

1-1 By: Birdwell, Nelson, Schwertner S.B. No. 670  
1-2 (In the Senate - Filed January 30, 2017; February 15, 2017,  
1-3 read first time and referred to Committee on Nominations;  
1-4 March 27, 2017, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 27, 2017,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Birdwell</u>	X		
1-10	<u>Watson</u>	X		
1-11	<u>Buckingham</u>		X	
1-12	<u>Estes</u>	X		
1-13	<u>Menéndez</u>		X	
1-14	<u>Miles</u>	X		
1-15	<u>Taylor of Collin</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 670 By: Birdwell

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the appointment of the commissioners of the health and  
1-20 human services agencies by the governor.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 531.0055(a), Government Code, is amended  
1-23 to read as follows:

1-24 (a) In this section [~~and in Section 531.0056~~], "agency  
1-25 director" means the commissioner of a health and human services  
1-26 agency.

1-27 SECTION 2. Section 1001.051, Health and Safety Code, is  
1-28 amended by amending Subsections (a), (a-3), (a-4), and (b) and  
1-29 adding Subsection (a-5) to read as follows:

1-30 (a) The governor [~~executive commissioner~~] shall appoint a  
1-31 commissioner of the department with the advice and consent of the  
1-32 senate [~~approval of the governor~~]. The commissioner is to be  
1-33 selected according to education, training, experience, and  
1-34 demonstrated ability.

1-35 (a-3) The governor [~~executive commissioner~~] may, based on  
1-36 the qualifications and experience in administering public health  
1-37 systems, appoint [~~employ~~] a person other than a physician as the  
1-38 commissioner.

1-39 (a-4) If the governor appoints [~~executive commissioner~~  
1-40 ~~employs~~] a person as commissioner who is not a physician, then the  
1-41 executive commissioner shall designate a person licensed to  
1-42 practice medicine in this state as chief medical executive.

1-43 (a-5) The commissioner shall be appointed without regard to  
1-44 race, color, disability, sex, religion, age, or national origin.

1-45 (b) The commissioner serves at the pleasure of the governor  
1-46 [~~executive commissioner~~].

1-47 SECTION 3. Section 40.027, Human Resources Code, is amended  
1-48 by amending Subsections (a) and (b) and adding Subsection (a-1) to  
1-49 read as follows:

1-50 (a) The governor [~~executive commissioner~~] shall appoint a  
1-51 commissioner with the advice and consent of the senate [~~in~~  
1-52 ~~accordance with Section 531.0056, Government Code~~]. The  
1-53 commissioner is to be selected according to education, training,  
1-54 experience, and demonstrated ability.

1-55 (a-1) The commissioner shall be appointed without regard to  
1-56 race, color, disability, sex, religion, age, or national origin.

1-57 (b) The commissioner serves at the pleasure of the governor  
1-58 [~~executive commissioner~~].

1-59 SECTION 4. The following are repealed:

1-60 (1) Section 531.0056, Government Code; and

2-1 (2) Section 1001.051(a-1), Health and Safety Code.  
2-2 SECTION 5. As soon as possible after the effective date of  
2-3 this Act, the governor shall appoint the commissioner of state  
2-4 health services and the commissioner of the Department of Family  
2-5 and Protective Services as required by Section 1001.051, Health and  
2-6 Safety Code, as amended by this Act, and Section 40.027, Human  
2-7 Resources Code, as amended by this Act, respectively. A person  
2-8 serving as the commissioner of state health services or the  
2-9 commissioner of the Department of Family and Protective Services on  
2-10 the effective date of this Act continues to serve in that capacity  
2-11 until the governor makes the appointments required by this section.  
2-12 SECTION 6. This Act takes effect September 1, 2017.

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