

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1439
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles March 3, 2004, with recommendation that the House Committee Substitute for House Bill No. 1439 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

4522L.03C

AN ACT

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

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Section A. Section 226.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.030, to read as follows: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 [state] 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. Each commissioner shall be a taxpayer and resident of state for at least five years prior to his appointment. Any commissioner may be removed by the governor if fully satisfied of his 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 per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. Members whose terms otherwise expire December 1, 2003, shall serve with terms expiring March 1, 2004, and new

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

16 members or the members reappointed shall be appointed for terms expiring March 1, 2005; a
17 member whose term otherwise expires December 1, 2005, shall serve with a term expiring
18 March 1, 2007; a member whose term otherwise expires December 1, 2007, shall serve with a
19 term expiring March 1, 2009; and one member whose term otherwise expires October 13, 2007,
20 shall serve with a term expiring March 1, 2007; and one member whose term otherwise expires
21 October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy occurs in any
22 term of a commissioner due to death, resignation, or removal, a successor shall be appointed for
23 only the remainder of the unexpired term.

24 2. Beginning August 28, [2003, when two members of the state highways and
25 transportation commission are within two years of expiration of their terms, the commission shall
26 appoint one of those two members as chair of the commission and the other as vice chair, each
27 to serve in such position for one year.] **2004, the two members of the commission, one each
28 from opposing political parties, who have the most seniority in commission service shall
29 serve as commission leadership with one member as chair and the other member as vice
30 chair, respectively, for terms ending March 1, 2005. The commission shall elect one of the
31 members as chair and the other as vice chair. Effective March 1, 2005, the commission
32 shall elect the two members of the commission, one from each opposing political party who
33 have the most seniority in commission service, who shall serve as commission leadership
34 with one member as chair and the other member as vice chair, respectively, for one year.
35 At the end of such year, the member currently serving as chair shall then serve as vice
36 chair, and the member currently serving as vice chair shall serve as chair, each to serve in
37 such position for one year. Thereafter, commission leadership shall continue to rotate
38 accordingly with the two members from opposing political parties who have the most
39 seniority in terms of commission service being elected by the commission to serve as
40 commission leadership. If one of the commission leadership offices becomes vacant due to
41 death, resignation, removal, or refusal to serve before the one-year leadership term expires,
42 the commission shall elect one of its members that is of the same political party as the
43 vacating officer to serve the remainder of the vacating officer's leadership term. Such
44 election shall not prohibit that member from later serving as chair and vice chair when
45 such member's seniority in commission service qualifies him or her for those offices as
46 provided in this subsection.** At the end of such year, the member currently serving as chair
47 shall then serve as vice chair, and the member currently serving as vice chair shall serve as chair,
48 each to serve in such position for one year.

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

52 4. The present members of the [state highways and transportation] commission shall
53 **continue to** serve as members of the [state highways and transportation] commission for the
54 remainder of the terms for which they were appointed, except as provided in subsection 1 of this
55 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 [state highways and transportation] commission shall be
59 present and available at such presentations for questions by members. The transportation
60 inspector general may also be present and report to the general assembly on any matter of
61 concern within his or her statutory authority. The provisions of this subsection shall expire
62 August 28, 2008.

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