

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), (a-4), and (b) and adding Subsection (a-5) 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 (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 The following are repealed: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

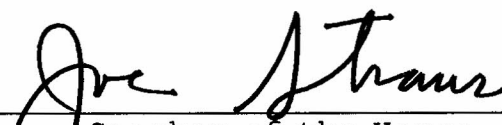
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S.B. No. 670


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.\_\_\_\_\_

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 670 passed the Senate on  
March 29, 2017, by the following vote: Yeas 31, Nays 0.\_\_\_\_\_

  
\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 670 passed the House on  
May 24, 2017, by the following vote: Yeas 146, Nays 0, one  
present not voting.\_\_\_\_\_

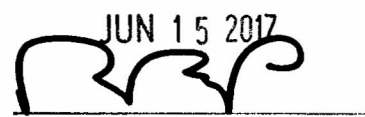
  
\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK

JUN 15 2017  
  
\_\_\_\_\_  
Secretary of State

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**  
**41-3534**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:


Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 670 as passed by the Eighty-Fifth Texas Legislature, Regular Session, because of the following objections:

The commissioner of the Department of State Health Services is currently appointed by the executive commissioner of the Health and Human Services Commission, a gubernatorial appointee. This arrangement works well. Senate Bill 670 would have required direct gubernatorial appointment of the commissioner of DSHS. That is not needed.

Since the Eighty-Fifth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2017.

  
\_\_\_\_\_  
GREG ABBOTT  
Governor of Texas

ATTESTED BY:



\_\_\_\_\_  
ROLANDO B. PABLOS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK  
JUN 15 2017

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 23, 2017**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Nominations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB670 by Birdwell (Relating to the appointment of the commissioners of the health and human services agencies by the governor.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would remove the authority of the executive commissioner of the Health and Human Services Commission (HHSC) to appoint the commissioners of the Department of State Health Services (DSHS) and the Department of Family and Protective Services (DFPS) and provide that authority to the governor, with the advice and consent of the senate. The bill would also remove other authority of the executive commissioner related to employing the commissioners of DSHS and DFPS.

According to the Trusted Programs within the Office of the Governor, HHSC, DFPS, and DSHS, any cost associated with implementing the provisions of the bill can be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusted Programs Within the Office of the Governor, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of

**LBB Staff:** UP, SD, LR, TBo, KCA, RD, LBe

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 20, 2017**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Nominations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB670 by Birdwell (Relating to the appointment of the commissioners of the health and human services agencies by the governor.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would remove the authority of the executive commissioner of the Health and Human Services Commission (HHSC) to appoint the commissioners of the Department of State Health Services (DSHS) and the Department of Family and Protective Services (DFPS) and provide that authority to the governor, with the advice and consent of the senate. The bill would require commissioners to serve a two-year term expiring February 1 of each odd-numbered year. The bill would also remove other authority of the executive commissioner related to employing the commissioners of DSHS and DFPS.

According to the Trusted Programs within the Office of the Governor, HHSC, DFPS, and DSHS, any cost associated with implementing the provisions of the bill can be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusted Programs Within the Office of the Governor, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of

**LBB Staff:** UP, SD, LR, TBo, KCA, RD, LBe