

Amend CSSB 655 (senate committee printing) as follows:

(1) Between SECTIONS 4 and 5 of the bill (page 1, between lines 40 and 41), insert the following:

SECTION 4A. (a) Section 81.01001, Natural Resources Code, is amended to read as follows:

Sec. 81.01001. SUNSET PROVISION. The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2023 [~~2011~~].

(b) If Section 4 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(2) Between SECTIONS 8 and 9 of the bill (page 2, between lines 26 and 27), insert the following:

SECTION 8A. (a) Subchapter B, Chapter 81, Natural Resources Code, is amended by adding Section 81.010045 to read as follows:

Sec. 81.010045. CERTAIN POLITICAL CONTRIBUTIONS RESTRICTED. (a) In this section, "political contribution" has the meaning assigned by Section 251.001, Election Code.

(b) A commissioner may not knowingly accept a political contribution given or offered with the intention that it be used in connection with a campaign for or the holding of a statewide or federal office, including the office of commissioner, except:

(1) beginning one year before the date of the next general election at which the commissioner's office is filled; and

(2) ending on the 30th day before the date the first regular legislative session of the commissioner's succeeding term convenes.

(c) A person other than a commissioner may not knowingly accept a political contribution given or offered with the intention that it be used in connection with a campaign for the office of commissioner, except:

(1) during the period:

(A) beginning one year before the date of the next general election at which a commissioner's office is filled; and

(B) ending on the 30th day before the date the first regular legislative session of the commissioner's succeeding term convenes; or

(2) during the period beginning on the date a vacancy in the office of commissioner occurs and ending on the date that vacancy is filled.

(b) If Section 8 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(3) Between SECTIONS 49 and 50 of the bill (page 12, between lines 4 and 5), insert the following:

SECTION 49A. (a) Section 756.126, Health and Safety Code, is amended to read as follows:

Sec. 756.126. SAFETY STANDARDS AND BEST PRACTICES. The Railroad Commission of Texas shall adopt and enforce safety standards and best practices, including those described by 49 U.S.C. Section 6105 et seq., relating to the prevention of damage by a person to a facility, including an interstate or intrastate pipeline facility, under the jurisdiction of the commission.

(b) If Section 49 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(4) Between SECTIONS 50 and 51 of the bill (page 12, between lines 45 and 46), insert the following:

SECTION 50A. (a) Section 102.006, Utilities Code, is amended to read as follows:

Sec. 102.006. POWERS AND DUTIES OF STATE OFFICE OF ADMINISTRATIVE HEARINGS [~~IN CONTESTED CASES~~]. (a) The [~~railroad~~

~~commission by rule shall provide for administrative hearings in contested cases to be conducted by one or more members of the railroad commission, by railroad commission hearings examiners, or by the utility division of the State Office of Administrative Hearings. The rules must provide for a railroad commission hearings examiner or the utility division of the~~ State Office of Administrative Hearings shall ~~[to]~~ conduct each hearing in a contested case under this subtitle ~~[that is not conducted by one or more members of the railroad commission]~~. A hearing must be conducted in accordance with the rules and procedures adopted by the railroad commission.

(b) The railroad commission may delegate to ~~[a railroad commission hearings examiner or to the utility division of]~~ the State Office of Administrative Hearings the authority to make a final decision and to issue findings of fact, conclusions of law, and other necessary orders in a proceeding in which there is not a contested issue of fact or law.

(c) The railroad commission by rule shall define the procedures by which it delegates final decision-making authority under Subsection (b) ~~[to a railroad commission hearings examiner or to the utility division of the State Office of Administrative Hearings]~~.

(d) For purposes of judicial review, an administrative law judge's ~~[the]~~ final decision ~~[of a railroad commission hearings examiner or an administrative law judge of the State Office of Administrative Hearings in a matter delegated]~~ under Subsection (b) has the same effect as a final decision of the railroad commission unless a member of the commission requests formal review of the decision.

~~[(c) The State Office of Administrative Hearings shall charge the railroad commission a fixed annual rate for hearings conducted by the office under this section only if the legislature appropriates money for that purpose. If the legislature does not appropriate money for the payment of a fixed annual rate under this section, the State Office of Administrative Hearings shall charge the railroad commission an hourly rate of not more than \$90 per hour for hearings conducted by the office under this section.]~~

(b) If Section 50 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(5) In SECTION 55 of the bill, in Subsection (a) of the section (page 13, lines 35 and 36), strike "the effective date of this Act" and substitute "January 1, 2012".

(6) Strike SECTIONS 57 and 58 of the bill (page 14, lines 27 through 40) and substitute the following:

SECTION 57. (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2011.

(b) Sections 1-4, 5-8, 9-16, 20, 21, 48, 49, 50, 55, and 56 of this Act take effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, repealing the provision of the Texas Constitution relating to the governance of the Railroad Commission of Texas is approved by the voters. If that amendment is not approved by the voters, Sections 1-4, 5-8, 9-16, 20, 21, 48, 49, 50, 55, and 56 of this Act have no effect.