

By: Zaffirini

S.B. No. 2075

A BILL TO BE ENTITLED

AN ACT

relating to the establishment, powers and duties, terms, and governance of certain advisory bodies for programs administered by the Texas Department of Licensing and Regulation.

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

SECTION 1. Section 301.053, Agriculture Code, is amended to read as follows:

Sec. 301.053. ADVISORY BOARDS [~~COMMITTEES~~]. The Texas Department of Licensing and Regulation may establish advisory boards [~~committees~~] to advise the Texas Department of Licensing and Regulation and to make recommendations to the Texas Department of Licensing and Regulation concerning legislation, policies, administration, research, and other matters related to the duties, powers, or functions of the Texas Department of Licensing and Regulation under this chapter.

SECTION 2. Section 1001.058, Education Code, is amended to read as follows:

Sec. 1001.058. ADVISORY BOARD [~~COMMITTEE~~]. (a) The commission shall establish an advisory board [~~committee~~] to advise the commission and department on rules and educational and technical matters relevant to the administration of this chapter.

(b) The advisory board [~~committee~~] consists of nine members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:

- (1) three driver education providers;
- (2) three driving safety providers;
- (3) one driver education instructor;
- (4) the division head of the Department of Public Safety driver license division or the division head's designee; and
- (5) one member of the public.

(c) The presiding officer of the commission shall appoint the presiding officer of the advisory board for a term of two years ~~[committee]~~. The presiding officer of the advisory board ~~[committee]~~ may vote on any matter before the advisory board ~~[committee]~~.

(d) ~~[A member may not serve two consecutive full terms.]~~

~~[(e)]~~ If a vacancy occurs during a term, the presiding officer of the commission, with the approval of the commission, shall appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.

(e) ~~[(f)]~~ A member of the advisory board ~~[committee]~~ may be removed from the advisory board ~~[committee]~~ as provided by Section [51.209](#), Occupations Code.

(f) ~~[(g)]~~ Members of the advisory board ~~[committee]~~ may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the advisory board ~~[committee]~~, subject to the General Appropriations Act.

(g) ~~[(h)]~~ Chapter [2110](#), Government Code, does not apply to the advisory board ~~[committee]~~.

SECTION 3. Section [469.053](#), Government Code, is amended to

1 read as follows:

2 Sec. 469.053. ADVISORY BOARD [~~COMMITTEE~~]; TERMS; MEETINGS;
3 REVIEW OF AND COMMENT ON RULES. (a) The presiding officer of the
4 commission, with the commission's approval, shall appoint an
5 advisory board [~~committee~~] for the architectural barriers program.
6 The board [~~committee~~] shall consist of building professionals and
7 persons with disabilities who are familiar with architectural
8 barrier problems and solutions. The board [~~committee~~] shall
9 consist of at least eight members. A majority of the members of the
10 board [~~committee~~] must be persons with disabilities.

11 (b) Members of the advisory board serve staggered six-year
12 terms [~~A committee member serves at the will of the presiding~~
13 ~~officer of the commission~~].

14 (c) A board [~~committee~~] member may not receive compensation
15 for service on the board [~~committee~~] but is entitled to
16 reimbursement for actual and necessary expenses incurred in
17 performing functions as a member.

18 (d) The presiding officer of the commission, with the
19 commission's approval, shall appoint a board [~~committee~~] member as
20 presiding officer for two years.

21 (e) [~~(f) The committee periodically shall review the rules~~
22 ~~relating to the architectural barriers program and recommend~~
23 ~~changes in the rules to the commission.~~

24 [~~(g)~~] The commission must submit all proposed changes to any
25 rule or procedure that relates to the architectural barriers
26 program to the board [~~committee~~] for review and comment before
27 adopting or implementing the new or amended rule or procedure.

SECTION 4. Section 754.012(b), Health and Safety Code, is amended to read as follows:

(b) A member of the advisory board may be removed from the advisory board as provided by Section 51.209, Occupations Code ~~[Board members serve at the will of the commission]~~.

SECTION 5. Section 51.001(1), Occupations Code, is amended to read as follows:

(1) "Advisory board" means an ~~[a board, committee, council, or other]~~ entity with multiple members that has as its primary function advising the commission or department.

SECTION 6. Subchapter D, Chapter 51, Occupations Code, is amended by adding Section 51.2094 to read as follows:

Sec. 51.2094. PROGRAM ADVISORY BOARDS. (a) The commission may establish an advisory board to advise the commission or the department regarding a program subject to regulation by the department.

(b) Unless otherwise provided by a law establishing a regulatory program administered by the department, the commission may establish:

(1) the number of advisory board members, provided that the number of members must be an odd number of three or more;

(2) the qualifications for an advisory board member;
and

(3) the terms of advisory board members.

(c) Unless otherwise provided by a law establishing a regulatory program administered by the department, members of an advisory board shall be appointed by the presiding officer of the

commission with the commission's approval.

(d) Unless otherwise provided by a law establishing a regulatory program administered by the department, the presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a two-year term. The presiding officer of the advisory board may vote on any matter before the advisory board.

SECTION 7. Section 203.055(a), Occupations Code, is amended to read as follows:

(a) Members of the advisory board serve for staggered terms of six years. ~~[The terms of three members expire on January 31 of each odd-numbered year.]~~

SECTION 8. Section 203.056, Occupations Code, is amended to read as follows:

Sec. 203.056. PRESIDING OFFICER. The presiding officer of the commission shall designate a member of the advisory board to serve as the presiding officer of the advisory board to serve for a term of two years ~~[one year]~~. The presiding officer of the advisory board may vote on any matter before the advisory board.

SECTION 9. Section 401.105(a), Occupations Code, is amended to read as follows:

(a) Members are appointed for staggered six-year terms. ~~[The terms of three members expire September 1 of each odd-numbered year.]~~

SECTION 10. Section 401.107(a), Occupations Code, is amended to read as follows:

1 (a) The presiding officer of the commission shall designate
2 a member of the advisory board to serve as the presiding officer of
3 the advisory board for a term of two years [~~one year~~].

4 SECTION 11. Section 402.055(a), Occupations Code, is
5 amended to read as follows:

6 (a) Members of the advisory board serve staggered six-year
7 terms. [~~The terms of three members expire on February 1 of each~~
8 ~~odd-numbered year.~~]

9 SECTION 12. Section 402.057, Occupations Code, is amended
10 to read as follows:

11 Sec. 402.057. PRESIDING OFFICER. The presiding officer of
12 the commission shall designate a member of the advisory board to
13 serve as the presiding officer of the advisory board for a term of
14 two years [~~one year~~]. The presiding officer of the advisory board
15 may vote on any matter before the advisory board.

16 SECTION 13. Section 403.051, Occupations Code, is amended
17 to read as follows:

18 Sec. 403.051. ADVISORY BOARD [~~COMMITTEE~~]. The department
19 shall appoint an advisory board [~~committee~~] to provide advice and
20 recommendations to the department on technical matters relevant to
21 the administration of this chapter.

22 SECTION 14. Section 451.053(a), Occupations Code, is
23 amended to read as follows:

24 (a) Board members serve staggered six-year terms [~~with the~~
25 ~~terms of one or two members expiring on January 31 of each~~
26 ~~odd-numbered year~~].

27 SECTION 15. Section 451.055, Occupations Code, is amended

1 to read as follows:

2 Sec. 451.055. PRESIDING OFFICER. The presiding officer of
3 the commission shall designate a member of the board to serve as the
4 presiding officer of the board for a two-year ~~[one-year]~~ term. The
5 presiding officer of the board may vote on any matter before the
6 board.

7 SECTION 16. Section 455.103(a), Occupations Code, is
8 amended to read as follows:

9 (a) Members of the advisory board are appointed for
10 staggered six-year terms. ~~[The terms of three members expire~~
11 ~~September 1 of each odd-numbered year.]~~

12 SECTION 17. Section 455.104(a), Occupations Code, is
13 amended to read as follows:

14 (a) The presiding officer of the commission shall designate
15 a member of the advisory board to serve as the presiding officer of
16 the advisory board for a term of two years ~~[one-year]~~.

17 SECTION 18. Section 506.103(a), Occupations Code, is
18 amended to read as follows:

19 (a) Members of the advisory board serve staggered six-year
20 terms~~[, with the terms of three members expiring February 1 of each~~
21 ~~odd-numbered year].~~

22 SECTION 19. Section 506.104, Occupations Code, is amended
23 to read as follows:

24 Sec. 506.104. PRESIDING OFFICER. The presiding officer of
25 the commission shall designate a member of the advisory board to
26 serve as the presiding officer of the advisory board for a term of
27 two years ~~[one-year]~~. The presiding officer of the advisory board

1 may vote on any matter before the advisory board.

2 SECTION 20. Section 605.055(a), Occupations Code, is
3 amended to read as follows:

4 (a) Members of the advisory board serve staggered six-year
5 terms. [~~The terms of two or three members expire on February 1 of~~
6 ~~each odd-numbered year.~~]

7 SECTION 21. Section 605.056, Occupations Code, is amended
8 to read as follows:

9 Sec. 605.056. PRESIDING OFFICER. The presiding officer of
10 the commission, with the commission's approval, shall designate a
11 member of the advisory board to serve as the presiding officer of
12 the advisory board for a term of two years [~~one year~~]. The
13 presiding officer of the advisory board may vote on any matter
14 before the advisory board.

15 SECTION 22. Section 701.054(a), Occupations Code, is
16 amended to read as follows:

17 (a) Members of the advisory board serve staggered six-year
18 terms. [~~The terms of three members begin on September 1 of each~~
19 ~~odd-numbered year.~~]

20 SECTION 23. Section 701.057, Occupations Code, is amended
21 to read as follows:

22 Sec. 701.057. PRESIDING OFFICER. The presiding officer of
23 the commission shall designate a member of the advisory board as the
24 presiding officer of the advisory board to serve for a term of two
25 years [~~one year~~]. The presiding officer of the advisory board may
26 vote on any matter before the advisory board.

27 SECTION 24. Section 802.065, Occupations Code, is amended

1 to read as follows:

2 Sec. 802.065. ADVISORY BOARD [~~COMMITTEE~~]. (a) The
3 commission shall establish an advisory board [~~committee~~] to advise
4 the commission and make recommendations on matters related to the
5 administration and enforcement of this chapter, including
6 licensing fees and standards adopted under Subchapter E.

7 (b) The advisory board [~~committee~~] consists of nine members
8 appointed by the presiding officer of the commission with the
9 approval of the commission as follows:

- 10 (1) two members who are licensed breeders;
11 (2) two members who are veterinarians;
12 (3) two members who represent animal welfare
13 organizations each of which has an office based in this state;
14 (4) two members who represent the public; and
15 (5) one member who is an animal control officer as
16 defined in Section [829.001](#), Health and Safety Code.

17 (c) Members of the advisory board [~~committee~~] serve
18 staggered six-year [~~four-year~~] terms. [~~The terms of four or five~~
19 ~~members expire on February 1 of each odd-numbered year.~~] If a
20 vacancy occurs during a member's term, the presiding officer of the
21 commission, with the approval of the commission, shall appoint a
22 replacement member to serve for the remainder of the unexpired
23 term.

24 (d) The presiding officer of the commission shall designate
25 one member of the advisory board [~~committee~~] to serve as presiding
26 officer of the advisory board [~~committee~~] for a two-year term. A
27 member may serve more than one term as presiding officer.

1 (e) [~~(f)~~] Except for the members described by Subsection
2 (b)(1), a person may not be a member of the advisory board
3 [~~committee~~] if the person or a member of the person's household:

4 (1) is required to be licensed under this chapter;

5 (2) is an officer, employee, or paid consultant of an
6 entity required to be licensed under this chapter;

7 (3) owns or controls, either directly or indirectly,
8 more than a 10 percent interest in an entity required to be licensed
9 under this chapter; or

10 (4) is required to register as a lobbyist under
11 Chapter 305, Government Code, because of the person's activities
12 for compensation on behalf of an entity required to be licensed
13 under this chapter.

14 (f) [~~(g)~~] The presiding officer of the commission may
15 remove from the advisory board [~~committee~~] a member who is
16 ineligible for membership under Subsection (f).

17 (g) [~~(h)~~] A member may not receive compensation for service
18 on the advisory board [~~committee~~]. Subject to the department's
19 budget and any limitation provided by the General Appropriations
20 Act, a board [~~committee~~] member may receive reimbursement for the
21 actual and necessary expenses incurred while performing advisory
22 board [~~committee~~] duties.

23 (h) [~~(i)~~] A decision of the advisory board [~~committee~~] is
24 effective only on a majority vote of the members present.

25 (i) [~~(j)~~] Chapter 2110, Government Code, does not apply to
26 the size, composition, or duration of the advisory board
27 [~~committee~~] or to the appointment of the board's [~~committee's~~]

1 presiding officer.

2 SECTION 25. Section 1151.002(7-b), Occupations Code, is
3 amended to read as follows:

4 (7-b) "Board" [~~"Committee"~~] means the Texas Tax
5 Professional Advisory Board [~~Committee~~].

6 SECTION 26. Subchapter B, Chapter 1151, Occupations Code,
7 is amended to read as follows:

8 SUBCHAPTER B. TEXAS TAX PROFESSIONAL ADVISORY BOARD [~~COMMITTEE~~]

9 Sec. 1151.051. MEMBERSHIP. (a) The Texas Tax Professional
10 Advisory Board [~~Committee~~] consists of seven members appointed by
11 the presiding officer of the commission with the approval of the
12 commission as follows:

13 (1) two members who are certified under this chapter
14 as registered professional appraisers;

15 (2) two members who are certified under this chapter
16 as registered Texas collectors or registered Texas assessors; and

17 (3) three members who represent the public.

18 (b) A vacancy on the board [~~committee~~] is filled in the same
19 manner as the original appointment for the unexpired portion of the
20 term.

21 (c) The presiding officer of the commission shall designate
22 one member of the board [~~committee~~] as the presiding officer to
23 serve a two-year term.

24 (d) Each appointment to the board [~~committee~~] shall be made
25 without regard to the race, color, disability, sex, religion, age,
26 or national origin of the appointee.

27 (e) Section 2110.008, Government Code, does not apply to the

1 board [~~committee~~].

2 Sec. 1151.0511. PUBLIC MEMBER ELIGIBILITY. A person may
3 not be a public member of the board [~~committee~~] if the person or the
4 person's spouse:

5 (1) is registered, certified, or licensed by a
6 regulatory agency in the field of property tax appraisal,
7 assessment, or collection;

8 (2) is employed by or participates in the management
9 of a business entity or other organization regulated by or
10 receiving money from the department;

11 (3) owns or controls, directly or indirectly, more
12 than a 10 percent interest in a business entity or other
13 organization regulated by or receiving money from the department;

14 (4) uses or receives a substantial amount of tangible
15 goods, services, or money from the department other than
16 compensation or reimbursement authorized by law for board
17 [~~committee~~] membership, attendance, or expenses; or

18 (5) at any time has served on an appraisal review
19 board.

20 Sec. 1151.0512. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
21 In this section, "Texas trade association" means a cooperative and
22 voluntarily joined statewide association of business or
23 professional competitors in this state designed to assist its
24 members and its industry or profession in dealing with mutual
25 business or professional problems and in promoting their common
26 interest.

27 (b) A person may not be a member of the board [~~committee~~] if:

1 (1) the person is an officer, employee, or paid
2 consultant of a Texas trade association in the field of property tax
3 appraisal, assessment, or collection; or

4 (2) the person's spouse is an officer, manager, or paid
5 consultant of a Texas trade association in the field of property tax
6 appraisal, assessment, or collection.

7 (c) A person may not be a member of the board [~~committee~~] if
8 the person or the person's spouse is required to register as a
9 lobbyist under Chapter 305, Government Code, because of the
10 person's activities for compensation on behalf of a profession
11 related to the operation of the board [~~committee~~] or the
12 department.

13 Sec. 1151.052. TERMS. Board [~~Committee~~] members serve
14 staggered six-year terms[, ~~with the terms of one or two members~~
15 ~~expiring on March 1 of each odd-numbered year~~].

16 Sec. 1151.055. COMPENSATION; REIMBURSEMENT. [~~(a)~~] A board
17 [~~committee~~] member may not receive compensation for the member's
18 services.

19 SECTION 27. The heading to Subchapter C, Chapter 1151,
20 Occupations Code, is amended to read as follows:

21 SUBCHAPTER C. DUTIES OF COMMISSION, EXECUTIVE DIRECTOR,
22 DEPARTMENT, AND ADVISORY BOARD [~~COMMITTEE~~]

23 SECTION 28. Section 1151.101, Occupations Code, is amended
24 to read as follows:

25 Sec. 1151.101. FEES. The commission, with the advice of the
26 board [~~committee~~], shall establish fees under this chapter in
27 amounts reasonable and necessary to cover the costs of

administering the programs and activities under this chapter.

SECTION 29. Section 1151.108, Occupations Code, is amended to read as follows:

Sec. 1151.108. BOARD [~~COMMITTEE~~] DUTIES. The board [~~committee~~] shall:

(1) recommend to the commission rules and standards regarding technical issues relating to tax professionals;

(2) provide advice to the commission regarding continuing education courses and curricula for registrants;

(3) provide advice to the commission regarding the contents of any examination required by the commission under this chapter; and

(4) educate, and respond to questions from, the commission and the department regarding issues affecting tax professionals.

SECTION 30. Subchapter C, Chapter 1152, Occupations Code, is amended to read as follows:

SUBCHAPTER C. PROPERTY TAX CONSULTANTS ADVISORY BOARD [~~COUNCIL~~]

Sec. 1152.101. DEFINITION. In this subchapter, "board" [~~"council"~~] means the Property Tax Consultants Advisory Board [~~Council~~].

Sec. 1152.102. BOARD [~~COUNCIL~~] MEMBERSHIP. (a) The board [~~council~~] is composed of seven members appointed by the presiding officer of the commission, with the commission's approval.

(b) The presiding officer of the commission may appoint not more than two members who are qualified for an exemption under Section 1152.002(a)(3).

(c) Except as provided by Subsection (d), each person appointed for membership on the board [~~council~~] must:

(1) be a registered senior property tax consultant;

(2) be a member of a nonprofit and voluntary trade association:

(A) whose membership consists primarily of persons who perform property tax consulting services in this state or who engage in property tax management in this state for other persons;

(B) that has written experience and examination requirements for membership; and

(C) that subscribes to a code of professional conduct or ethics;

(3) be a resident of this state for the five years preceding the date of the appointment; and

(4) have performed or supervised the performance of property tax consulting services as the person's primary occupation continuously for the five years preceding the date of the appointment.

(d) One member of the board [~~council~~] must be a public member.

Sec. 1152.103. MEMBERSHIP RESTRICTIONS. A person is not eligible for appointment as a member of the board [~~council~~] if the person is:

(1) required to register with the secretary of state under Chapter 305, Government Code;

(2) required to register with the department under

1 Chapter 1151; or

2 (3) exempt from the registration requirements imposed
3 by this chapter, except as provided by Section 1152.102.

4 Sec. 1152.104. TERMS; VACANCY. (a) Members of the board
5 [~~council~~] serve staggered six-year [~~three-year~~] terms[, ~~with the~~
6 ~~terms of two members expiring on February 1 of each year~~].

7 (b) If a vacancy occurs during a member's term, the
8 presiding officer of the commission, with the commission's
9 approval, shall appoint to fill the unexpired part of the term a
10 replacement who meets the qualifications of the vacated office.

11 Sec. 1152.105. PRESIDING OFFICER. The presiding officer of
12 the commission, with the commission's approval, shall appoint a
13 member of the board [~~council~~] to serve as presiding officer of the
14 board [~~council~~] for two years.

15 Sec. 1152.106. VOTE REQUIRED FOR ACTION. A decision of the
16 board [~~council~~] is not effective unless it receives the affirmative
17 vote of at least four members.

18 Sec. 1152.107. COMPENSATION; REIMBURSEMENT. A board
19 [~~council~~] member is not entitled to receive compensation for
20 serving as a member. A board [~~council~~] member is entitled to
21 reimbursement for reasonable expenses incurred in performing
22 duties as a member, subject to applicable limitations in the
23 General Appropriations Act.

24 Sec. 1152.108. BOARD [~~COUNCIL~~] POWERS. The board [~~council~~]
25 shall:

26 (1) recommend to the commission standards of practice,
27 conduct, and ethics for registrants to be adopted under this

1 chapter;

2 (2) recommend to the commission amounts for the fees
3 it may set under this chapter;

4 (3) recommend to the commission contents for the
5 senior property tax consultant registration examination and
6 standards of acceptable performance;

7 (4) assist and advise the commission in recognizing
8 continuing education programs and educational courses for
9 registrants; and

10 (5) advise the commission in establishing educational
11 requirements for initial applicants.

12 SECTION 31. Section 1302.201, Occupations Code, is amended
13 to read as follows:

14 Sec. 1302.201. ADVISORY BOARD MEMBERSHIP. The air
15 conditioning and refrigeration contractors advisory board consists
16 of nine members appointed by the presiding officer of the
17 commission, with the commission's approval~~[, and two ex officio~~
18 ~~nonvoting members]~~. One member of the advisory board must be a
19 public member.

20 SECTION 32. Section 1302.205(a), Occupations Code, is
21 amended to read as follows:

22 (a) Appointed advisory board members serve staggered
23 six-year terms. ~~[The terms of two appointed members expire on~~
24 ~~February 1 of each odd-numbered year.]~~

25 SECTION 33. Section 1305.052(a), Occupations Code, is
26 amended to read as follows:

27 (a) Advisory board members serve staggered terms of six

1 years[, ~~with the terms of three members expiring on February 1 of~~
2 ~~each odd-numbered year~~].

3 SECTION 34. Section 1305.053, Occupations Code, is amended
4 to read as follows:

5 Sec. 1305.053. PRESIDING OFFICER. The presiding officer of
6 the commission shall appoint one of the advisory board members to
7 serve as presiding officer of the advisory board for a term of two
8 years [~~one year~~]. The presiding officer of the advisory board may
9 vote on any matter before the advisory board.

10 SECTION 35. Section 1603.053(a), Occupations Code, is
11 amended to read as follows:

12 (a) Members of the advisory board serve staggered six-year
13 terms[, ~~with the terms of three members expiring January 31 of each~~
14 ~~odd-numbered year~~].

15 SECTION 36. Section 1802.102(a), Occupations Code, is
16 amended to read as follows:

17 (a) The advisory board consists of seven members appointed
18 as follows:

19 (1) four members who are licensed auctioneers
20 appointed by the presiding officer of the commission, with the
21 commission's approval;

22 (2) one member who represents an auction school [~~the~~
23 ~~administrative head, or the administrative head's designee, of any~~
24 ~~state agency or office that is selected by the commission~~]; and

25 (3) two public members.

26 SECTION 37. Sections 1802.103 and 1802.104, Occupations
27 Code, are amended to read as follows:

1 Sec. 1802.103. TERMS; VACANCIES. [~~(a)~~] Advisory board
2 members serve staggered six-year terms [~~that expire on September 1~~
3 ~~of each odd-numbered year. Members may not serve more than two~~
4 ~~consecutive terms~~]. If a vacancy occurs during [~~the term of such~~] a
5 member's term [~~member~~], the presiding officer of the commission,
6 with the commission's approval, shall appoint a replacement to
7 serve for the remainder of the term.

8 Sec. 1802.104. PRESIDING OFFICER. The presiding officer of
9 the commission, with the commission's approval, shall appoint a
10 member of the advisory board to serve as presiding officer of the
11 board. The presiding officer shall serve a term of [~~serves for~~] two
12 years [~~and may not serve more than two consecutive terms~~].

13 SECTION 38. Section 1901.001(3), Occupations Code, is
14 amended to read as follows:

15 (3) "Board" [~~"Council"~~] means the Texas Water Well
16 Drillers Advisory Board [~~Council~~].

17 SECTION 39. The heading to Subchapter C, Chapter 1901,
18 Occupations Code, is amended to read as follows:

19 SUBCHAPTER C. TEXAS WATER WELL DRILLERS ADVISORY BOARD [~~COUNCIL~~]

20 SECTION 40. Section 1901.101, Occupations Code, is amended
21 to read as follows:

22 Sec. 1901.101. BOARD [~~COUNCIL~~] MEMBERSHIP. (a) The Texas
23 Water Well Drillers Advisory Board [~~Council~~] consists of nine
24 members appointed by the presiding officer of the commission, with
25 the commission's approval, as follows:

26 (1) six members who are drillers experienced in the
27 well drilling business and familiar with well drilling, completion,

1 and plugging methods and techniques; and

2 (2) three public members.

3 (b) One member appointed under Subsection (a)(1) must be
4 selected from the state at large and the remaining five driller
5 members must be selected from each of the following geographic
6 areas of the state:

7 (1) Gulf Coast area;

8 (2) Trans-Pecos area;

9 (3) Central Texas area;

10 (4) Northeast Texas area; and

11 (5) Panhandle-South Plains area.

12 (c) Appointments to the board [~~council~~] shall be made
13 without regard to the race, creed, sex, religion, or national
14 origin of the appointee.

15 SECTION 41. Section 1901.102(b), Occupations Code, is
16 amended to read as follows:

17 (b) A person is not eligible for appointment as a public
18 member of the board [~~council~~] if the person or the person's spouse:

19 (1) is licensed by an occupational regulatory agency
20 in the field of well drilling; or

21 (2) is employed by, participates in the management of,
22 or has, other than as a consumer, a financial interest in a business
23 entity or other organization related to the field of well drilling.

24 SECTION 42. Section 1901.103, Occupations Code, is amended
25 to read as follows:

26 Sec. 1901.103. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
27 An officer, employee, or paid consultant of a trade association in

1 the well drilling industry may not be a board [~~council~~] member or an
2 employee of the department connected with the administration of
3 this chapter.

4 (b) A board [~~council~~] member or an employee of the
5 department connected with the administration of this chapter may
6 not be related within the second degree by affinity or
7 consanguinity to a person who is an officer, employee, or paid
8 consultant of a trade association in the well drilling industry.

9 (c) A person may not serve as a member of the board [~~council~~]
10 if the person is required to register as a lobbyist under Chapter
11 305, Government Code, because of the person's activities on behalf
12 of a trade or professional association in the well drilling
13 industry.

14 SECTION 43. Section 1901.104, Occupations Code, is amended
15 to read as follows:

16 Sec. 1901.104. TERMS. Board [~~Council~~] members serve
17 staggered six-year terms [~~expiring September 15~~].

18 SECTION 44. Section 1901.105, Occupations Code, is amended
19 to read as follows:

20 Sec. 1901.105. PRESIDING OFFICER. The presiding officer of
21 the commission, with the commission's approval, shall appoint a
22 member of the board [~~council~~] to serve as presiding officer of the
23 board [~~council~~] for two years.

24 SECTION 45. Section 1901.107, Occupations Code, is amended
25 to read as follows:

26 Sec. 1901.107. MEETINGS; QUORUM. (a) [~~(b)~~] The board
27 [~~council~~] shall conduct meetings in compliance with Chapter 551,

1 Government Code.

2 **(b)** ~~[(c)]~~ A majority of the board ~~[council]~~ constitutes a
3 quorum.

4 SECTION 46. Section **1901.108**, Occupations Code, is amended
5 to read as follows:

6 Sec. 1901.108. REIMBURSEMENT. A board ~~[council]~~ member may
7 be reimbursed for travel expenses, including expenses for meals and
8 lodging. A member is entitled to reimbursement for transportation
9 expenses as prescribed by the General Appropriations Act.

10 SECTION 47. Section **1901.109**, Occupations Code, is amended
11 to read as follows:

12 Sec. 1901.109. BOARD ~~[COUNCIL]~~ POWERS AND DUTIES. (a) The
13 board ~~[council]~~ may propose rules for adoption by the commission
14 relating to the regulation of drillers registered under this
15 chapter.

16 (b) The board ~~[council]~~ shall advise the department on the
17 contents of licensing examinations.

18 (c) The board ~~[council]~~ may:

19 (1) recommend standards for continuing education
20 programs, including standards relating to:

21 (A) the qualifications of program providers and
22 instructors; and

23 (B) the amount of program fees; and

24 (2) recommend topics to be covered in a continuing
25 education course.

26 (d) The board ~~[council]~~ shall assist the commission in
27 evaluating continuing education programs.

SECTION 48. Section 1902.001(3), Occupations Code, is amended to read as follows:

(3) "Board" [~~"Council"~~] means the Texas Water Well Drillers Advisory Board [~~Council~~].

SECTION 49. Section 1902.251, Occupations Code, is amended to read as follows:

Sec. 1902.251. INSTALLING AND REPAIRING PUMPS. An installer shall install or repair pumps under standards and procedures adopted by the commission with the advice of the board [~~council~~].

SECTION 50. Section 1952.055, Occupations Code, is amended to read as follows:

Sec. 1952.055. ADVISORY BOARD [~~COMMITTEE~~]. The department may establish an advisory board [~~committee~~] to provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

SECTION 51. Section 1953.0512, Occupations Code, is amended to read as follows:

Sec. 1953.0512. ADVISORY BOARD [~~COMMITTEE~~]. The department may establish an advisory board [~~committee~~] to provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

SECTION 52. Section 1958.032(a), Occupations Code, is amended to read as follows:

(a) Members of the advisory board serve staggered six-year terms [~~, with the terms of three or four members expiring on February 1 of each odd-numbered year~~].

SECTION 53. Section 1958.033, Occupations Code, is amended to read as follows:

Sec. 1958.033. PRESIDING OFFICER. The presiding officer of the commission, with the approval of the commission, shall appoint one of the advisory board members to serve as presiding officer of the advisory board for a term of two years [~~one year~~].

SECTION 54. Section 2308.051(a), Occupations Code, is amended to read as follows:

(a) The advisory board consists of nine [~~the following~~] members appointed by the presiding officer of the commission with the approval of the commission:

(1) one representative of a towing company operating in a county with a population of less than one million;

(2) one representative of a towing company operating in a county with a population of one million or more;

(3) one representative of a vehicle storage facility located in a county with a population of less than one million;

(4) one representative of a vehicle storage facility located in a county with a population of one million or more;

(5) one parking facility representative;

(6) one peace officer from a county with a population of less than one million;

(7) one peace officer from a county with a population of one million or more;

(8) one representative of a member insurer, as defined by Section 462.004, Insurance Code, of the Texas Property and Casualty Insurance Guaranty Association who writes automobile

1 insurance in this state; and

2 (9) one person who operates both a towing company and a
3 vehicle storage facility.

4 SECTION 55. Section 2308.052(a), Occupations Code, is
5 amended to read as follows:

6 (a) Advisory board members serve staggered terms of six
7 years~~[, with the terms of two or three members, as appropriate,~~
8 ~~expiring on February 1 of each odd-numbered year]~~.

9 SECTION 56. Section 2308.053, Occupations Code, is amended
10 to read as follows:

11 Sec. 2308.053. PRESIDING OFFICER. The presiding officer of
12 the commission shall appoint one of the advisory board members to
13 serve as presiding officer of the advisory board for a term of two
14 years ~~[one year]~~. The presiding officer of the advisory board may
15 vote on any matter before the advisory board.

16 SECTION 57. Section 2309.052(a), Occupations Code, is
17 amended to read as follows:

18 (a) Advisory board members serve staggered terms of six
19 years~~[, with the terms of one or two members expiring on February 1~~
20 ~~of each odd-numbered year]~~.

21 SECTION 58. Section 2309.053, Occupations Code, is amended
22 to read as follows:

23 Sec. 2309.053. PRESIDING OFFICER. The presiding officer of
24 the commission shall appoint one of the advisory board members to
25 serve as presiding officer of the advisory board for a term of two
26 years ~~[one year]~~. The presiding officer of the advisory board may
27 vote on any matter before the advisory board.

SECTION 59. Section 2310.033(a), Occupations Code, is amended to read as follows:

(a) Members of the board serve staggered six-year terms[~~with the terms of three or four members expiring on February 1 of each odd-numbered year~~].

SECTION 60. Section 2310.034, Occupations Code, is amended to read as follows:

Sec. 2310.034. PRESIDING OFFICER. The presiding officer of the commission, with the approval of the commission, shall appoint one of the board members to serve as presiding officer of the board for a term of two years [~~one year~~].

SECTION 61. Sections 662.0037(c) and (e), Transportation Code, are amended to read as follows:

(c) The advisory board members serve staggered six-year terms. [~~The terms of three members expire September 1 of each odd-numbered year.~~]

(e) The presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for two years [~~a one-year term~~]. The presiding officer of the advisory board may vote on any matter before the advisory board.

SECTION 62. The following provisions of the Occupations Code are repealed:

- (1) Section 506.103(b);
- (2) Sections 605.059, 1302.203, and 1302.208;
- (3) Section 1305.052(b);
- (4) Section 1901.106; and

1 (5) Sections 2308.052(b) and 2309.052(b).

2 SECTION 63. This Act takes effect September 1, 2025.