

BILL ANALYSIS

Senate Research Center
82R10347 KKA-D

H.B. 3278
By: Shelton (Shapiro)
Education
5/13/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3278 amends current law relating to membership of the commissioner of education and the Texas Education Agency in certain advisory committees, commissions, task forces, and other similar entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 7, Education Code, by adding Section 7.030, as follows:

Sec. 7.030. ADVISORY COMMITTEE PARTICIPATION. (a) Provides that, notwithstanding any other provision of law, the Texas Education Agency (TEA) is not required to participate in the Advisory Committee on Reducing Drug Demand.

(b) Provides that this section does not prohibit TEA from participating in the advisory committee specified under Subsection (a).

SECTION 2. Amends Section 449.004(a), Government Code, as follows:

(a) Provides that the Texas Holocaust and Genocide Commission is composed of 17 members, rather than 18 members, appointed as follows:

(1) 15 certain appointed public members; and

(2) two ex officio members, rather than three ex officio members, including the commissioner of higher education and the executive director of the Texas Veterans Commission (TVC), rather than the commissioner of education, the commissioner of higher education and the executive director of TVC.

SECTION 3. Amends Section 535.051(b), Government Code, to delete existing text requiring the chief administrative officer of TEA, in consultation with the governor, to designate one employee from TEA to serve as a liaison for faith- and community-based organizations. Makes nonsubstantive changes.

SECTION 4. Amends Section 772.011(b), Government Code, to delete existing text providing that the interagency work group is composed of, among other heads of certain agencies or their designees, the head of TEA or his or her designee. Makes nonsubstantive changes.

SECTION 5. Amends Section 81.010(c), Health and Safety Code, to delete existing text providing that the Interagency Coordinating Council for HIV and Hepatitis consists of, among other representatives, one representative from TEA appointed by the commissioner of education. Makes nonsubstantive changes.

SECTION 6. Amends Section 92.053(b), Health and Safety Code, as follows:

(b) Provides that the Texas Traumatic Brain Injury Advisory Council (council) is composed of the following appointed members, rather than 22 members appointed as follows:

(1) eight public consumer members appointed by the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC), rather than by the commissioner of health and human services, at least three of whom must be individuals related to persons with a traumatic brain injury and at least three of whom must be persons with a brain injury;

(2) six professional members appointed by the executive commissioner, each of whom must have special training and interest in the care, treatment, or rehabilitation of persons with a traumatic brain injury, with one representative each from certain entities.

(3) state agency members, rather than eight state members, with one representative from each of certain agencies appointed by the chief executive officer of the agency, including each health and human services agency identified as appropriate for representation on the council by the executive commissioner and the Texas Department of Insurance (TDI), rather than the Texas Department of Health (TDH), the Texas Department of Human Services (TDHS), the Texas Department of Mental Health and Mental Retardation (TXMHMR), the Texas Rehabilitation Commission (TRC), HHSC, TEA, Texas Planning Council for Developmental Disabilities, and TDI.

Makes conforming and nonsubstantive changes.

SECTION 7. Amends Section 93.002(a), Health and Safety Code, to provide that the Council on Cardiovascular Disease and Stroke is composed of certain individuals, including one nonvoting member representing each of the state agencies that oversee health services, assistive and rehabilitative services, and aging and disability services, rather than health services, education, assistive and rehabilitative services, and aging and disability services. Makes nonsubstantive changes.

SECTION 8. Amends Section 103.002(a), Health and Safety Code, to provide that the Texas Diabetes Council is composed of 11 citizen members appointed from the public and one representative each from TDH, HHSC, and the Department of Assistive and Rehabilitative Services (DARS), rather than TDH, TEA, TDHS, the Texas Commission for the Blind (TCB), and TRC.

SECTION 9. Amends Sections 103.017(a) and (c), Health and Safety Code, as follows:

(a) Requires TDH, DARS, and HHSC, rather than requires TDH, TCB, TRC, TDHS, and TEA, to work with the Texas Diabetes Council to jointly develop, produce, and implement a general public awareness strategy focusing on diabetes, its complications, and techniques for achieving good management.

(c) Authorizes TDH, DARS, and HHSC, rather than requires TCB, TRC, TDHS, and TEA, to jointly develop and implement a statewide plan for conducting regional training sessions for public and private service providers, including institutional health care providers, who have routine contact with persons with diabetes.

SECTION 10. Amends Sections 614.002(a) and (e), Health and Safety Code, as follows:

(a) Provides that the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments is composed of 29 members, rather than 31 members.

(e) Deletes existing text requiring the executive head of TEA, or that person's designated representative, to serve as a member of the committee. Makes nonsubstantive changes.

SECTION 11. Amends Section 121.0015(b), Human Resources Code, to provide that the interagency work group is composed of a representative of each health and human services agency designated by the executive commissioner, rather than of a representative of TEA, appointed by the commissioner of education; TCB, appointed by the commissioner of that agency; TXMHMR, appointed by the commissioner of mental health and mental retardation; TRC, appointed by the commissioner of that agency; and the Texas Commission for the Deaf and Hard of Hearing, appointed by the executive director of that agency. Requires the commissioner of each designated agency to appoint the representative for that agency.

SECTION 12. Amends Section 1802.102(a), Occupations Code, to provide that the Auctioneer Education Advisory Board consists of six appointed members, rather than seven appointed members, including three members who are licensed auctioneers appointed by the presiding officer of the Texas Commission of Licensing and Regulation (TCLR), with TCLR's approval; the executive director of the Texas Economic Development and Tourism Office or the director's designee; and two public members, rather than three members who are licensed auctioneers appointed by the presiding officer of TCLR, with TCLR's approval; the executive director of the Texas Economic Development and Tourism Office or the director's designee; the commissioner of education or the commissioner's designee; and two public members.

SECTION 13. Effective date: upon passage or September 1, 2011.