



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

June 4, 1990

Mr. John Paul Batiste  
Executive Director  
Texas Commission on the Arts  
Box 13406, Capitol Station  
Austin, Texas 78711-3406

LO-90-33

Dear Mr. Batiste:

You have requested that we reconsider Attorney General Letter Opinion LO-89-1, in which we concluded that the Peer Advisory Review Panel of the Texas Commission on the Arts was subject to the Open Meetings Act, article 6252-17, V.T.C.S. In light of additional information you provided, we conclude that LO-89-1 was incorrect.

Section 444.002(b) of the Government Code provides that the "commission and its committees" are subject to the Open Meetings Act. In LO-89-1 we assumed that the Peer Advisory Review Panel was a committee of the commission and that it was therefore subject to the Open Meetings Act pursuant to section 444.002(b). You state, however, that the members of the Peer Advisory Review Panel are consultants, not members of the commission. A panel of consultants, you argue, is not a "committee" for purposes of section 444.002(b). You base your argument on section 444.023 of the Government Code, which provides:

(a) The commission may appoint committees from its membership and prescribe their duties.

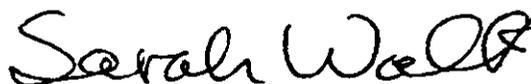
(b) The commission may appoint consultants to the commission. . . .

The word "committees" in subsection (a) of section 444.023 refers to groups composed of commission members. For purposes of section 444.023, then, a group composed of persons who are not members of the commission would not be a "committee." You argue that the word "committee" in section 444.002(b) should have the same meaning as "committee" in section 444.023. We agree, since a word used repeatedly in

a statute is assumed to have the same meaning throughout. Paddock v. Siemoneit, 218 S.W.2d 428 (Tex. 1949).

Because the panel is not a "committee" for purposes of section 444.002(b), section 444.002 would not make the panel subject to the Open Meetings Act. The remaining issue is whether the Open Meetings Act itself makes the panel subject to the act. You inform us that the panel merely makes recommendations to the committee. If the panel truly acts in an advisory capacity only, it is not subject to the Open Meetings Act. Attorney General Opinion H-467 (1974).

Very truly yours,



Sarah Woelk, Chief  
Letter Opinion Section

SW/lcd

Ref.: RQ-1817  
ID# 7596