

SECOND REGULAR SESSION

HOUSE BILL NO. 2138

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (27).

Read 1st time March 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4639L.011

AN ACT

To repeal sections 226.030 and 226.040, RSMo, and to enact in lieu thereof three new sections relating to the administration of the department of transportation, with an effective date for certain sections.

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

Section A. Sections 226.030 and 226.040, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 226.030, 226.040, and 226.042, to read as follows:

226.030. The state highways and transportation commission shall consist of **[six] ten** members, **one from each highway district of the state**, who shall be appointed by the governor, by and with the advice and consent of the senate, not more than **[three] five** thereof to be members of the same political party. **Each commissioner currently serving on the commission shall complete his or her term as scheduled. Upon the expiration of the next commissioner's term on or after January 1, 2003, the governor shall replace that commissioner by appointing a new member from the St. Joseph highway district. The governor shall also appoint an additional four members in order to complete the transition to a ten-member commission. Of the four additional appointments, one member shall be appointed from the Jefferson City highway district, one from the Kansas City highway district, one from the Chesterfield highway district, and one from the Springfield highway district. As the five remaining members' terms expire, the governor shall, in his or her discretion, appoint a new member upon such expiration from one of the five remaining highway districts: Sikeston, Macon, Hannibal, Joplin, or Willow Springs, until the**

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

15 **commission consists of ten members, one from each highway district of the state.** Each
16 commissioner shall be a taxpayer and resident of state for at least five years prior to his
17 appointment. Any commissioner may be removed by the governor if fully satisfied of his
18 inefficiency, neglect of duty, or misconduct in office. All commissioners appointed prior to
19 October 13, 1965, shall serve the term for which they were appointed. Commissioners appointed
20 pursuant to this section shall be appointed for terms of six years. Upon the expiration of each
21 of the foregoing terms of these commissioners a successor shall be appointed for a term of six
22 years or until his successor is appointed and qualified which term of six years shall thereafter be
23 the length of term of each member of the commission unless removed as above provided. The
24 members of the commission shall receive as compensation for their services twenty-five dollars
25 per day for the time spent in the performance of their official duties, and also their necessary
26 traveling and other expenses incurred while actually engaged in the discharge of their official
27 duties.

226.040. 1. The [state highways and transportation commission] **governor** shall appoint
2 a chief executive officer [with] **by and with the advice and consent of the senate. The chief**
3 **executive officer shall have** the title of director of the Missouri department of transportation.
4 The director shall serve at the pleasure of the [commission] **governor**. The director shall be a
5 citizen and a resident of this state, shall have had executive management experience for at least
6 five years, and may be a registered professional engineer. The director's duties shall include
7 appointment of a chief engineer, a chief financial officer and other department heads, engineers
8 and other employees as the commission may designate and deem necessary. Under the direction
9 of the commission, the director shall have general charge of, and be responsible for, the overall
10 operations and performance of the department. The director shall provide quarterly to the
11 commission at its regularly scheduled meetings a current unaudited written version of the report
12 required in subsection 2 of section 21.795, RSMo, with changes from the most recent audited
13 report clearly marked. Such report shall be made available to the public.

14 2. The chief engineer shall be a registered professional engineer responsible for
15 preparation and approval of all engineering documents, plans and specifications and shall have
16 general oversight of construction and maintenance work for the department as determined by the
17 director.

18 3. Engineers of the department responsible for supervising the activities of road and
19 bridge design, construction, maintenance and materials inspection and analysis shall be registered
20 professional engineers in this state.

226.042. 1. There is hereby established a "Missouri Highways and Transportation
2 **Commission's Advisory Committee", which shall consist of thirty members, three from**
3 **each of the ten highway districts. Each three member group from each highway district**

4 shall form a separate subcommittee. The members of the committee shall be appointed by
5 the governor with the advice and consent of the senate, and no more than two of the three
6 members of each subcommittee shall be from the same political party, with no more than
7 half of all the members of the committee being from the same political party. Except for
8 the initial members appointed, each member of the committee shall serve six-year terms.
9 The initial three members appointed for each highway district shall serve the following
10 terms: one member shall serve a two-year term, one member shall serve a four-year term,
11 and one member shall serve a six-year term. If a vacancy occurs prior to the end of a
12 member's term, the governor shall appoint a new member to complete the remainder of
13 the term in the same manner as other appointments to the committee are made. A member
14 may be reappointed for more than one term on the committee. A chair, vice chair, and any
15 other officers deemed necessary to fulfill the duties of the committee shall be elected by the
16 full committee at its first meeting.

17 2. Each subcommittee shall be responsible for determining the transportation issues
18 that are most important to its highway district and developing recommendations to present
19 to the full committee regarding such issues. Each subcommittee may hold public hearings
20 and coordinate other information gathering efforts for their district. Each subcommittee
21 shall reduce its recommendations to writing and submit them to the chair of the committee
22 for a vote by the full committee. The chair shall distribute the recommendations from each
23 subcommittee to all members of the advisory committee for a thirty-day review. At the end
24 of the thirty-day review, the full committee shall vote on whether the recommendations of
25 each subcommittee shall become the recommendations of the entire advisory committee.
26 The chair shall submit the recommendations of the advisory committee to the director of
27 the department of transportation and the highways and transportation commission no less
28 than biannually. The director of the department of transportation and the highways and
29 transportation commission shall review and consider any recommendations submitted by
30 the advisory committee that are relevant to a particular highway district prior to taking
31 any action affecting that district.

32 3. Meetings of the full advisory committee shall be held at the call of the chair, but
33 in no event shall the advisory committee meet less than biannually. A quorum shall be
34 necessary to conduct any business by the full committee.

35 4. The members of the committee shall serve without compensation but shall be
36 reimbursed for all actual and necessary expenses incurred in the performance of their
37 official duties for the committee.

Section B. The repeal and reenactment of sections 226.030 and 226.040 of section A of
2 this act shall become effective January 1, 2003.