

By: Birdwell, Nelson, Schwertner

S.B. No. 670

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SECTION 2. Section 1001.051, Health and Safety Code, is amended by amending Subsections (a), (a-3), and (a-4) and adding Subsections (a-5) and (a-6) to read as follows:

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

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

(a-4) If the governor appoints [~~executive commissioner employs~~] a person as commissioner who is not a physician, then the 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 (a-6) The commissioner serves a two-year term expiring
5 February 1 of each odd-numbered year.

6 SECTION 3. Section 40.027, Human Resources Code, is amended
7 by amending Subsection (a) and adding Subsections (a-1) and (a-2)
8 to 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 (a-2) The commissioner serves a two-year term expiring
17 February 1 of each odd-numbered year.

18 SECTION 4. The following are repealed:

19 (1) Section 531.0056, Government Code;
20 (2) Sections 1001.051(a-1) and (b), Health and Safety
21 Code; and

22 (3) Section 40.027(b), Human Resources Code.

23 SECTION 5. (a) As soon as possible after the effective date
24 of this Act, the governor shall appoint the commissioner of state
25 health services and the commissioner of the Department of Family
26 and Protective Services as required by Section 1001.051, Health and
27 Safety Code, as amended by this Act, and Section 40.027, Human

1 Resources Code, as amended by this Act, respectively. A person
2 serving as the commissioner of state health services or the
3 commissioner of the Department of Family and Protective Services on
4 the effective date of this Act continues to serve in that capacity
5 until the governor makes the appointments required by this section.

6 (b) Notwithstanding Section 1001.051(a-6), Health and
7 Safety Code, as added by this Act, and Section 40.027(a-2), Human
8 Resources Code, as added by this Act, the terms of the initial
9 persons appointed by the governor as the commissioner of state
10 health services and the commissioner of the Department of Family
11 and Protective Services in accordance with Subsection (a) of this
12 section expire February 1, 2019.

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