on account of that person's previous vocation, can  
 19-18 be reasonably classified as a representative of employers,  
 19-19 insurance carriers, or employees.

19-20 SECTION 44.02. Effective September 1, 2003, Subsection  
 19-21 (a), Section 402.002, Labor Code, is amended to read as follows:

19-22 (a) Members of the commission hold office for staggered  
 19-23 six-year terms. The~~, with the~~ terms of one member representing  
 19-24 employers and one member representing wage earners expire  
 19-25 [expiring] on February 1 of each odd-numbered year. The term of the  
 19-26 member representing the general public expires on February 1 of  
 19-27 every third odd-numbered year.

19-28 SECTION 44.03. As soon as possible on or after September 1,  
 19-29 2003, the governor shall appoint a public member to the Texas  
 19-30 Workers' Compensation Commission for a term expiring February 1,  
 19-31 2009.

19-32 ARTICLE 45. COUNCIL ON WORKFORCE AND ECONOMIC COMPETITIVENESS

19-33 SECTION 45.01. Effective September 1, 2003, Subsection  
 19-34 (b), Section 2308.052, Government Code, is amended to read as  
 19-35 follows:

19-36 (b) The council is composed of:

19-37 (1) three voting members who represent education, one  
 19-38 of whom represents local public education, one of whom represents  
 19-39 public postsecondary education, and one of whom represents  
 19-40 vocational education;

19-41 (2) five voting members who represent organized labor  
 19-42 appointed from recommendations made by recognized labor  
 19-43 organizations;

19-44 (3) five voting members who represent business and  
 19-45 industry, including business members serving on local workforce  
 19-46 development boards or private industry councils;

19-47 (4) one [two] voting member [members] who represents  
 19-48 [represent] community-based organizations; and

19-49 (5) the following ex officio voting members:

19-50 (A) the chair of the State Board of Education;

19-51 (B) the chair of the Texas Higher Education  
 19-52 Coordinating Board;

19-53 (C) the presiding officer of the Texas Board of  
 19-54 Human Services;

19-55 (D) the presiding officer of the policy advisory  
 19-56 board of the Texas Department of Economic Development; and

19-57 (E) the chair of the Texas Workforce Commission.

19-58 SECTION 45.02. Effective September 1, 2003, Subsection  
 19-59 (a), Section 2308.054, Government Code, is amended to read as  
 19-60 follows:

19-61 (a) A member of the council who does not serve as an ex  
 19-62 officio member serves a six-year term. Approximately one-third  
 19-63 [One-third] of these members' terms expire in each odd-numbered  
 19-64 year.

19-65 SECTION 45.03. (a) Of the positions on the Council on  
 19-66 Workforce and Economic Competitiveness that must be filled by a  
 19-67 member who represents community-based organizations, the position  
 19-68 of the member whose term on the council is next scheduled to expire  
 19-69 is abolished on September 1, 2003.

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

## ARTICLE 46. TEXAS YOUTH COMMISSION

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

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

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

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

## ARTICLE 47. CONFORMING AMENDMENT; CONSTRUCTION; EFFECTIVE DATE

SECTION 47.01. 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) each state officer or other entity that by statute appoints one or more members to the governing body;

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

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

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

(e) As soon as possible after an appointing officer or entity is informed under Subsection (d), the appointing authority shall make any necessary appointments or reappointments to the governing body to fill the positions of members described by Subsection (c) who are serving in a holdover capacity. If a member whose position is being filled has served two or more years but less than four years of a term, the appointment made under this

subsection is for a term expiring on the fourth anniversary of the date the term began. If a member whose position is being filled has served four or more years but less than six years of a term, the appointment made under this subsection is for a term expiring on the sixth anniversary of the date the term began.

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

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

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

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

SECTION 47.04. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

\* \* \* \* \*