



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

May 23, 1977

Wm. Richard Knight, Jr., D.D.S.
Texas State Board of Dental
Examiners
2101 Mac Arthur Blvd., #110
Irving, Texas 75061

Opinion No. H-998

Re: Power of the State Board
of Dental Examiners to termi-
nate and remove a member of
the Dental Laboratory Advisory
Board.

Dear Doctor Knight:

On behalf of the Texas State Board of Dental Examiners
you have asked:

Does the Texas State Board of Dental
Examiners have the power to terminate
and remove a member of the Dental Lab-
oratory Advisory Board who was previously
appointed by [the Texas State Board of
Dental Examiners], and, if so, under
what circumstances?

The pertinent portion of article 4551f(6), V.T.C.S., reads:

(b) There is hereby created the Dental
Laboratory Advisory Board which shall be
composed of six members appointed by the
Texas State Board of Dental Examiners from
the dental laboratory owners or managers
and dental technicians registered with the
Board, four of whom shall be dental labo-
ratory owners or managers and two of whom
shall be dental laboratory technicians who
are not dental laboratory owners or managers.
The members of the Dental Laboratory Advis-
ory Board shall serve six (6) year staggered
terms and of the first members appointed to
such Board, two shall serve for two (2)
years, two shall serve for four (4) years
and two shall serve for six (6) years; the
length of each term of those initially ap-

pointed shall be designated by the Texas State Board of Dental Examiners at the time of appointment. The Dental Laboratory Advisory Board shall advise the Texas State Board of Dental Examiners on all matters concerning dental laboratories and dental technicians. . . .

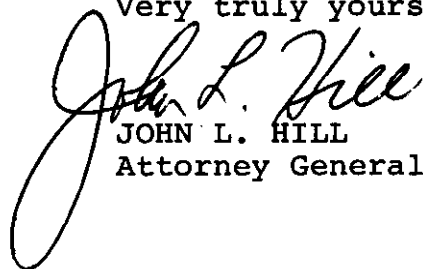
Plainly, the statute contemplates that members of the Dental Laboratory Advisory Board shall serve for staggered terms of a fixed duration. Members of the Dental Laboratory Advisory Board are civil officers. Attorney General Opinion H-877 (1976); Letter Advisory No. 63 (1973). Also, they are members of a state board within the meaning of section 30a, article 16 of the Texas Constitution authorizing such terms. See Attorney General Opinion M-505 (1969). Cf. Lower Colorado River Authority v. McCraw, 83 S.W.2d 629 (Tex. 1935); Attorney General Opinion M-136 (1967).

Inasmuch as article 4551f(6) fixes the terms during which members of the Dental Laboratory Advisory Board are to serve, they may not be removed by the Board of Dental Examiners. See Dorenfield v. State, 73 S.W.2d 83 (Tex. 1934). Cf. Attorney General Opinion H-955 (1977). We need not reach the subsidiary question. See generally Attorney General Opinions H-790 (1976); H-648 (1975); H-534 (1975); H-253 (1974); H-226 (1974).

S U M M A R Y

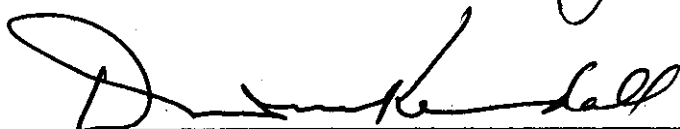
The Texas State Board of Dental Examiners does not have the power to terminate and remove a previously appointed member of the Dental Laboratory Advisory Board.

Very truly yours,



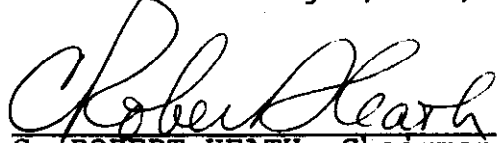
JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant

Wm. Richard Knight, Jr., D.D.S. - page 3 (H-998)

A handwritten signature in cursive script, appearing to read "C. Robert Heath". The signature is written in dark ink and is positioned above the printed name.

C. ROBERT HEATH, Chairman
Opinion Committee

kml