

By: Shapiro

S.B. No. 1382

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to the reorganization of the Railroad Commission of Texas,
including changing the name of the agency to the Texas Energy
Commission and transferring powers and duties from and to the
agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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) 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 Subsection (b), Section 30,
Article XVI, Texas Constitution.

SECTION 2. Subdivision (12), Section 27.002, Water Code, is
amended to read as follows:

(12) "Extraction of minerals" means the use of an
injection well for the development or recovery of natural resources
other than resources subject to the jurisdiction of the railroad
commission, and includes solution mining of minerals[~~, in situ
uranium mining,~~] and mining of sulfur by the Frasch process, but
does not include the solution mining of salt when leaching a cavern
for the storage of hydrocarbons.

1 SECTION 3. The heading to Subchapter C, Chapter 27, Water
2 Code, is amended to read as follows:

3 SUBCHAPTER C. JURISDICTION OF TEXAS ENERGY COMMISSION

4 [~~OIL AND GAS WASTE~~]

5 SECTION 4. Effective January 1, 2006, Article 6445, Revised
6 Statutes, is amended to read as follows:

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

26 (b) All powers and duties of the Texas Energy Commission
27 that relate to railroads and the regulation of railroads are

1 transferred to the Texas Department of Transportation.

2 (c) A reference in law to the Railroad Commission of Texas
3 or to the Texas Energy Commission that relates to railroads and the
4 regulation of railroads means the Texas Department of
5 Transportation.

6 SECTION 5. (a) Effective January 1, 2006:

7 (1) the name of the Railroad Commission of Texas is
8 changed to the Texas Energy Commission, and all powers, duties,
9 rights, and obligations of the Railroad Commission of Texas are the
10 powers, duties, rights, and obligations of the Texas Energy
11 Commission;

12 (2) a member of the Railroad Commission of Texas is a
13 member of the Texas Energy Commission; and

14 (3) any appropriation to the Railroad Commission of
15 Texas is an appropriation to the Texas Energy Commission.

16 (b) Effective January 1, 2006, a reference in law to the
17 Railroad Commission of Texas is a reference to the Texas Energy
18 Commission.

19 (c) The Texas Energy Commission is the successor to the
20 Railroad Commission of Texas in all respects. All personnel,
21 equipment, data, documents, facilities, contracts, items, other
22 property, rules, decisions, and proceedings of or involving the
23 Railroad Commission of Texas are unaffected by the change in the
24 name of the agency.

25 (d) The Railroad Commission of Texas shall adopt a timetable
26 for phasing in the change of the agency's name so as to minimize the
27 fiscal impact of the name change. Until January 1, 2006, to allow

1 for phasing in the change of the agency's name and in accordance
2 with the timetable established as required by this section, the
3 agency may perform any act authorized by law for the Railroad
4 Commission of Texas as the Railroad Commission of Texas or as the
5 Texas Energy Commission. Any act of the Railroad Commission of
6 Texas acting as the Texas Energy Commission after the effective
7 date of this Act and before January 1, 2006, is an act of the
8 Railroad Commission of Texas.

9 SECTION 6. (a) On January 1, 2006:

10 (1) a rule, standard, or form of the Texas Commission
11 on Environmental Quality that is related to in situ uranium mining
12 becomes a rule, standard, or form of the Texas Energy Commission and
13 remains in effect until amended or repealed by the energy
14 commission; and

15 (2) the Texas Commission on Environmental Quality
16 shall transmit to the Texas Energy Commission any application for a
17 permit for an injection well to be used for in situ uranium mining
18 that is pending with the Texas Commission on Environmental Quality,
19 and the energy commission shall continue the proceedings related to
20 each application transmitted under this subdivision.

21 (b) This Act does not invalidate a permit for an injection
22 well used for in situ uranium mining that was issued by the Texas
23 Commission on Environmental Quality before January 1, 2006. The
24 Texas Energy Commission shall issue a substitute permit under the
25 name and authority of the energy commission to each person who on
26 January 1, 2006, holds a permit issued by the Texas Commission on
27 Environmental Quality for an injection well used for in situ

1 uranium mining. A permit for an injection well used for in situ
2 uranium mining that was issued by the Texas Commission on
3 Environmental Quality before January 1, 2006, remains in effect
4 until the permit holder receives a substitute permit issued by the
5 Texas Energy Commission.

6 SECTION 7. (a) Effective January 1, 2006:

7 (1) all powers, duties, obligations, rights,
8 contracts, leases, records, assets, property, funds, and
9 appropriations of the Texas Energy Commission that relate primarily
10 to railroads and the regulation of railroads are transferred to the
11 Texas Department of Transportation;

12 (2) all rules, policies, forms, procedures, and
13 decisions of the Texas Energy Commission that relate primarily to
14 railroads and the regulation of railroads are continued in effect
15 as rules, policies, forms, procedures, and decisions of the Texas
16 Department of Transportation, until superseded by a rule or other
17 appropriate action of the Texas Department of Transportation;

18 (3) all full-time employees of the Texas Energy
19 Commission who primarily perform functions related to railroads and
20 the regulation of railroads become employees of the Texas
21 Department of Transportation; and

22 (4) any investigation, complaint, action, contested
23 case, or other proceeding involving the Texas Energy Commission
24 that relates primarily to railroads and the regulation of railroads
25 is transferred without change in status to the Texas Department of
26 Transportation, and the Texas Department of Transportation
27 assumes, without a change in status, the position of the Texas

1 Energy Commission in any investigation, complaint, action,
2 contested case, or other proceeding that relates primarily to
3 railroads and the regulation of railroads involving the Texas
4 Energy Commission.

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

14 SECTION 8. This Act takes effect January 1, 2006, except
15 that this Act takes effect September 1, 2005, for the limited
16 purpose of allowing the Railroad Commission of Texas and other
17 state agencies affected by this Act to prepare for the changes in
18 law made by this Act.