

Amend CSHB 2702 (Senate committee printing) by adding the following appropriately numbered SECTIONS to Article 1 of the bill and renumbering subsequent SECTIONS of Article 1 as appropriate:

SECTION \_\_\_\_\_. Effective October 1, 2005, Article 6445, Revised Statutes, is amended to read as follows:

Art. 6445. POWER AND AUTHORITY. (a) Power and authority are hereby conferred upon the Texas Department of Transportation [~~Railroad Commission of Texas~~] over all railroads, and suburban, belt and terminal railroads, and over all public wharves, docks, piers, elevators, warehouses, sheds, tracks and other property used in connection therewith in this State, and over all persons, associations and corporations, private or municipal, owning or operating such railroad, wharf, dock, pier, elevator, warehouse, shed, track or other property to fix, and it is hereby made the duty of the said department [~~Commission~~] to adopt all necessary rates, charges and regulations, to govern and regulate such railroads, persons, associations and corporations, and to correct abuses and prevent unjust discrimination in the rates, charges and tolls of such railroads, persons, associations and corporations, and to fix division of rates, charges and regulations between railroads and other utilities and common carriers where a division is proper and correct, and to prevent any and all other abuses in the conduct of their business and to do and perform such other duties and details in connection therewith as may be provided by law.

(b) All powers and duties of the Railroad Commission of Texas that relate to railroads and the regulation of railroads are transferred to the Texas Department of Transportation.

(c) A reference in law to the Railroad Commission of Texas that relates to railroads and the regulation of railroads means the Texas Department of Transportation.

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.

SECTION \_\_\_\_\_. As soon as possible after the effective date of this article but before October 1, 2005, the Railroad Commission of Texas shall determine and report to the Texas Department of Transportation on:

(1) which obligations, contracts, records, assets, and property of the Railroad Commission of Texas relate primarily to railroads and the regulation of railroads; and

(2) which employees of the Railroad Commission of Texas perform duties that relate primarily to railroads and the regulation of railroads.