



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

May 2, 1977

The Honorable William T. Moore
State Senator
Senate of the State of Texas
Austin, Texas 78769

Letter Advisory No. 139

Re: Constitutionality of
S.B. 1198, which would change
the name of the Railroad
Commission.

Dear Senator Moore:

You have requested our opinion concerning the constitutionality of Senate Bill 1198, which would change the name of the Railroad Commission to the Energy and Transportation Commission.

The Railroad Commission is mentioned in the Constitution only in article 16, section 30, which provides for the term of office for commissioners. The Commission is not an agency created by the Constitution, but one created by the Legislature. City of Denison v. Municipal Gas Co., 3 S.W.2d 794 (Tex. 1928). See Tex. Const. art. 10, § 2; V.T.C.S. arts. 6444 - 6519b. Accordingly, the Legislature is free to change the name of the Railroad Commission and in our view Senate Bill 1198 would be constitutional. Attorney General Opinion WW-1035 (1961).

Very truly yours,

A large, stylized handwritten signature of John L. Hill in dark ink.

JOHN L. HILL
Attorney General of Texas

APPROVED:

A handwritten signature of David M. Kendall in dark ink.

DAVID M. KENDALL, First Assistant

A handwritten signature of C. Robert Heath in dark ink.

C. ROBERT HEATH, Chairman
Opinions Committee