

By: Birdwell, Nelson  
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S.B. No. 670

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment of the commissioners of the health and  
3 human services agencies by the governor.

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

5 SECTION 1. Section 531.0055(a), Government Code, is amended  
6 to read as follows:

7                   (a) In this section [and in Section 531.0056], "agency  
8 director" means the commissioner of a health and human services  
9 agency.

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

13                   (a) The governor [~~executive commissioner~~] shall appoint a  
14 commissioner of the department with the advice and consent of the  
15 senate [~~approval of the governor~~]. The commissioner is to be  
16 selected according to education, training, experience, and  
17 demonstrated ability.

18 (a-3) The governor [~~executive commissioner~~] may, based on  
19 the qualifications and experience in administering public health  
20 systems, appoint [employ] a person other than a physician as the  
21 commissioner.

22 (a-4) If the governor appoints [executive commissioner  
23 ~~employs~~] a person as commissioner who is not a physician, then the  
24 executive commissioner shall designate a person licensed to

1 practice medicine in this state as chief medical executive.

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

4        (b) The commissioner serves at the pleasure of the governor  
5 [executive commissioner].

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

9        (a) The governor [executive commissioner] shall appoint a  
10 commissioner with the advice and consent of the senate [~~in~~  
11 ~~accordance with Section 531.0056, Government Code~~]. The  
12 commissioner is to be selected according to education, training,  
13 experience, and demonstrated ability.

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

16        (b) The commissioner serves at the pleasure of the governor  
17 [executive commissioner].

18        SECTION 4. The following are repealed:

19            (1) Section 531.0056, Government Code; and

20            (2) Section 1001.051(a-1), Health and Safety Code.

21        SECTION 5. As soon as possible after the effective date of  
22 this Act, the governor shall appoint the commissioner of state  
23 health services and the commissioner of the Department of Family  
24 and Protective Services as required by Section 1001.051, Health and  
25 Safety Code, as amended by this Act, and Section 40.027, Human  
26 Resources Code, as amended by this Act, respectively. A person  
27 serving as the commissioner of state health services or the

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1 commissioner of the Department of Family and Protective Services on  
2 the effective date of this Act continues to serve in that capacity  
3 until the governor makes the appointments required by this section.

4 SECTION 6. This Act takes effect September 1, 2017.