

**25 TEXAS ADMINISTRATIVE CODE**

**§289.130**

**Radiation Advisory Board**

**Texas Regulations for Control of Radiation**

**(revisions effective December 27, 2007)**

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§289.130. Radiation Advisory Board.

(a) The board. A Radiation Advisory Board shall be appointed under and governed by this section.

(1) The name of the board shall be the Radiation Advisory Board (board).

(2) The board is required to be established by Health and Safety Code, §401.015.

(b) Applicable law. The board is subject to the Government Code, Chapter 2110, concerning state agency advisory committees.

(c) Purpose. The purpose of the board is to provide advice to the Executive Commissioner of the Texas Health and Human Services Commission (Executive Commissioner), the Texas Department of State Health Services' (department) radiation program, the Texas Commission on Environmental Quality, the Railroad Commission of Texas, and other state entities in the area of state radiation policies and programs.

(d) Tasks. The board shall advise the Executive Commissioner in accordance with Health and Safety Code, §401.019.

(e) Composition. The board shall be composed of 18 members appointed by the governor. The composition of the board shall include representatives from those areas as delineated in Health and Safety Code, §401.015.

(f) Terms of office. The term of office of each member shall be six years. Members shall serve after expiration of their term until a replacement is appointed.

(1) Members shall be appointed for staggered terms so that the terms of a substantial equivalent number of members will expire at the discretion of the governor.

(2) If a vacancy occurs, a person shall be appointed by the governor to serve the unexpired portion of that term.

(g) Officers. The board shall elect a chairman, vice-chairman and secretary at its first meeting after August 31st of each year.

(1) Each officer shall serve until the next regular election of officers.

(2) The chairman shall preside at all board meetings at which he or she is in attendance, call meetings in accordance with this section, appoint subcommittees of the board as necessary, and cause proper reports to be made to the board. The chairman may serve as an ex-officio member of any subcommittee of the board.

(3) The vice-chairman shall perform the duties of the chairman in case of the absence or disability of the chairman. In case the office of chairman becomes vacant, the vice-chairman will serve until a successor is elected to complete the unexpired portion of the term of the office of chairman.

(4) A vacancy which occurs in the offices of chairman, vice-chairman or secretary may be filled at the next board meeting.

(h) Meetings. The board shall meet quarterly on dates set by the board to conduct board business.

(1) A special meeting may be called by the chairman or at least five members of the board.

(2) Meeting arrangements shall be made by department staff.

(3) The advisory board is not a “governmental body” as defined in the Open Meetings Act. However, in order to promote public participation, each meeting of the board shall be announced and conducted in accordance with the Open Meetings Act, Texas Government Code, Chapter 551, with the exception that the provisions allowing executive sessions shall not apply.

(4) Each member of the board shall be informed of a board meeting in a timely manner.

(5) A simple majority of the members of the board shall constitute a quorum for the purpose of transacting official business.

(6) The board is authorized to transact official business only when in a legally constituted meeting with quorum present.

(7) The agenda for each board meeting shall include an item entitled public comment under which any person will be allowed to address the board on matters relating to board business. The chairman may establish procedures for public comment, including a time limit on each comment.

(i) Attendance. Members shall attend board meetings as scheduled. Members shall attend meetings of subcommittees to which the member is assigned.

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(1) A member shall notify the chairman or appropriate department staff if he or she is unable to attend a scheduled meeting.

(2) It is grounds for removal from the board if a member cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability, or is absent from more than half of the board meetings during a calendar year without an excuse approved by a majority vote of the advisory board.

(3) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a member exists.

(j) Staff. Staff support for the board shall be provided by the department.

(k) Procedures. Roberts Rules of Order, Newly Revised, shall be the basis of parliamentary decisions except where otherwise provided by law or rule.

(1) Any action taken by the board must be approved by a majority vote of the members present once quorum is established.

(2) Each member shall have one vote.

(3) A member may not authorize another individual to represent the member by proxy.

(4) The board shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, or economic status.

(5) Minutes of each board meeting shall be taken by department staff.

(A) A summary of the meeting shall be provided to each member of the board within 30 days of each meeting.

(B) After approval by the board, the minutes shall be signed by the secretary.

(l) Subcommittees. The board may establish subcommittees as necessary to assist the board in carrying out its duties.

(1) The chairman shall appoint members of the board to serve on subcommittees and to act as subcommittee chairpersons. The chairman may also appoint nonmembers of the board to serve on subcommittees as the need for additional expertise arises.

(2) Subcommittees shall meet when called by the subcommittee chairperson or when so directed by the board.

(3) A subcommittee chairperson shall make regular reports to the board at each board meeting or in interim written reports as needed. The reports shall include an executive summary or minutes of each subcommittee meeting.

(m) Statement by members.

(1) The Executive Commissioner, the department, and the board shall not be bound in any way by any statement or action on the part of any board member except when a statement or action is in pursuit of specific instructions from the Executive Commissioner, department, or board.

(2) The board and its members may not participate in legislative activity in the name of the Executive Commissioner or the department except with approval through the department's legislative process. Board members are not prohibited from representing the board's decisions, themselves, or other entities in the legislative process.

(3) A board member should not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official duties.

(4) A board member should not disclose confidential information acquired through his or her board membership.

(5) A board member should not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.

(6) A board member who has a personal or private interest in a matter pending before the board shall publicly disclose the fact in a board meeting and may not vote or otherwise participate in the matter. The phrase "personal or private interest" means the board member has a direct pecuniary interest in the matter but does not include the board member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation.

(n) Reports to the department. The board shall file an annual written report with the Commissioner of the department or his designee.

(o) Reimbursement for expenses. In accordance with the requirements set forth in the Government Code, Chapter 2110, a board member may receive reimbursement for the member's expenses incurred for each day the member engages in official board business.

(1) No compensatory per diem shall be paid to board members unless required by law, but members shall be reimbursed for travel, meals, lodging, and incidental expenses in accordance with the General Appropriations Act.

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(2) A board member who is an employee of a state agency, other than the department, may not receive reimbursement for expenses from the department if he or she is reimbursed by that state agency.

(3) A nonmember of the board who is appointed to serve on a subcommittee may not receive reimbursement for expenses from the department.

(4) Each member who is to be reimbursed for expenses shall submit to staff the member's receipts for expenses and any required official forms no later than 14 days after each board meeting.

(5) Requests for reimbursement of expenses shall be made on official state travel vouchers prepared by department staff.