

SECOND REGULAR SESSION

HOUSE BILL NO. 2568

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

5340H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to the 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Section A. Section 226.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.030, to read as follows: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. 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]~~ **until December 1, 2026, at which time the number of members may be changed as established by law, but there shall never be more than one member from each congressional district at the same time. If reapportionment results in the elimination of a congressional district, the most senior member of the commission shall serve the remainder of the member's term, after which time that seat will no longer exist. If reapportionment increases the number of congressional seats, the number of members may be increased by law to match the increase in congressional seats. Members shall be appointed by the governor, by and with the advice and consent of the senate, not more than half thereof to be members of the same political party. No member shall be appointed to replace a member from the same congressional district and no member shall be appointed from a congressional district until each district has been represented by a member at least once. If the governor fails to fill a vacancy on the commission within thirty days, the vacancy for the unexpired term shall be filled by a majority vote of the remaining members, with such new member selected from a list of ten candidates provided by the house of**

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.

18 **representatives and approved by the general assembly. The vote and deliberations of**
19 **the commission to fill such vacancy shall be public.** Each commissioner shall be a taxpayer
20 and resident of **the** state for at least five years prior to his **or her** appointment. Any
21 commissioner may be removed by the governor if fully satisfied of his **or her** inefficiency,
22 neglect of duty, or misconduct in office. Commissioners appointed pursuant to this section
23 shall be appointed for terms of six years, except as otherwise provided in this subsection.
24 Upon the expiration of each of the foregoing terms of these commissioners a successor shall
25 be appointed for a term of six years or until his **or her** successor is appointed and qualified
26 which term of six years shall thereafter be the length of term of each member of the
27 commission unless removed as above provided. The members of the commission shall
28 receive as compensation for their services twenty-five dollars per day for the time spent in the
29 performance of their official duties, and also their necessary traveling and other expenses
30 incurred while actually engaged in the discharge of their official duties. Members whose
31 terms otherwise expire December 1, 2003, shall serve with terms expiring March 1, 2004, and
32 new members or the members reappointed shall be appointed for terms expiring March 1,
33 2005; a member whose term otherwise expires December 1, 2005, shall serve with a term
34 expiring March 1, 2007; a member whose term otherwise expires December 1, 2007, shall
35 serve with a term expiring March 1, 2009; and one member whose term otherwise expires
36 October 13, 2007, shall serve with a term expiring March 1, 2007; and one member whose
37 term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2009. If a
38 vacancy occurs in any term of a commissioner due to death, resignation, or removal, a
39 successor shall be appointed for only the remainder of the unexpired term.

40 2. The two members of the commission, one each from opposing political parties,
41 who have the most seniority in commission service shall serve as commission leadership with
42 one member as chair and the other member as vice chair, respectively, for terms ending
43 March 1, 2005. The commission shall elect one of the members as chair and the other as vice
44 chair. Effective March 1, 2005, the commission shall elect the two members of the
45 commission, one from each opposing political party who has the most seniority in
46 commission service, who shall serve as commission leadership with one member as chair and
47 the other member as vice chair, respectively, for one year. At the end of such year, the
48 members currently serving as chair and vice chair shall have the option to rotate positions,
49 and the member currently serving as vice chair may serve as chair, and vice versa. Thereafter,
50 commission leadership shall continue to rotate accordingly with the two members from
51 opposing political parties who have the most seniority in terms of commission service being
52 elected by the commission to serve as commission leadership. If one of the commission
53 leadership offices becomes vacant due to death, resignation, removal, or ~~[refuses]~~ **refusal** to
54 serve before the one-year leadership term expires, the commission shall elect one of its

55 members that is of the same political party as the vacating officer to serve the remainder of
56 the vacating officer's leadership term. Such election shall not prohibit that member from later
57 serving as chair and vice chair when such member's seniority in commission service qualifies
58 him or her for those offices as provided in this subsection.

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

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

65 5. Any member reappointed shall only be eligible to serve as chair or vice chair
66 during the final two years of such member's reappointment.

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