

BILL ANALYSIS

Senate Research Center

H.B. 2262
By: Danburg (Madla)
Intergovernmental Relations
5/5/2001
Engrossed

DIGEST AND PURPOSE

Current law does not prohibit a person from being required to be a member of a private trade association as a precondition to serving as a member of a state agency governing board that issues a license or otherwise regulates a business, occupation, or profession. It may conflict with good public policy for the state to rely on membership in a private trade organization as a precondition for eligibility to appointment to a state licensing board. This precondition may give inappropriate authority to a private organization and may discriminate against professionals who choose not to belong to the particular private organization. H.B. 2262 prohibits a person from being required to be a member of a private trade association as a precondition to serving as a member of the governing board of a state agency that issues a license or otherwise regulates a business, occupation, or profession.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2, Occupations Code, by adding Chapter 57, as follows:

CHAPTER 57. REQUIREMENTS FOR LICENSING AGENCIES

Sec. 57.001. DEFINITIONS. Defines “license” and “state agency.”

Sec. 57.002. REQUIREMENTS FOR GOVERNING BOARD MEMBERSHIP. Prohibits a person from being required to be a member of a private trade association as a precondition to serving as a member of the governing board of a state agency that issues a license or otherwise regulates a business, occupation, or profession.

Sec. 57.003. APPLICATION OF CHAPTER. Provides that this chapter does not apply to the Texas Energy Resource Council.

SECTION 2. (a) Provides that the change in law made by this Act applies to the appointment of a person as a member of a governing board subject to Chapter 57, Occupations Code, as added by this Act, on or after the effective date of this Act.

(b) Provides that a member of a governing board subject to Chapter 57, Occupations Code, as added by this Act, who is serving on the governing board on the effective date of this Act is subject to the law in effect on the date preceding the effective date of this Act and, unless otherwise removed as provided by law, may continue to serve for the remainder of the member's term.

(c) Provides that Section 57.003, Occupations Code, as added by this Act, takes effect only if the 77th Legislature, at its regular session, enacts a bill creating a Texas Energy Resource

Council and that bill becomes law. Provides that, if that bill does not become law, Section 57.003, Occupations Code, has no effect.

SECTION 3. Effective date: September 1, 2001.