

## **BILL ANALYSIS**

C.S.H.B. 688  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have expressed concern regarding the Texas Alcoholic Beverage Commission consisting of only three members who are appointed by the governor. The parties explain that two members meeting under any circumstances constitute a quorum and contend that this underrepresents the growing and prominent alcoholic beverage industry. C.S.H.B. 688 seeks to address this concern.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 688 amends the Alcoholic Beverage Code to increase from three to five the number of members serving on the Texas Alcoholic Beverage Commission (TABC) and increases the number of members with terms expiring every two years from one member to one or two members, as applicable. The bill requires the governor, promptly after the bill's effective date, to appoint the two additional members to TABC, one member to a term expiring November 15, 2019, and one member to a term expiring November 15, 2021. The bill establishes that a quorum of TABC is a majority of the number of qualified members until all appointees have taken office.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 688 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Sec. 5.02. MEMBERS OF COMMISSION; APPOINTMENT.

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 5.02(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The commission is composed of ~~three~~ five members, who are appointed by the governor with the advice and consent of the senate.

(b) Each member must be a Texas resident, must have resided in the state for at least five years next preceding his appointment and qualification, and must be a qualified voter in the state at the time of his appointment and qualification.

(c) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(d) A person is not eligible for appointment if the person's spouse is disqualified for appointment under Section 5.05 of this code.

No equivalent provision.

(a) The commission is composed of five [~~three~~] members, who are appointed by the governor with the advice and consent of the senate.

SECTION 2. Section 5.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 5.03. TERMS OF OFFICE. The members of the commission hold office for staggered terms of six years, with the term of one or two members, as applicable, [~~member~~] expiring every two years. Each member holds office until the member's [~~his~~] successor is appointed and has qualified. A member may be appointed to consecutive terms [~~succeed himself~~].

No equivalent provision.

SECTION 3. (a) Promptly after this Act takes effect, the governor shall appoint two additional members to the Texas Alcoholic Beverage Commission. In appointing those members, the governor shall appoint one person to a term expiring November 15, 2019, and one person to a term expiring November 15, 2021.

(b) Until all appointees have taken office, a quorum of the Texas Alcoholic Beverage Commission is a majority of the number of members who are qualified.

No equivalent provision.

SECTION 4. This Act takes effect September 1, 2015.