

Amend **HB 1816** (engrossed version) as follows:

(1) Strike SECTION 2 of the bill and renumber subsequent SECTIONS of the bill as appropriate.

(2) In SECTION 4 of the bill (page 3, line 27), strike "provided by SECTION 1 of this Act" and substitute "otherwise provided".

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS as appropriate:

SECTION _____. (a) The legislature finds that the transfer of powers and duties over railroads from the Railroad Commission of Texas to the Texas Department of Transportation results in an agency that has a name that no longer reflects the administrative and executive jurisdiction of the agency. The changes in law made by this Act provide that the Railroad Commission of Texas no longer has powers and duties over railroads, but primarily over energy-related issues.

(b) The legislature also finds that the subject of this Act, as discerned from the body of this Act, makes the renaming of the Railroad Commission of Texas relevant, appropriate, and in the natural and logical sequence to the subject matter and original purpose of this Act.

SECTION _____. Effective October 1, 2005, Subchapter A, Chapter 81, Natural Resources Code, is amended by adding Section 81.002 to read as follows:

Sec. 81.002. TEXAS ENERGY COMMISSION. (a) The Railroad Commission of Texas is renamed the Texas Energy Commission.

(b) Except as provided by Subsection (c), Article 6445, Revised Statutes, a reference in law to the Railroad Commission of Texas means the Texas Energy Commission.

(c) The Texas Energy Commission is the successor agency to the Railroad Commission of Texas under Section 30(b), Article XVI, Texas Constitution.

SECTION _____. (a) Effective October 1, 2005:

(1) the name of the Railroad Commission of Texas is changed to the Texas Energy Commission;

(2) all powers, duties, obligations, rights, contracts, leases, records, assets, property, funds, and

appropriations of the Railroad Commission of Texas:

(A) that do not primarily relate to railroads and the regulation of railroads are the powers, duties, obligations, rights, contracts, leases, records, assets, property, funds, and appropriations of the Texas Energy Commission; and

(B) that primarily relate to railroads and the regulation of railroads are the powers, duties, obligations, rights, contracts, leases, records, assets, property, funds, and appropriations of the Texas Department of Transportation;

(3) all rules, policies, forms, procedures, and decisions of the Railroad Commission of Texas:

(A) that do not relate primarily to railroads and the regulation of railroads are continued in effect as rules, policies, forms, procedures, and decisions of the Texas Energy Commission until superseded by a rule or other appropriate action of the Texas Energy Commission; and

(B) that relate primarily to railroads and the regulation of railroads are continued in effect as rules, policies, forms, procedures, and decisions of the Texas Department of Transportation until superseded by a rule or other appropriate action of the Texas Department of Transportation;

(4) all full-time employees of the Railroad Commission of Texas:

(A) who do not primarily perform functions related to railroads and the regulation of railroads become employees of the Texas Energy Commission; and

(B) who primarily perform functions related to railroads and the regulation of railroads become employees of the Texas Department of Transportation;

(5) any investigation, complaint, action, contested case, or other proceeding involving the Railroad Commission of Texas that:

(A) does not relate primarily to railroads and the regulation of railroads is transferred without change in status to the Texas Energy Commission, and the Texas Energy Commission assumes, without a change in status, the position of the Railroad Commission of Texas in any investigation, complaint, action,

contested case, or other proceeding that does not relate primarily to railroads and the regulation of railroads involving the Railroad Commission of Texas; and

(B) relates primarily to railroads and the regulation of railroads is transferred without change in status to the Texas Department of Transportation, and the Texas Department of Transportation assumes, without a change in status, the position of the Railroad Commission of Texas in any investigation, complaint, action, contested case, or other proceeding that relates primarily to railroads and the regulation of railroads involving the Railroad Commission of Texas; and

(6) a member of the Railroad Commission of Texas is a member of the Texas Energy Commission.

(b) The Railroad Commission of Texas shall adopt a timetable for phasing in the change of the agency's name so as to minimize the fiscal impact of the name change. Until October 1, 2005, to allow for phasing in the change of the agency's name and in accordance with the timetable established as required by this section, the agency may perform any act authorized by law for the Railroad Commission of Texas as the Railroad Commission of Texas or as the Texas Energy Commission. Any act of the Railroad Commission of Texas acting as the Texas Energy Commission after the effective date of this Act and before October 1, 2005, is an act of the Railroad Commission of Texas.

(c) The transfer of the powers and duties of the Railroad Commission of Texas that relate primarily to railroads and the regulation of railroads to the Texas Department of Transportation does not affect the validity of a right, privilege, or obligation accrued, a contract or acquisition made, any liability incurred, a permit or license issued, a penalty, forfeiture, or punishment assessed, a rule adopted, a proceeding, investigation, or remedy begun, a decision made, or other action taken by or in connection with the Railroad Commission of Texas.