

By: Swinford

H.J.R. No. 76

A JOINT RESOLUTION

1 proposing a constitutional amendment to provide that the Railroad
2 Commission of Texas is governed by a single elected railroad
3 commissioner.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 30(b), Article XVI, Texas Constitution,
6 is amended to read as follows:

7 (b) When a Railroad Commission is created by law it shall be
8 governed by a single railroad commissioner [~~composed of three~~
9 ~~Commissioners~~] who shall be elected by the people at a general
10 election for State officers, and whose term [~~their terms~~] of office
11 shall be four [~~six~~] years. [~~And one Railroad Commissioner shall be~~
12 ~~elected every two years.~~] In case of vacancy in said office the
13 Governor of the State shall fill said vacancy by appointment until
14 the next general election.

15 SECTION 2. The following temporary provision is added to
16 the Texas Constitution:

17 TEMPORARY PROVISION. (a) This temporary provision applies
18 to the constitutional amendment proposed by the 78th Legislature,
19 Regular Session, 2003, providing that the Railroad Commission of
20 Texas will be governed by a single railroad commissioner instead of
21 by a three-member commission.

22 (b) The first railroad commissioner elected under the
23 amendment shall be elected at the general election held in November
24 2004 to serve for a term that begins January 1, 2005.

1 (c) Until the first railroad commissioner elected under the
2 amendment takes office, the members of the Railroad Commission of
3 Texas serving on the date that the adoption of the amendment by the
4 voters is shown by the official canvass of returns shall, unless
5 otherwise removed as provided by law, continue in office under the
6 prior law that governed the composition of the Railroad Commission
7 of Texas, and that prior law is continued in effect for that
8 purpose. If on January 1, 2005, there is a vacancy in the new office
9 of railroad commissioner created under the amendment because the
10 first railroad commissioner-elect has died or refuses or is
11 permanently unable to serve, the members of the Railroad Commission
12 of Texas serving on the date that the adoption of the amendment by
13 the voters is shown by the official canvass of returns shall, unless
14 otherwise removed as provided by law, continue in office under the
15 prior law that governed the composition of the Railroad Commission
16 of Texas until the governor fills the vacancy by appointment in the
17 manner provided by law. The prior law that governed the composition
18 of the Railroad Commission of Texas is continued in effect for that
19 purpose. At the time that the first railroad commissioner elected,
20 or in extraordinary circumstances appointed, under the amendment
21 takes office, the three-member governing body of the Railroad
22 Commission of Texas is abolished.

23 (d) The railroad commissioner succeeds to all powers,
24 duties, rights, and obligations of the three-member governing body
25 of the Railroad Commission of Texas, and the abolition of the
26 three-member governing body of the commission does not affect the
27 validity of any right, duty, decision, rule, or action of any kind

1 taken by or under the authority of the three-member governing body.

2 (e) This temporary provision expires January 1, 2006.

3 SECTION 3. This proposed constitutional amendment shall be
4 submitted to the voters at an election to be held November 4, 2003.
5 The ballot shall be printed to permit voting for or against the
6 proposition: "The constitutional amendment to provide that the
7 Railroad Commission of Texas will be governed by a single elected
8 railroad commissioner instead of by an elected three-member
9 commission."