

AN ACT

relating to the membership and duties of the Texas Transportation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.003, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A reference in law to the commissioner of transportation means the chair of the commission.

(e) A reference in law to a member of the commission means a commissioner.

SECTION 2. Subsections (a) and (b), Section 201.051, Transportation Code, are amended to read as follows:

(a) The Texas Transportation Commission consists of five [~~three~~] members appointed by the governor with the advice and consent of the senate.

(b) The members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member must reside in a rural area.

SECTION 3. Section 201.052, Transportation Code, is amended to read as follows:

Sec. 201.052. TERMS. Members of the commission serve staggered six-year terms, with the terms of either one or two members [~~one member's term~~] expiring February 1 of each odd-numbered year.

1 SECTION 4. Section 201.053, Transportation Code, is amended
2 to read as follows:

3 Sec. 201.053. CHAIR OF THE COMMISSION [~~COMMISSIONER OF~~
4 ~~TRANSPORTATION~~]. (a) The governor periodically shall designate
5 one commissioner [~~member of the commission~~] as the chair of the
6 commission [~~commissioner of transportation~~], who shall serve as
7 presiding officer of the commission.

8 (b) The chair [~~commissioner~~] shall:

9 (1) preside over commission meetings, make rulings on
10 motions and points of order, and determine the order of business;

11 (2) represent the department in dealing with the
12 governor;

13 (3) [~~(2)~~] report to the governor on the state of
14 affairs of the department at least quarterly;

15 (4) [~~(3)~~] report to the commission the governor's
16 suggestions for department operations;

17 (5) [~~(4)~~] report to the governor on efforts, including
18 legislative requirements, to maximize the efficiency of department
19 operations through the use of private enterprise;

20 (6) [~~(5)~~] periodically review the department's
21 organizational structure and submit recommendations for structural
22 changes to the governor, the commission, and the Legislative Budget
23 Board;

24 (7) [~~(6)~~] designate one or more employees of the
25 department as a civil rights division of the department and receive
26 regular reports from the division on the department's efforts to
27 comply with civil rights legislation and administrative rules;

1 (8) create subcommittees, appoint commissioners to
2 subcommittees, and receive the reports of subcommittees to the
3 commission as a whole;

4 (9) appoint a commissioner to act in the chair's
5 absence; and

6 (10) [(7)] serve as the departmental liaison with the
7 governor and the Office of State-Federal Relations to maximize
8 federal funding for transportation [highway, public
9 transportation, and aviation purposes].

10 SECTION 5. Section 201.054, Transportation Code, is amended
11 to read as follows:

12 Sec. 201.054. COMMISSION MEETINGS. The commission shall
13 hold regular meetings at least once a month and special meetings at
14 the call of the chair [~~commissioner of transportation or as~~
15 ~~provided by commission rule~~]. Commissioners [~~Commission members~~]
16 shall attend the meetings of the commission. The chair shall
17 oversee the preparation of an agenda for each meeting and ensure
18 that a copy is provided to each commissioner at least seven days
19 before the meeting.

20 SECTION 6. Subchapter B, Chapter 201, Transportation Code,
21 is amended by adding Section 201.0545 to read as follows:

22 Sec. 201.0545. RECOMMENDATIONS TO LEGISLATURE. (a) The
23 commission shall consider ways in which the department's operations
24 may be improved and may periodically report to the legislature
25 concerning potential statutory changes that would improve the
26 operation of the department.

27 (b) On behalf of the commission, the chair shall report to

1 the governor, the lieutenant governor, the speaker of the house of
2 representatives, and the presiding officers of relevant
3 legislative committees on legislative recommendations adopted by
4 the commission and relating to the operation of the department.

5 SECTION 7. Section 201.057, Transportation Code, is amended
6 to read as follows:

7 Sec. 201.057. GROUNDS FOR REMOVAL. (a) It is a ground for
8 removal from the commission if a commissioner [~~member~~]:

9 (1) does not have at the time of appointment or
10 maintain during service on the commission the qualifications
11 required by Section 201.051;

12 (2) violates a prohibition provided by Section
13 201.051;

14 (3) cannot discharge the commissioner's [~~member's~~]
15 duties for a substantial part of the term for which the commissioner
16 [~~member~~] is appointed because of illness or disability; or

17 (4) is absent from more than half of the regularly
18 scheduled commission meetings that the commissioner [~~member~~] is
19 eligible to attend during a calendar year, unless the absence is
20 excused by majority vote of the commission.

21 (b) The validity of an action of the commission is not
22 affected by the fact that it is taken when a ground for removal of a
23 commissioner [~~commission member~~] exists.

24 (c) If the director knows that a potential ground for
25 removal exists, the director shall notify the chair of the
26 commission [~~commissioner of transportation~~] of the ground, and the
27 chair [~~commissioner~~] shall notify the governor and the attorney

1 general that a potential ground for removal exists. If the
2 potential ground for removal relates to the chair [~~commissioner of~~
3 ~~transportation~~], the director shall notify another commissioner
4 [~~member of the commission~~], who shall notify the governor and the
5 attorney general that a potential ground for removal exists.

6 SECTION 8. Subsection (c), Section 202.057, Transportation
7 Code, is amended to read as follows:

8 (c) The commission may execute a necessary deed,
9 conveyance, or agreement, to be signed by the chair of the
10 commission [~~commissioner of transportation~~] as provided by
11 commission order, for flood control purposes under this section.

12 SECTION 9. Promptly after this Act takes effect, the
13 governor shall appoint two additional members to the Texas
14 Transportation Commission. Of those members, the governor shall
15 designate one to serve a term expiring February 1, 2007, and one to
16 serve a term expiring February 1, 2009.

17 SECTION 10. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 409 passed the Senate on April 24, 2003, by a viva-voce vote; and that the Senate concurred in House amendments on May 8, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 409 passed the House, with amendments, on May 5, 2003, by the following vote: Yeas 82, Nays 58, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor