

- SUBJECT:** Prohibiting trade association membership requirements for state boards
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 10 ayes — Wolens, Bailey, Brimer, Counts, Craddick, Danburg, D. Jones, Longoria, McCall, McClendon
- 0 nays
- 5 absent — S. Turner, Hilbert, Hunter, Marchant, Merritt
- WITNESSES:** For — John Coble, Texas Optometric Association; *Registered but did not testify:* B.J. Avery, Fred Niemann, and Laurie Sorrenson, Texas Optometric Association
- Against — Don Canada, Donald Glenz, and Mark Hanna, Texas Association of Optometrists; C. Bruce Richardson Jr., Opticians Association of Texas; Brian Zweig; *Registered but did not testify:* A.R. “Babe” Schwartz, Texas Association of Retail Optical Companies
- BACKGROUND:** Under Occupations Code, sec. 351.051, the Texas Optometry Board consists of nine members: three affiliated with the Texas Optometric Association, three affiliated with the Texas Association of Optometrists, and three who represent the public.
- DIGEST:** CSHB 2262 would prohibit requiring that a person be a member of a private trade association as a precondition to serving as a board member of a state agency that issues a license or otherwise regulates a business, occupation, or profession. A state agency would mean a department, board, bureau, commission, committee, division, office, council, or agency of the state. The bill would not apply to the Texas Energy Resource Council if the 77th Legislature enacted a bill creating the council and the bill became law.
- This bill would take effect September 1, 2001, and would apply to the appointment of a board member on or after that date. A board member serving on that date could serve the rest of his or her term.

- SUPPORTERS SAY:** CSHB 2262 would prohibit a state licensing board from requiring that a person be a member of a private trade association as a precondition to serving on the board. Such a requirement discriminates against members of a given profession that choose not to join a trade association. Statutorily requiring membership in a private trade association to serve as a state licensing board member gives permanent and inappropriate stature to a private trade group. CSHB 2262 would not benefit one trade association at the expense of another but would create a fair membership policy for state licensing boards.
- OPPONENTS SAY:** CSHB 2262 would upset a delicate balance on the Texas Optometry Board. Current law ensures equal representation for the two major private trade associations. It prevents members of a single trade association from dominating rulemaking decisions by voting as a bloc. This bill could allow a single private trade association to exert undue influence on board decisions for optometrists across the state.
- NOTES:** The committee substitute changed the filed version by adding the exception for the Texas Energy Resource Council in the event that the Legislature enacted a bill to create the council and the bill became law.