

## CHAPTER 398

## S.B. No. 383

## AN ACT

relating to the existence, composition, and expenses of state agency advisory committees.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Title 110A, Revised Statutes, is amended by adding Article 6252-33 to read as follows:

**Art. 6252-33. STATE AGENCY ADVISORY COMMITTEES**

**Sec. 1. DEFINITION.** *In this article, "advisory committee" means a committee, council, commission, task force, or other entity in the executive branch of state government that:*

- (1) is not a state agency;*
- (2) is created by or under state law; and*
- (3) has as its primary function advising a state agency.*

**Sec. 2. COMPOSITION OF ADVISORY COMMITTEES.** *(a) Notwithstanding other law, an advisory committee must be composed of a reasonable number of members not to exceed 24 members. The composition of the committee must also provide a balanced representation between:*

- (1) industries or occupations regulated or directly affected by the advised state agency; and*
- (2) consumers of services provided either by the advised state agency or by industries or occupations regulated by the agency.*

*(b) This section does not apply to an advisory committee if the committee must be composed in a manner that is inconsistent with this section under federal law or for federal funding purposes.*

**Sec. 3. PRESIDING OFFICER.** *(a) An advisory committee shall select from among its members a presiding officer, unless a different procedure for selecting the presiding officer is prescribed by other law.*

*(b) The presiding officer shall preside over the advisory committee and report to the advised state agency.*

**Sec. 4. REIMBURSEMENT OF MEMBERS' EXPENSES; APPROPRIATIONS PROCESS.** *(a) Notwithstanding other law, the manner and amount of reimbursement for expenses, including travel expenses, of members of an advisory committee may be prescribed only:*

- (1) by the General Appropriations Act; or*
- (2) through the budget execution process under Chapter 317, Government Code, if the advisory committee is created after it is practicable to address the existence of the committee in the General Appropriations Act.*

*(b) A state agency that is advised by an advisory committee must request authority to reimburse the expenses of members of the committee through the appropriations or budget execution process, as appropriate, if the agency determines that the expenses of committee members should be reimbursed. The request must:*

(1) identify the costs related to the advisory committee's existence, including the cost of agency staff time spent in support of the committee's activities;

(2) state the reasons the advisory committee should continue in existence; and

(3) identify any other advisory committees created to advise the agency that should be consolidated or abolished.

(c) As part of the appropriations and budget execution process, the governor and the Legislative Budget Board shall jointly identify advisory committees that should be abolished. The comptroller may recommend to the governor and the Legislative Budget Board that an advisory committee should be abolished.

(d) The General Appropriations Act may provide for reimbursing the expenses of members of certain advisory committees without providing for reimbursing the expenses of members of other advisory committees.

(e) This section does not apply to an advisory committee the services of which are determined by the governing board of a retirement system trust fund to be necessary for the performance of the governing board's fiduciary duties under the Texas Constitution.

**Sec. 5. AGENCY-DEVELOPED STATEMENT OF PURPOSE; REPORTING REQUIREMENTS.** A state agency that is advised by an advisory committee shall adopt rules that:

(1) state the purpose of the committee; and

(2) describe the task of the committee and the manner in which the committee will report to the agency.

**Sec. 6. AGENCY EVALUATION OF COMMITTEE COSTS AND EFFECTIVENESS.** A state agency that is advised by an advisory committee shall annually evaluate:

(1) the committee's work;

(2) the committee's usefulness; and

(3) the costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities.

**Sec. 7. REPORT TO THE LEGISLATIVE BUDGET BOARD.** A state agency that is advised by an advisory committee shall report to the Legislative Budget Board the information developed in the evaluation required by Section 6 of this article. The report shall be filed biennially in connection with the agency's request for appropriations.

**Sec. 8. DURATION OF ADVISORY COMMITTEES.** (a) A state agency that is advised by an advisory committee shall establish by rule a date on which the committee will automatically be abolished. The advisory committee may continue in existence after that date only if the governing body of the agency affirmatively votes to continue the committee in existence.

(b) An advisory committee is automatically abolished on the fourth anniversary of the date of its creation unless the governing body of the agency establishes a different date under Subsection (a) of this section.

(c) This section does not apply to an advisory committee that has a specific duration prescribed by statute.

**SECTION 2.** As soon as possible after the effective date of this Act, a state agency that is advised by an advisory committee that is not composed in accordance with Section 2, Article 6252-33, Revised Statutes, as added by this Act, shall add or subtract members of the advisory committee, as appropriate, to bring the composition of the committee into compliance with Section 2. If the law, order, or resolution that created the advisory committee provided that more than one appointing authority would appoint a stated number of members to the committee, the agency shall preserve the ratio of members appointed by the different appointing authorities. The agency may subtract members of an advisory committee as necessary to bring its composition into compliance with Section 2 by agreement among the affected members, by lot, or by some other reasonable method.

**SECTION 3.** An advisory committee as defined in Article 6252-33, Revised Statutes, as added by this Act, that exists as of September 1, 1993, is automatically abolished September 1, 1997, unless:

(1) the governing body of the agency establishes a different date under Section 8, Article 6252-33, Revised Statutes; or

(2) the advisory committee has a specific duration prescribed by statute.

SECTION 4. The following advisory entities are abolished:

(1) the Transportation Audit Committee, created by Chapter 23, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6663d, Vernon's Texas Civil Statutes);

(2) the Campaign Finance Reform Task Force, created by executive order;

(3) the Committee on Water Resources, created by executive order;

(4) the Health Maintenance Organization Advisory Committee to the Texas Department of Health;

(5) the Criminal Justice Education Project Advisory Committee, created by executive order;

(6) the Task Force on Public Utility Regulation, created by executive order;

(7) the Task Force on Waste Management Policy, created under the authority of legislative resolutions;

(8) the Texas Science and Technology Council, created by executive order;

(9) the State Complete Count Census Committee, created by executive order;

(10) the Governor's Welfare Reform Task Force, created by executive order;

(11) the Design Advisory Panel to the General Services Commission created by Subsection (b), Section 5.20, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes);

(12) the advisory committee to the Motorcycle Operator Training and Safety Program, created by Section 3, Article 6701c-4, Revised Statutes;

(13) the Texas Summit Committee, appointed to advise the Texas Commission on Alcohol and Drug Abuse under Section 461.012, Health and Safety Code, on developing and promoting a culturally relevant abuse prevention strategy;

(14) the Joint Interim Committee on Proprietary Schools, created by Section 4.33, Chapter 813, Acts of the 71st Legislature, Regular Session, 1989;

(15) the Paperwork Reduction Advisory Committee, appointed to advise the Central Education Agency in accomplishing its duties under Section 21.925, Education Code;

(16) the Committee on State Revenue Estimates, created by Section 403.122, Government Code;

(17) the FIRST Committee, created by Chapter 436, Acts of the 67th Legislature, Regular Session, 1981 (Article 4413(57), Vernon's Texas Civil Statutes);

(18) the Dairy Advisory Board to the Department of Agriculture; and

(19) the family farm and ranch advisory council to the Department of Agriculture.

SECTION 5. The following laws are repealed:

(1) Subsection (b), Section 5.20, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes);

(2) Chapter 23, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6663d, Vernon's Texas Civil Statutes);

(3) Section 3, Article 6701c-4, Revised Statutes;

(4) Section 4.33, Chapter 813, Acts of the 71st Legislature, Regular Session, 1989;

(5) Section 403.122, Government Code;

(6) Chapter 436, Acts of the 67th Legislature, Regular Session, 1981 (Article 4413(57), Vernon's Texas Civil Statutes);

(7) Section 13.202, Agriculture Code; and

(8) Section 252.013, Agriculture Code.

SECTION 6. This Act takes effect September 1, 1993.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 25, 1993, by a viva-voce vote; the Senate concurred in House amendments on May 23, 1993, by a viva-voce vote; passed the House, with amendments, on May 21, 1993, by a non-record vote.

Approved June 2, 1993.

Effective Sept. 1, 1993.