

By: Hinojosa

H.B. No. 613

A BILL TO BE ENTITLED

AN ACT

relating to the election of the commissioner of education.

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

SECTION 1. Sections 7.051, 7.052, and 7.053, Education Code, are amended to read as follows:

Sec. 7.051. ELECTION [~~SELECTION~~] OF [~~THE~~] COMMISSIONER. The [~~governor, with the advice and consent of the senate, shall appoint the~~] commissioner of education is elected by the qualified voters at the general election for state and county officers.

Sec. 7.052. TERM OF OFFICE. The commissioner serves a term of office of four years [~~commensurate with the term of the governor~~].

Sec. 7.053. VACANCY [~~REMOVAL FROM OFFICE~~]. The governor shall fill a vacancy in the office of [~~, with the advice and consent of the senate, may remove~~] the commissioner by appointment until the next general election for state and county officers [~~from office as provided by Section 9, Article XV, Texas Constitution~~].

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

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

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;

- 1 (4) comptroller of public accounts;
- 2 (5) commissioner of the General Land Office;
- 3 (6) commissioner of agriculture;
- 4 (7) commissioner of education;
- 5 (8) railroad commissioner;
- 6 (9) [~~(8)~~] chief justice, supreme court;
- 7 (10) [~~(9)~~] justice, supreme court;
- 8 (11) [~~(10)~~] presiding judge, court of criminal
- 9 appeals;
- 10 (12) [~~(11)~~] judge, court of criminal appeals.

11 SECTION 3. Section 665.051, Government Code, is amended to
12 read as follows:

13 Sec. 665.051. INDIVIDUALS SUBJECT TO REMOVAL. Only the
14 following individuals are subject to removal from office by address
15 under this subchapter:

- 16 (1) a justice of the supreme court;
- 17 (2) a judge of the court of criminal appeals;
- 18 (3) a justice of a court of appeals;
- 19 (4) a judge of a district court;
- 20 (5) a judge of a criminal district court;
- 21 (6) the commissioner of agriculture;
- 22 (7) the commissioner of insurance; [~~and~~]
- 23 (8) the commissioner of education; and
- 24 (9) the banking commissioner.

25 SECTION 4. Section 504.401(d), Transportation Code, is
26 amended to read as follows:

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

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

14 SECTION 5. Section 7.054, Education Code, is repealed.

15 SECTION 6. (a) The first general election for commissioner
16 of education shall be held November 8, 2022, for a four-year term
17 beginning on January 1, 2023.

18 (b) Until the first commissioner of education elected under
19 this Act takes office, the commissioner serving on the effective
20 date of this Act shall, unless otherwise removed as provided by law,
21 continue in office under the prior law that governed the office, and
22 that prior law is continued in effect for that purpose. If on
23 January 1, 2023, there is a vacancy in the office of commissioner of
24 education created under this Act because the first
25 commissioner-elect has died or refuses or is permanently unable to
26 serve, the commissioner serving on that date shall, unless
27 otherwise removed as provided by law, continue in office under the

1 prior law that governed the office until the governor fills the
2 vacancy by appointment in the manner provided by law. The prior law
3 that governed the office of the commissioner of education is
4 continued in effect for that purpose.

5 SECTION 7. This Act takes effect September 1, 2022, except
6 that Section 665.051, Government Code, and Section 504.401(d),
7 Transportation Code, as amended by this Act, take effect January 1,
8 2023.