

## **SUBCHAPTER B: ADVISORY COMMITTEES**

### **§§5.3 - 5.14**

**Effective March 13, 2003**

#### **§5.3. Creation and Duration of Advisory Committees Created by the Commission.**

Except as otherwise provided by law, advisory committees created by the commission shall be created by commission resolution. An advisory committee shall be automatically abolished in accordance with Texas Government Code, §2110.008(b), as amended.

Adopted September 13, 2002

Effective October 8, 2002

#### **§5.4. Purpose and Duties of Advisory Committees.**

The purpose of an advisory committee shall be to give the commission the benefit of the members' collective business, environmental, and technical expertise and experience with respect to matters within the commission's jurisdiction. An advisory committee's sole duty is to advise the commission. An advisory committee has no executive or administrative powers or duties with respect to the operation of the commission, and all such powers and duties rest solely with the commission. The specific purposes and tasks of an advisory committee subject to this subchapter shall be identified by commission resolution.

Adopted September 13, 2002

Effective October 8, 2002

#### **§5.5. Composition of Advisory Committees.**

(a) The composition of advisory committees created by the commission shall comply with the requirements of Texas Government Code, Chapter 2110, as amended.

(b) The commission shall make reasonable attempts to provide balanced representation on all advisory committees. A rule or other action may not be challenged because of the composition of an advisory committee. This section does not apply to an advisory committee to the extent that:

(1) another state law specifically states that Texas Government Code, Chapter 2110, as amended, does not apply; or

(2) a federal law or regulation:

(A) imposes an unconditional requirement that irreconcilably conflicts with the requirements of Texas Government Code, Chapter 2110, as amended; or

(B) imposes a condition on the state's eligibility to receive money from the federal government that irreconcilably conflicts with Texas Government Code, Chapter 2110, as amended.

Adopted September 13, 2002

Effective October 8, 2002

**§5.6. Membership Terms.**

Except as otherwise provided by law, advisory committee members may serve two- or four-year terms, as resolved by the commission. Should the commission resolve that the members of a committee serve four-year terms, these terms shall initially be staggered, with one half of the members (rounded down should one half of the number of members not be a whole number) serving two-year terms, and one half (rounded up should one half of the number of members not be a whole number) serving four-year terms, and the terms for each member decided by drawing lots in the first committee meeting following the establishment of the membership of the committee by the commission.

Adopted May 8, 1996

Effective June 6, 1996

**§5.7. Membership.**

Except as otherwise provided by law, all members of advisory committees are appointed by and serve at the pleasure of the commission. If a member resigns, dies, becomes incapacitated, is removed by the commission, otherwise vacates his or her position, or becomes ineligible prior to the end of his or her term, the commission shall appoint a replacement who shall serve the remainder of the unexpired term.

Adopted September 13, 2002

Effective October 8, 2002

**§5.8. Attendance.**

A record of attendance at each meeting of advisory committees shall be made. Except as otherwise provided by law, if a member of an advisory committee misses three consecutive regularly scheduled meetings or more than half of all the regularly scheduled meetings in a one-year period, that member automatically vacates his or her position on the advisory committee and the commission shall make an appointment to fill the remainder of the unexpired term of the vacancy.

Adopted May 8, 1996

Effective June 6, 1996

**§5.9. Reimbursement.**

Members of advisory committees shall not be reimbursed for expenses unless the commission expressly authorizes reimbursement by resolution. The commission may, in its discretion, reimburse the expenses of members of any duly authorized subcommittee of an advisory committee.

Adopted May 8, 1996

Effective June 6, 1996

**§5.10. Presiding Officer.**

Except as otherwise provided by law, each committee shall elect from its members a presiding officer, who shall report the committee's advice and attendance in writing to the commission. The commission may, at its discretion, appoint other officers of advisory committees. Committees may elect other officers at their pleasure.

Adopted September 13, 2002

Effective October 8, 2002

**§5.11. Manner of Reporting.**

Advisory committees shall report in writing to the commission a minimum of once per year, unless otherwise directed by the commission. The report provided by an advisory committee shall be sufficient to allow the commission to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence.

Adopted May 8, 1996

Effective June 6, 1996

**§5.12. Subcommittees.**

Advisory committees may organize themselves into subcommittees. One member of each subcommittee shall serve as the chairperson of that subcommittee. Subcommittee chairs shall make written reports regarding their subcommittee's work to the presiding officer of the advisory committee. With the commission's consent, a subcommittee of an advisory committee may include members who are not members of the advisory committee, but must include at least one member of the advisory committee.

Adopted May 8, 1996

Effective June 6, 1996

**§5.13. Meetings.**

Advisory committees shall meet at the call of the presiding officer or the commission. All advisory committee and subcommittee meetings, except meetings for the purpose of developing or reviewing licensing examination questions or related materials, shall be open to the public. Meetings for the purpose of developing or reviewing licensing examination questions or related materials may be closed to the public to preclude compromise of the examination questions or related materials.

Adopted February 20, 2003

Effective March 13, 2003

**§5.14. Monitoring of Advisory Committees and Records.**

(a) The commission shall monitor the composition and activities of advisory committees.

(b) Agency staff shall record and maintain the minutes of each advisory committee and subcommittee meeting. The staff shall maintain a record of actions taken and shall distribute copies of approved minutes and other committee documents to the commission and to advisory committee members.

(c) Minutes kept for advisory committee meetings and reports required under §5.11 of this title (relating to Manner of Reporting) shall be maintained in a form and location that is easily accessible to the public, including making the information available on the commission's website.

Adopted September 13, 2002

Effective October 8, 2002

**Derivation Table**  
**Rule Log No. 95123-263-AD**  
**Procedural Rules**  
**Adopted May 8, 1996**  
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**Chapter 5 - Advisory Committees**

This table is to be used to track sections after rule revisions. The column on the left should list the sections after the revision. The column on the right should list where the section was prior to the revision.

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