

By: Larson

H.B. No. 2350

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Transportation Commission
and the selection of members of that commission.

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

SECTION 1. Sections 201.051(a) and (d), Transportation
Code, are amended to read as follows:

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

(d) A ~~[Except as provided by Subsection (e), a]~~ person may
not serve ~~[is not eligible for appointment]~~ as a member of the
commission if the person or the person's spouse:

(1) is employed by or participates in the management
of a business entity or other organization that is regulated by or
receives funds from the department;

(2) directly or indirectly owns or controls more than
10 percent interest in a business entity or other organization that
is regulated by or receives funds from the department;

(3) uses or receives a substantial amount of tangible
goods, services, or funds from the department, other than
compensation or reimbursement authorized by law for commission
membership, attendance, or expenses; or

(4) is registered, certified, or licensed by the
department.

SECTION 2. 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 term ~~[terms]~~ of ~~[either]~~ one member ~~[or two members]~~ expiring February 1 of each odd-numbered year.

SECTION 3. Section 201.053(a), Transportation Code, is amended to read as follows:

(a) The members of the commission shall elect from among their membership ~~[governor periodically shall designate one commissioner as]~~ the chair of the commission, who shall serve as presiding officer of the commission.

SECTION 4. Section 201.057(a), Transportation Code, is amended to read as follows:

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

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

(2) violates a prohibition provided by Section 201.051;

(3) cannot discharge the commissioner's duties for a substantial part of the term for which the commissioner is elected or appointed because of illness or disability; or

(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner is eligible to attend during a calendar year, unless the absence is excused by

1 majority vote of the commission.

2 SECTION 5. Sections 201.059(a) and (c), Transportation
3 Code, are amended to read as follows:

4 (a) To be eligible to take office as a member of the
5 commission, a person elected or appointed to the commission must
6 complete at least one course of a training program that complies
7 with this section.

8 (c) A person elected or appointed to the commission is
9 entitled to reimbursement for travel expenses incurred in attending
10 the training program, as provided by the General Appropriations Act
11 and as if the person were a member of the commission.

12 SECTION 6. Section 52.092(c), Election Code, is amended to
13 read as follows:

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

- 16 (1) governor;
- 17 (2) lieutenant governor;
- 18 (3) attorney general;
- 19 (4) comptroller of public accounts;
- 20 (5) commissioner of the General Land Office;
- 21 (6) commissioner of agriculture;
- 22 (7) commissioner of transportation;
- 23 (8) railroad commissioner;
- 24 (9) [~~(8)~~] chief justice, supreme court;
- 25 (10) [~~(9)~~] justice, supreme court;
- 26 (11) [~~(10)~~] presiding judge, court of criminal
27 appeals;

1 (12) [~~(11)~~] judge, court of criminal appeals.

2 SECTION 7. Sections 201.051(b), (c), and (i),
3 Transportation Code, are repealed.

4 SECTION 8. (a) The first members of the Texas
5 Transportation Commission elected under the changes in law made by
6 this Act shall be elected at the general election held in November
7 2012 to serve for a term that begins February 1, 2013. The members
8 elected at that election shall draw lots to determine which
9 member's term expires February 1, 2015, which member's term expires
10 February 1, 2017, and which member's term expires February 1, 2019.

11 (b) Until the members of the Texas Transportation
12 Commission elected under this Act take office, the governor will
13 continue to appoint members to the Texas Transportation Commission
14 and those members shall, unless otherwise removed as provided by
15 law, continue in office under the prior law that governed the
16 composition of the Texas Transportation Commission, and that prior
17 law is continued in effect for that purpose.

18 SECTION 9. This Act takes effect September 1, 2011.