

By: Anchia

H.B. No. 1823

A BILL TO BE ENTITLED

AN ACT

relating to the name and governance of the Railroad Commission of Texas.

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

SECTION 1. The heading to Chapter 81, Natural Resources Code, is amended to read as follows:

CHAPTER 81. TEXAS ENERGY RESOURCES [~~RAILROAD~~] COMMISSION [~~OF TEXAS~~]

SECTION 2. Section 81.001, Natural Resources Code, is amended to read as follows:

Sec. 81.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Energy Resources [~~Railroad~~] Commission [~~of Texas~~].

(2) "Commissioner" means any member of the Texas Energy Resources [~~Railroad~~] Commission [~~of Texas~~].

SECTION 3. Subchapter A, Chapter 81, Natural Resources Code, is amended by adding Section 81.003 to read as follows:

Sec. 81.003. TEXAS ENERGY RESOURCES COMMISSION. (a) The Railroad Commission of Texas is renamed the Texas Energy Resources Commission.

(b) A reference in law to:

(1) the Railroad Commission of Texas means the Texas Energy Resources Commission; and

(2) a railroad commissioner or a member of the Railroad Commission of Texas means a member of the Texas Energy

1 Resources Commission.

2 SECTION 4. Section 81.01001, Natural Resources Code, is
3 amended to read as follows:

4 Sec. 81.01001. SUNSET PROVISION. (a) The Texas Energy
5 Resources [~~Railroad~~] Commission [~~of Texas~~] is subject to Chapter
6 325, Government Code (Texas Sunset Act). Unless continued in
7 existence as provided by that chapter, the commission is abolished
8 September 1, 2017.

9 (a-1) The review of the Texas Energy Resources [~~Railroad~~]
10 Commission [~~of Texas~~] by the Sunset Advisory Commission in
11 preparation for the work of the 85th Legislature in Regular Session
12 is not limited to the appropriateness of recommendations made by
13 the Sunset Advisory Commission to the 83rd Legislature. In the
14 Sunset Advisory Commission's report to the 85th Legislature, the
15 Sunset Advisory Commission may include any recommendations it
16 considers appropriate. The review must include an examination of
17 alternative organizational structures for the Texas Energy
18 Resources [~~Railroad~~] Commission [~~of Texas~~] and alternative methods
19 for performing the commission's responsibilities that would enable
20 the efficient and effective accomplishment of the commission's
21 functions. The examination must include an assessment of existing
22 state agencies that would be able to perform the commission's
23 functions. The review must also include an examination of methods
24 to increase the public's role in decisions of the Texas Energy
25 Resources [~~Railroad~~] Commission [~~of Texas~~] that relate to the
26 effect of the growth of resource extraction. The Sunset Advisory
27 Commission may contract for assistance in performing the review,

including assistance in evaluating, auditing, and forensic auditing, as the Sunset Advisory Commission determines necessary. This subsection expires September 1, 2017.

(b) The Texas Energy Resources [~~Railroad~~] Commission [~~of Texas~~] shall pay the costs incurred by the Sunset Advisory Commission in performing a review of the commission under this section. The Sunset Advisory Commission shall determine the costs, and the commission shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.

SECTION 5. Subchapter B, Chapter 81, Natural Resources Code, is amended by adding Sections 81.010015, 81.010045, and 81.010046 to read as follows:

Sec. 81.010015. ELECTION AND TERMS OF COMMISSIONERS; VACANCIES. (a) The commission is composed of three commissioners elected at the general election for state and county officers.

(b) Commissioners serve staggered terms of six years, with the term of one commissioner expiring December 31 of each even-numbered year.

(c) The governor shall appoint a person to fill a vacancy on the commission until the next general election.

Sec. 81.010045. CERTAIN POLITICAL CONTRIBUTIONS RESTRICTED. (a) In this section, "political committee" and "political contribution" have the meanings 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

1 connection with a campaign for or the holding of any elective
2 office, including the office of commissioner, except during the
3 period:

4 (1) beginning 17 months before the date of the next
5 general election at which the commissioner's office is filled; and

6 (2) ending on the 30th day after the date of that
7 election.

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

12 (1) during the period:

13 (A) beginning 17 months before the date of the
14 next general election at which any commissioner's office is filled;
15 and

16 (B) ending on the 30th day after the date of that
17 election; or

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

21 (d) A commissioner may not knowingly accept a political
22 contribution, and shall refuse a political contribution that is
23 received, from a party in a contested case before the commission or
24 a political committee affiliated with such a party during the
25 period:

26 (1) beginning on the date notice of the hearing in the
27 contested case is given; and

1 (2) ending on:

2 (A) the 30th day after the date the decision in
3 the contested case is rendered; or

4 (B) if a request for rehearing is filed:

5 (i) the date the request is denied; or

6 (ii) the 30th day after the date the
7 decision after rehearing is rendered.

8 (e) A commissioner shall return a political contribution
9 that is received and refused under Subsection (d) not later than the
10 30th day after the date the commissioner received the contribution.

11 (f) The commission shall adopt all rules necessary to
12 implement Subsections (d) and (e), including rules that:

13 (1) direct the commission to maintain a list of the
14 contested cases before the commission and the parties to each case
15 in order to aid the commissioners in complying with those
16 subsections; and

17 (2) ensure that each notice of a hearing in a contested
18 case that is issued by the commission or a commissioner contains
19 information about the political contributions prohibited under
20 Subsection (d).

21 Sec. 81.010046. AUTOMATIC RESIGNATION. If a person who is a
22 member of the commission announces the person's candidacy, or in
23 fact becomes a candidate, in a general, special, or primary
24 election for an elective office other than the office of
25 commissioner, that announcement or that candidacy constitutes an
26 automatic resignation of the office of commissioner.

27 SECTION 6. Section [81.01005](#), Natural Resources Code, is

1 amended to read as follows:

2 Sec. 81.01005. NAME AND SEAL. (a) The commissioners are
3 known collectively as the "Texas Energy Resources [~~Railroad~~]
4 Commission [~~of Texas~~]."

5 (b) The seal of the commission contains a star of five
6 points with the words "Texas Energy Resources [~~Railroad~~] Commission
7 [~~of Texas~~]" engraved on it.

8 SECTION 7. The heading to Section 81.0521, Natural
9 Resources Code, is amended to read as follows:

10 Sec. 81.0521. FEE FOR APPLICATION FOR EXCEPTION TO
11 [~~RAILROAD~~] COMMISSION RULE.

12 SECTION 8. Section 52.092(c), Election Code, is amended to
13 read as follows:

14 (c) Statewide offices of the state government shall be
15 listed in the following order:

- 16 (1) governor;
- 17 (2) lieutenant governor;
- 18 (3) attorney general;
- 19 (4) comptroller of public accounts;
- 20 (5) commissioner of the General Land Office;
- 21 (6) commissioner of agriculture;
- 22 (7) energy resources [~~railroad~~] commissioner;
- 23 (8) chief justice, supreme court;
- 24 (9) justice, supreme court;
- 25 (10) presiding judge, court of criminal appeals;
- 26 (11) judge, court of criminal appeals.

27 SECTION 9. On the effective date of this Act, the name of

1 the Railroad Commission of Texas is changed to the Texas Energy
2 Resources Commission. The change of the agency's name does not
3 affect:

4 (1) the agency's powers, duties, rights, or
5 obligations;

6 (2) the agency's personnel, equipment, data,
7 documents, facilities, contracts, items, other property,
8 appropriations, rules, or decisions;

9 (3) a proceeding of or involving the agency under the
10 name of the Railroad Commission of Texas; or

11 (4) the terms of the chairman or other members of the
12 governing body of the agency.

13 SECTION 10. This Act takes effect September 1, 2015.