

1-1 By: Shapiro S.B. No. 1382
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 25, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 25, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1382 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the reorganization of the Railroad Commission of Texas,
1-11 including changing the name of the agency to the Texas Energy
1-12 Commission and transferring powers and duties from and to the
1-13 agency.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter A, Chapter 81, Natural Resources
1-16 Code, is amended by adding Section 81.002 to read as follows:

1-17 Sec. 81.002. TEXAS ENERGY COMMISSION. (a) The Railroad
1-18 Commission of Texas is renamed the Texas Energy Commission.

1-19 (b) A reference in law to the Railroad Commission of Texas
1-20 means the Texas Energy Commission.

1-21 (c) The Texas Energy Commission is the successor agency to
1-22 the Railroad Commission of Texas under Subsection (b), Section 30,
1-23 Article XVI, Texas Constitution.

1-24 SECTION 2. Subdivision (12), Section 27.002, Water Code, is
1-25 amended to read as follows:

1-26 (12) "Extraction of minerals" means the use of an
1-27 injection well for the development or recovery of natural resources
1-28 other than resources subject to the jurisdiction of the railroad
1-29 commission, and includes solution mining of minerals~~[, in situ~~
1-30 ~~uranium mining]~~ and mining of sulfur by the Frasch process, but
1-31 does not include the solution mining of salt when leaching a cavern
1-32 for the storage of hydrocarbons.

1-33 SECTION 3. The heading to Subchapter C, Chapter 27, Water
1-34 Code, is amended to read as follows:

1-35 SUBCHAPTER C. JURISDICTION OF TEXAS ENERGY COMMISSION
1-36 [OIL AND GAS WASTE]

1-37 SECTION 4. Subchapter C, Chapter 27, Water Code, is amended
1-38 by adding Section 27.037 to read as follows:

1-39 Sec. 27.037. JURISDICTION OVER IN SITU URANIUM MINING.

1-40 (a) The Texas Energy Commission has jurisdiction over in situ
1-41 uranium mining and may issue permits for injection wells used for in
1-42 situ uranium mining.

1-43 (b) A person may not begin to drill an injection well to be
1-44 used for in situ uranium mining unless that person holds a permit
1-45 for the well issued by the Texas Energy Commission under this
1-46 chapter.

1-47 (c) The Texas Energy Commission shall adopt rules that are
1-48 necessary to administer and regulate in situ uranium mining.

1-49 (d) For purposes of regulation by the Texas Energy
1-50 Commission, an injection well used for in situ uranium mining is
1-51 designated as a Class III well under the underground injection
1-52 control program administered by the Texas Energy Commission.

1-53 SECTION 5. Effective January 1, 2006, Article 6445, Revised
1-54 Statutes, is amended to read as follows:

1-55 Art. 6445. POWER AND AUTHORITY. (a) Power and authority
1-56 are hereby conferred upon the Texas Department of Transportation
1-57 [~~Railroad Commission of Texas~~] over all railroads, and suburban,
1-58 belt and terminal railroads, and over all public wharves, docks,
1-59 piers, elevators, warehouses, sheds, tracks and other property used
1-60 in connection therewith in this State, and over all persons,
1-61 associations and corporations, private or municipal, owning or
1-62 operating such railroad, wharf, dock, pier, elevator, warehouse,
1-63 shed, track or other property to fix, and it is hereby made the duty

2-1 of the said department [~~Commission~~] to adopt all necessary rates,
 2-2 charges and regulations, to govern and regulate such railroads,
 2-3 persons, associations and corporations, and to correct abuses and
 2-4 prevent unjust discrimination in the rates, charges and tolls of
 2-5 such railroads, persons, associations and corporations, and to fix
 2-6 division of rates, charges and regulations between railroads and
 2-7 other utilities and common carriers where a division is proper and
 2-8 correct, and to prevent any and all other abuses in the conduct of
 2-9 their business and to do and perform such other duties and details
 2-10 in connection therewith as may be provided by law.

2-11 (b) All powers and duties of the Texas Energy Commission
 2-12 that relate to railroads and the regulation of railroads are
 2-13 transferred to the Texas Department of Transportation.

2-14 (c) A reference in law to the Railroad Commission of Texas
 2-15 or to the Texas Energy Commission that relates to railroads and the
 2-16 regulation of railroads means the Texas Department of
 2-17 Transportation.

2-18 SECTION 6. (a) Effective January 1, 2006:

2-19 (1) the name of the Railroad Commission of Texas is
 2-20 changed to the Texas Energy Commission, and all powers, duties,
 2-21 rights, and obligations of the Railroad Commission of Texas are the
 2-22 powers, duties, rights, and obligations of the Texas Energy
 2-23 Commission;

2-24 (2) a member of the Railroad Commission of Texas is a
 2-25 member of the Texas Energy Commission; and

2-26 (3) any appropriation to the Railroad Commission of
 2-27 Texas is an appropriation to the Texas Energy Commission.

2-28 (b) Effective January 1, 2006, a reference in law to the
 2-29 Railroad Commission of Texas is a reference to the Texas Energy
 2-30 Commission.

2-31 (c) The Texas Energy Commission is the successor to the
 2-32 Railroad Commission of Texas in all respects. All personnel,
 2-33 equipment, data, documents, facilities, contracts, items, other
 2-34 property, rules, decisions, and proceedings of or involving the
 2-35 Railroad Commission of Texas are unaffected by the change in the
 2-36 name of the agency.

2-37 (d) The Railroad Commission of Texas shall adopt a timetable
 2-38 for phasing in the change of the agency's name so as to minimize the
 2-39 fiscal impact of the name change. Until January 1, 2006, to allow
 2-40 for phasing in the change of the agency's name and in accordance
 2-41 with the timetable established as required by this section, the
 2-42 agency may perform any act authorized by law for the Railroad
 2-43 Commission of Texas as the Railroad Commission of Texas or as the
 2-44 Texas Energy Commission. Any act of the Railroad Commission of
 2-45 Texas acting as the Texas Energy Commission after the effective
 2-46 date of this Act and before January 1, 2006, is an act of the
 2-47 Railroad Commission of Texas.

2-48 SECTION 7. (a) On January 1, 2006:

2-49 (1) a rule, standard, or form of the Texas Commission
 2-50 on Environmental Quality that is related to in situ uranium mining
 2-51 becomes a rule, standard, or form of the Texas Energy Commission and
 2-52 remains in effect until amended or repealed by the energy
 2-53 commission; and

2-54 (2) the Texas Commission on Environmental Quality
 2-55 shall transmit to the Texas Energy Commission any application for a
 2-56 permit for an injection well to be used for in situ uranium mining
 2-57 that is pending with the Texas Commission on Environmental Quality,
 2-58 and the energy commission shall continue the proceedings related to
 2-59 each application transmitted under this subdivision.

2-60 (b) This Act does not invalidate a permit for an injection
 2-61 well used for in situ uranium mining that was issued by the Texas
 2-62 Commission on Environmental Quality before January 1, 2006. The
 2-63 Texas Energy Commission shall issue a substitute permit under the
 2-64 name and authority of the energy commission to each person who on
 2-65 January 1, 2006, holds a permit issued by the Texas Commission on
 2-66 Environmental Quality for an injection well used for in situ
 2-67 uranium mining. A permit for an injection well used for in situ
 2-68 uranium mining that was issued by the Texas Commission on
 2-69 Environmental Quality before January 1, 2006, remains in effect

3-1 until the permit holder receives a substitute permit issued by the
3-2 Texas Energy Commission.

3-3 SECTION 8. (a) Effective January 1, 2006:

3-4 (1) all powers, duties, obligations, rights,
3-5 contracts, leases, records, assets, property, funds, and
3-6 appropriations of the Texas Energy Commission that relate primarily
3-7 to railroads and the regulation of railroads are transferred to the
3-8 Texas Department of Transportation;

3-9 (2) all rules, policies, forms, procedures, and
3-10 decisions of the Texas Energy Commission that relate primarily to
3-11 railroads and the regulation of railroads are continued in effect
3-12 as rules, policies, forms, procedures, and decisions of the Texas
3-13 Department of Transportation, until superseded by a rule or other
3-14 appropriate action of the Texas Department of Transportation;

3-15 (3) all full-time employees of the Texas Energy
3-16 Commission who primarily perform functions related to railroads and
3-17 the regulation of railroads become employees of the Texas
3-18 Department of Transportation; and

3-19 (4) any investigation, complaint, action, contested
3-20 case, or other proceeding involving the Texas Energy Commission
3-21 that relates primarily to railroads and the regulation of railroads
3-22 is transferred without change in status to the Texas Department of
3-23 Transportation, and the Texas Department of Transportation
3-24 assumes, without a change in status, the position of the Texas
3-25 Energy Commission in any investigation, complaint, action,
3-26 contested case, or other proceeding that relates primarily to
3-27 railroads and the regulation of railroads involving the Texas
3-28 Energy Commission.

3-29 (b) The transfer of the powers and duties of the Texas
3-30 Energy Commission that relate primarily to railroads and the
3-31 regulation of railroads to the Texas Department of Transportation
3-32 does not affect the validity of a right, privilege, or obligation
3-33 accrued, a contract or acquisition made, any liability incurred, a
3-34 permit or license issued, a penalty, forfeiture, or punishment
3-35 assessed, a rule adopted, a proceeding, investigation, or remedy
3-36 begun, a decision made, or other action taken by or in connection
3-37 with the Texas Energy Commission.

3-38 SECTION 9. This Act takes effect January 1, 2006, except
3-39 that this Act takes effect September 1, 2005, for the limited
3-40 purpose of allowing the Railroad Commission of Texas and other
3-41 state agencies affected by this Act to prepare for the changes in
3-42 law made by this Act.

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