

BILL ANALYSIS

C.S.H.J.R. 62
By: Farabee
Energy Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.J.R. 62 proposes a constitutional amendment to provide for the Railroad Commission of Texas to be governed by a single elected commissioner instead of by an elected three-member commission to achieve cost savings and additional revenue for the state as well as to implement policies of efficiency and reform in the commission. The constitutional amendment also changes the term of office for an elected commissioner from six years to four years.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 62 proposes an amendment to the Texas Constitution to require the Railroad Commission of Texas to be governed by a single railroad commissioner whose term of office is four years. The resolution removes the provision that specifies that the commission is composed of three commissioners that serve six-year terms.

C.S.H.J.R. 62 adds a temporary provision to the Texas Constitution, set to expire January 1, 2014, and applicable to the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, providing that the railroad commission will be governed by a single railroad commissioner instead of by a three-member commission. The resolution requires the first railroad commissioner elected under the amendment at the general election held in November 2012 to serve for a term that begins January 1, 2013.

C.S.H.J.R. 62 requires, until the first railroad commissioner elected under the amendment takes office, and unless otherwise removed by law, the members of the railroad commission serving on the date that the adoption of the amendment by the voters is shown by the official canvass of returns to continue in office under the prior law that governed the composition of the railroad commission, and provides that the prior law is continued in effect for that purpose. The resolution requires the members of the railroad commission serving on the date that the adoption by the amendment by the voters is shown by the official canvass of returns, unless otherwise removed as provided by law, to continue in office if, on January 1, 2013, there is a vacancy in the new office of railroad commissioner created under the amendment because the first railroad commissioner-elect has died or refuses or is permanently unable to serve. The resolution requires members of the railroad commission to continue in office until the governor fills the vacancy by appointment in the manner provided by law and provides that the prior law that governed the composition of the railroad commission is continued in effect for that purpose. The resolution abolishes the three-member governing body of the railroad commission at the time that the first railroad commissioner elected, or in extraordinary circumstances appointed, under the amendment takes office. The resolution provides that the railroad commissioner succeeds to all powers, duties, rights, and obligations of the three-member governing body of the railroad commission, and that the abolition of the three-member governing body of the railroad

commission does not affect the validity of any right, duty, decision, rule, or action of any kind taken by or under the authority of the three-member governing body. The resolution sets forth the required language for the ballot.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.J.R. 62 establishes that the temporary provision added to the Texas Constitution expires on January 1, 2014, rather than on January 1, 2012, as in the original. The substitute requires the first railroad commissioner elected under the proposed constitutional amendment to be elected at the general election held in November 2012, rather than in November 2010, as in the original. The substitute establishes that the term for such commissioner begins on January 1, 2013, rather than on January 1, 2011, as in the original. The substitute establishes provisions regarding the new office of railroad commissioner if there is a vacancy in such office on January 1, 2013, rather than on January 1, 2011, as in the original.