

By: Pickett

H.B. No. 154

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the abolition of the Texas Transportation Commission  
3 and the creation of a commissioner of transportation as an elected  
4 statutory state officer.

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

6 SECTION 1. Section 201.001(a), Transportation Code, is  
7 amended to read as follows:

8 (a) In this title:

9 (1) "Commissioner" means the commissioner of  
10 transportation [~~"Commission" means the Texas Transportation~~  
11 ~~Commission~~].

12 (2) "Department" means the Texas Department of  
13 Transportation.

14 (3) "Director" means the executive director of the  
15 Texas Department of Transportation.

16 SECTION 2. Section 201.003, Transportation Code, is amended  
17 by amending Subsections (b), (d), and (e) and adding Subsection (f)  
18 to read as follows:

19 (b) A reference in law to the State Highway Commission, the  
20 [~~or~~] State Highway and Public Transportation Commission, or [~~means~~]  
21 the Texas Transportation Commission means the commissioner of  
22 transportation.

23 (d) A reference in law to the chair of the Texas  
24 Transportation Commission means the commissioner of transportation

1 ~~[means the chair of the commission].~~

2 (e) A reference in law to a member of the Texas  
3 Transportation Commission ~~[commission]~~ means the commissioner of  
4 transportation ~~[a commissioner]~~.

5 (f) A reference in this title to the commission means the  
6 commissioner of transportation.

7 SECTION 3. Section 201.051, Transportation Code, is amended  
8 to read as follows:

9 Sec. 201.051. COMMISSIONER ~~[COMMISSION]~~. (a) The  
10 commissioner is elected for a term of four years ~~[Texas~~  
11 ~~Transportation Commission consists of five members appointed by the~~  
12 ~~governor with the advice and consent of the senate]~~.

13 (b) To be eligible for election as commissioner or  
14 appointment to fill a vacancy in the office of commissioner, a ~~[The~~  
15 ~~members shall be appointed to reflect the diverse geographic~~  
16 ~~regions and population groups of this state. One member must reside~~  
17 ~~in a rural area.~~

18 ~~[(c) Each member of the commission must represent the~~  
19 ~~general public.~~

20 ~~[(d) Except as provided by Subsection (c), a person is not~~  
21 ~~eligible for appointment as a member of the commission if the]~~  
22 ~~person or the person's spouse must not:~~

23 (1) be ~~[is]~~ employed by or participate ~~[participates]~~  
24 in the management of a business entity or other organization that is  
25 regulated by or receives funds from the department;

26 (2) directly or indirectly own or control ~~[owns or~~  
27 ~~controls]~~ more than 10 percent interest in a business entity or

1 other organization that is regulated by or receives funds from the  
2 department;

3 (3) use or receive [~~uses or receives~~] a substantial  
4 amount of tangible goods, services, or funds from the department,  
5 other than compensation or reimbursement authorized by law for  
6 [~~commission membership, attendance, or~~] expenses; or

7 (4) be [~~is~~] registered, certified, or licensed by the  
8 department.

9 (c) [~~(f)~~] An officer, employee, or paid consultant of a Texas  
10 trade association in the field of road construction or maintenance,  
11 aviation, or outdoor advertising or a Texas trade association of  
12 automobile dealers is not eligible for election or appointment as  
13 commissioner [~~may not be a member of the commission~~].

14 (d) [~~(g)~~] The spouse of an officer, manager, or paid  
15 consultant of a Texas trade association in the field of road  
16 construction or maintenance, aviation, or outdoor advertising or a  
17 Texas association of automobile dealers is not eligible for  
18 election or appointment as commissioner [~~may not be a member of the~~  
19 ~~commission~~].

20 (e) [~~(h)~~] A person required to register as a lobbyist under  
21 Chapter 305, Government Code, because of the person's activities  
22 for compensation on behalf of a profession related to the operation  
23 of the department is not eligible for election or appointment as  
24 commissioner [~~may not serve as a member of the commission~~].

25 [~~(i) Appointments to the commission shall be made without~~  
26 ~~regard to race, color, disability, sex, religion, age, or national~~  
27 ~~origin of the appointees and shall reflect the diversity of the~~

1 ~~population of the state as a whole.]~~

2       (f) [~~(j)~~] In this section, "Texas trade association" means a  
3 nonprofit, cooperative, and voluntarily joined association of  
4 business or professional competitors in this state designed to  
5 assist its members and its industry or profession in dealing with  
6 mutual business or professional problems and in promoting their  
7 common interest.

8       (g) The commissioner is a successor to the Texas  
9 Transportation Commission for all purposes, including for the  
10 purposes of Sections 49-k, 49-l, 49-m, 49-n, and 49-o, Article III,  
11 Texas Constitution.

12       SECTION 4. Section 201.053, Transportation Code, is amended  
13 to read as follows:

14       Sec. 201.053. DUTIES OF THE COMMISSIONER [~~CHAIR OF THE~~  
15 ~~COMMISSION~~]. [~~(a) The governor periodically shall designate one~~  
16 ~~commissioner as the chair of the commission, who shall serve as~~  
17 ~~presiding officer of the commission.~~

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

19               (1) [~~preside over commission meetings, make rulings on~~  
20 ~~motions and points of order, and determine the order of business,~~

21               [~~(2)~~] represent the department in dealing with the  
22 governor;

23               (2) [~~(3)~~] report to the governor on the state of affairs  
24 of the department at least quarterly;

25               (3) [~~(4)~~ ~~report to the commission the governor's~~  
26 ~~suggestions for department operations,~~

27               [~~(5)~~] report to the governor on efforts, including

1 legislative requirements, to maximize the efficiency of department  
2 operations through the use of private enterprise;

3 (4) [~~(6)~~] periodically review the department's  
4 organizational structure and submit recommendations for structural  
5 changes to the governor[~~, the commission,~~] and the Legislative  
6 Budget Board;

7 (5) [~~(7)~~] designate one or more employees of the  
8 department as a civil rights division of the department and receive  
9 regular reports from the division on the department's efforts to  
10 comply with civil rights legislation and administrative rules;

11 [~~(8) create subcommittees, appoint commissioners to~~  
12 ~~subcommittees, and receive the reports of subcommittees to the~~  
13 ~~commission as a whole,~~

14 [~~(9) appoint a commissioner to act in the chair's~~  
15 ~~absence,~~] and

16 (6) [~~(10)~~] serve as the departmental liaison with the  
17 governor and the Office of State-Federal Relations to maximize  
18 federal funding for transportation.

19 SECTION 5. Section 52.092(c), Election Code, is amended to  
20 read as follows:

21 (c) Statewide offices of the state government shall be  
22 listed in the following order:

- 23 (1) governor;
- 24 (2) lieutenant governor;
- 25 (3) attorney general;
- 26 (4) comptroller of public accounts;
- 27 (5) commissioner of the General Land Office;

- 1 (6) commissioner of agriculture;
- 2 (7) commissioner of transportation;
- 3 (8) railroad commissioner;
- 4 (9) [~~(8)~~] chief justice, supreme court;
- 5 (10) [~~(9)~~] justice, supreme court;
- 6 (11) [~~(10)~~] presiding judge, court of criminal appeals;
- 7 (12) [~~(11)~~] judge, court of criminal appeals.

8 SECTION 6. Section 504.401(d), Transportation Code, is  
9 amended to read as follows:

10 (d) In this section, "state official" means:

- 11 (1) a member of the legislature;
- 12 (2) the governor;
- 13 (3) the lieutenant governor;
- 14 (4) a justice of the supreme court;
- 15 (5) a judge of the court of criminal appeals;
- 16 (6) the attorney general;
- 17 (7) the commissioner of the General Land Office;
- 18 (8) the comptroller;
- 19 (9) a member of the Railroad Commission of Texas;
- 20 (10) the commissioner of agriculture;
- 21 (11) the commissioner of transportation;
- 22 (12) the secretary of state; or
- 23 (13) [~~(12)~~] a member of the State Board of Education.

24 SECTION 7. Sections 201.052, 201.054, 201.0545, 201.056,  
25 201.057, 201.058, and 201.059, Transportation Code, are repealed.

26 SECTION 8. (a) The first commissioner of transportation  
27 elected under the changes in law made by this Act shall be elected

1 at the general election held in November 2008 to serve for a term  
2 that begins January 1, 2009.

3 (b) Until the first commissioner of transportation elected  
4 under this Act takes office, the members of the Texas  
5 Transportation Commission serving on the effective date of this Act  
6 shall, unless otherwise removed as provided by law, continue in  
7 office under the prior law that governed the composition of the  
8 Texas Transportation Commission, and that prior law is continued in  
9 effect for that purpose. If on January 1, 2009, there is a vacancy  
10 in the new office of commissioner of transportation created under  
11 this Act because the first commissioner of transportation-elect has  
12 died or refuses or is permanently unable to serve, the members of  
13 the Texas Transportation Commission serving on the effective date  
14 of this Act shall, unless otherwise removed as provided by law,  
15 continue in office under the prior law that governed the  
16 composition of the Texas Transportation Commission until the  
17 governor fills the vacancy by appointment in the manner provided by  
18 law. The prior law that governed the composition of the Texas  
19 Transportation Commission is continued in effect for that purpose.  
20 At the time that the first commissioner of transportation that is  
21 elected, or in extraordinary circumstances appointed, under this  
22 Act takes office, the Texas Transportation Commission is abolished.

23 (c) The commissioner of transportation succeeds to all  
24 powers, duties, rights, and obligations of the Texas Transportation  
25 Commission, and the abolition of the Texas Transportation  
26 Commission does not affect the validity of any right, duty,  
27 decision, rule, or action of any kind taken by or under the

1 authority of the commission.

2 SECTION 9. This Act takes effect September 1, 2007.