

FIRST REGULAR SESSION

HOUSE BILL NO. 132

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WHORTON (Sponsor) AND THRELKELD (Co-sponsor).

Pre-filed December 27, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0491L.011

AN ACT

To repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to the state highways and transportation commission.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 226.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.030, to read as follows:

226.030. 1. **Prior to January 1, 2007**, the highways and transportation commission shall consist of six members, who shall be appointed by the governor, by and with the advice and consent of the senate, not more than three thereof to be members of the same political party. **Beginning January 1, 2007, the commission shall consist of ten members, who shall be appointed by the governor, by and with the advice and consent of the senate, not more than five thereof to be members of the same political party, and each commissioner appointed after such date shall be a resident of a department of transportation geographic district different from that of the other commissioners.** Each commissioner shall be a taxpayer and resident of state for at least five years prior to his **or her** appointment. Any commissioner may be removed by the governor if fully satisfied of his **or her** inefficiency, neglect of duty, or misconduct in office. Commissioners appointed pursuant to this section shall be appointed for terms of six years, except as otherwise provided in this subsection. Upon the expiration of each of the foregoing terms of these commissioners a successor shall be appointed for a term of six years or until his successor is appointed and qualified which term of six years shall thereafter be the length of term of each member of the commission unless removed as above provided. The members of the commission shall receive as compensation for their services twenty-five dollars

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 per day for the time spent in the performance of their official duties, and also their necessary
18 traveling and other expenses incurred while actually engaged in the discharge of their official
19 duties. [Members whose terms otherwise expire December 1, 2003, shall serve with terms
20 expiring March 1, 2004, and] New members or the members reappointed **prior to August 28,**
21 **2005,** shall be appointed for terms expiring March 1, 2005; a member whose term otherwise
22 expires December 1, 2005, **and a new member appointed after August 28, 2005,** shall each
23 serve with a term expiring March 1, 2007; **a new member appointed after August 28, 2005,**
24 **shall serve with a term expiring March 1, 2009;** a member whose term otherwise expires
25 December 1, 2007, **and a new member appointed after August 28, 2005,** shall each serve with
26 a term expiring March 1, 2009; [and] one member whose term otherwise expires October 13,
27 2007, shall serve with a term expiring March 1, 2007; [and] one member whose term otherwise
28 expires October 13, 2007, shall serve with a term expiring March 1, 2009, **and a new member**
29 **appointed after August 28, 2005, shall serve with a term expiring March 1, 2011.** If a
30 vacancy occurs in any term of a commissioner due to death, resignation, or removal, a successor
31 shall be appointed for only the remainder of the unexpired term.

32 2. The two members of the commission, one each from opposing political parties, who
33 have the most seniority in commission service shall serve as commission leadership with one
34 member as chair and the other member as vice chair, respectively, for terms ending March 1,
35 2005. The commission shall elect one of the members as chair and the other as vice chair.
36 Effective March 1, 2005, the commission shall elect the two members of the commission, one
37 from each opposing political party who has the most seniority in commission service, who shall
38 serve as commission leadership with one member as chair and the other member as vice chair,
39 respectively, for one year. At the end of such year, the member currently serving as chair shall
40 then serve as vice chair, and the member currently serving as vice chair shall serve as chair, each
41 to serve in such position for one year. Thereafter, commission leadership shall continue to rotate
42 accordingly with the two members from opposing political parties who have the most seniority
43 in terms of commission service being elected by the commission to serve as commission
44 leadership. If one of the commission leadership offices becomes vacant due to death,
45 resignation, removal, or refuses to serve before the one-year leadership term expires, the
46 commission shall elect one of its members that is of the same political party as the vacating
47 officer to serve the remainder of the vacating officer's leadership term. Such election shall not
48 prohibit that member from later serving as chair and vice chair when such member's seniority
49 in commission service qualifies him or her for those offices as provided in this subsection.

50 3. No more than one-half of the members of the commission shall be of the same
51 political party. The selection and removal of all employees of the department of transportation
52 shall be without regard to political affiliation.

53 4. The present members of the commission shall continue to serve as members of the
54 commission for the remainder of the terms for which they were appointed, except as provided
55 in subsection 1 of this section.

56 5. The director of the department of transportation shall, by February fifteenth of each
57 year, present an annual state of the state of transportation to a joint session of the general
58 assembly. The [six] members of the commission shall be present and available at such
59 presentations for questions by members. The transportation inspector general may also be
60 present and report to the general assembly on any matter of concern within his or her statutory
61 authority. The provisions of this subsection shall expire August 28, [2008] **2011**.

62 6. Any member reappointed shall only be eligible to serve as chair or vice-chair during
63 the final two years of such member's reappointment.