

By: Gutierrez

H.B. No. 129

A BILL TO BE ENTITLED

AN ACT

relating to the election of the commissioner of insurance.

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

SECTION 1. Section 31.022, Insurance Code, is amended to read as follows:

Sec. 31.022. ELECTION [APPOINTMENT; TERM]. The commissioner is elected by the qualified voters at the general election for state and county officers for a term of four years.

~~[(a) The governor, with the advice and consent of the senate, shall appoint the commissioner. The commissioner serves a two-year term that expires on February 1 of each odd-numbered year.]~~

~~[(b) The governor shall appoint the commissioner without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.]~~

SECTION 2. Section 31.024, Insurance Code, is amended to read as follows:

Sec. 31.024. INELIGIBILITY FOR PUBLIC OFFICE. The commissioner is ineligible to be a candidate for another [a] public elective office in this state, unless the commissioner has resigned and the governor has accepted the resignation.

SECTION 3. Section 31.027(a), Insurance Code, is amended to read as follows:

(a) It is a ground for removal from office if the commissioner:

1           (1) ~~[does not have at the time of appointment the~~  
2 ~~qualifications required by Section 31.023;~~

3           ~~[(2) does not maintain during service as commissioner~~  
4 ~~the qualifications required by Section 31.023;~~

5           ~~[(3)]~~ violates a prohibition established by Section  
6 33.001, 33.003, 33.004, or 33.005; or

7           (2) ~~[(4)]~~ cannot, because of illness or disability,  
8 discharge the commissioner's duties for a substantial part of the  
9 commissioner's term.

10           SECTION 4. Sections 33.004(a) and (b), Insurance Code, are  
11 amended to read as follows:

12           (a) A person who is an officer, employee, or paid consultant  
13 of a trade association in the field of insurance may not be~~+~~

14           ~~[(1) the commissioner, or~~

15           ~~[(2)]~~ an employee of the department who is exempt from  
16 the state's position classification plan or is compensated at or  
17 above the amount prescribed by the General Appropriations Act for  
18 step 1, salary group A17, of the position classification salary  
19 schedule.

20           (b) A person who is the spouse of an officer, manager, or  
21 paid consultant of a trade association in the field of insurance may  
22 not be~~+~~

23           ~~[(1) the commissioner, or~~

24           ~~[(2)]~~ an employee of the department who is exempt from  
25 the state's position classification plan or is compensated at or  
26 above the amount prescribed by the General Appropriations Act for  
27 step 1, salary group A17, of the position classification salary

1 schedule.

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

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

6 (1) governor;

7 (2) lieutenant governor;

8 (3) attorney general;

9 (4) comptroller of public accounts;

10 (5) commissioner of the General Land Office;

11 (6) commissioner of agriculture;

12 (7) commissioner of insurance;

13 (8) railroad commissioner;

14 (9) [~~(8)~~] chief justice, supreme court;

15 (10) [~~(9)~~] justice, supreme court;

16 (11) [~~(10)~~] presiding judge, court of criminal  
17 appeals;

18 (12) [~~(11)~~] judge, court of criminal appeals.

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

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

22 (1) a member of the legislature;

23 (2) the governor;

24 (3) the lieutenant governor;

25 (4) a justice of the supreme court;

26 (5) a judge of the court of criminal appeals;

27 (6) the attorney general;

- 1 (7) the commissioner of the General Land Office;
- 2 (8) the comptroller;
- 3 (9) a member of the Railroad Commission of Texas;
- 4 (10) the commissioner of agriculture;
- 5 (11) the commissioner of insurance;
- 6 (12) the secretary of state; or
- 7 (13) [~~(12)~~] a member of the State Board of Education.

8 SECTION 7. Sections 31.023 and 33.002, Insurance Code, are  
9 repealed.

10 SECTION 8. (a) The first general election for commissioner  
11 of insurance shall be held November 2, 2010, for a two-year term  
12 beginning on January 1, 2011. Thereafter, the commissioner of  
13 insurance shall be elected to serve a four-year term.

14 (b) Until the first commissioner of insurance elected under  
15 this Act takes office, the commissioner serving on the effective  
16 date of this Act shall, unless otherwise removed as provided by law,  
17 continue in office under the prior law that governed the office, and  
18 that prior law is continued in effect for that purpose. If on  
19 January 1, 2011, there is a vacancy in the office of commissioner of  
20 insurance created under this Act because the first  
21 commissioner-elect has died or refuses or is permanently unable to  
22 serve, the commissioner serving on that date shall, unless  
23 otherwise removed as provided by law, continue in office under the  
24 prior law that governed the office until the governor fills the  
25 vacancy by appointment in the manner provided by law. The prior law  
26 that governed the office of the commissioner of insurance is  
27 continued in effect for that purpose.

1           SECTION 9. This Act takes effect September 1, 2009, except  
2 that Sections 3, 5, and 6 of this Act take effect January 1, 2011.