

- SUBJECT:** Modifying appointments to public transportation advisory committee
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 10 ayes — Pickett, Phillips, Callegari, Y. Davis, Guillen, Harper-Brown, McClendon, Merritt, T. Smith, W. Smith
- 0 nays
- 1 absent — Dunnam
- WITNESSES:** For — (*Registered, but did not testify:* Norman Garza, Texas Farm Bureau; Ben Herr, Texas Transit Association; Priscilla Ingle)
- Against — None
- BACKGROUND:** Transportation Code, sec. 445.004 establishes the public transportation advisory committee to advise the Texas Transportation Commission on the needs and problems of the state's public transportation providers, how the state allocates public transportation money, and other issues affecting the state's role in public transportation. The Texas Transportation Commission appoints members of the advisory committee, which include:
- four members representing public transportation providers;
 - three members who represent transportation users;
 - three members who represent the general public; and
 - one member with experience in the administration of health and human services programs.
- Members of the advisory committee serve at the pleasure of the Texas Transportation Commission.
- DIGEST:** CSHB 2219 would alter the composition of the public transportation advisory committee by changing the entities that make appointments and reducing the size of the board from 11 to nine. The bill would allow the governor, the lieutenant governor, and the speaker of the House each to appoint:

- one member representing public transportation providers;
- one member who represents transportation users; and
- one member who represents the general public.

Members would serve at the pleasure of the officer who made the appointment.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 2219 would bring the authority to appoint members to the public transportation advisory committee back under the auspices of the governing bodies of the state. In 2003, HB 3588 by Krusee transferred the authority to appoint members to the advisory committee to the Texas Transportation Commission. In effect, that means that a commission is appointing board members to advise itself. This is a structurally problematic arrangement, since the purpose of an advisory board is to offer perspectives that otherwise would be unavailable.

The current appointment structure also leaves no opportunity, even indirect, for legislative input into the public transportation advisory committee, as the Texas Transportation Commission is appointed by the governor. CSHB 2219 would introduce important legislative input into the public transportation advisory process by adding three appointments each by the lieutenant governor and the speaker. The proposed appointments would help preserve the current balance of perspectives between providers of public transportation, users of public transportation, and members of the general public.

The bill would have no impact on the role or procedures of the committee, or the staff necessary to support the committee's functions. If so inclined, the officials who would be charged with making appointments could consult with the Texas Department of Transportation prior to selecting committee members, which would not place any additional burden on the agency. The real importance of the change, however, is that it would restore to governing bodies of the state the option of appointing advisory committee members in the cases when someone feels strongly about an appointment.

**OPPONENTS
SAY:**

This bill would shift appointment authority for the public transportation advisory committee to officials who may not have special expertise regarding public transportation issues. HB 3588 in 2003 changed the

committee appointments to the current structure because the governor, the lieutenant governor, and the speaker were relying on TxDOT to recommend appointments. Shifting the appointments to the Texas Transportation Commission was done to simplify the process. Restoring the process to the pre-2003 appointment system could resurrect some of the issues that motivated the original change.

NOTES:

The bill as filed would have allowed the governor, the lieutenant governor, and the speaker to allocate among themselves the authority for appointing members with different types of qualifications.