

BILL ANALYSIS

Senate Research Center
82R19975 JTS-F

C.S.S.B. 1605
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Natural Resources
4/6/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Low Level Radioactive Waste Disposal Compact Commission (commission) is established to carry out the duties of the Texas Low Level Radioactive Waste Disposal Compact. The commission is governed by Chapter 403 (Texas Low-Level Radioactive Waste Disposal Compact), Health and Safety Code and the text of the compact, which is between the states of Texas and Vermont, begins with Section 403.006 (Text of Compact). The purpose of this bill is to provide clarity and direction to the commission.

C.S.S.B. 1605 mandates that the commission establish and adopt bylaws prior to the acceptance of waste. It also establishes the commission as an independent entity, removing the commission from connection, administrative or otherwise, to the Texas Commission on Environmental Quality, and requires the commission to report directly to the legislature. C.S.S.B. 1605 requires the commission to prepare biennial reports to the legislature and makes clear that the Texas attorney general will represent the commission in matters before the state or federal government. The commission must also undergo the Sunset review process.

C.S.S.B. 1605 amends current law relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.248, Health and Safety Code, by adding Subsection (e), as follows:

(e) Prohibits the compact waste disposal facility license holder from accepting compact waste at the compact waste disposal facility unless the Texas Low Level Radioactive Waste Disposal Compact Commission (compact commission) established by the compact under Section 403.006 (Text of Compact) has adopted bylaws necessary to carry out the terms of the compact.

SECTION 2. Amends Chapter 403, Health and Safety Code, by adding Section 403.0005, as follows:

Sec. 403.0005. DEFINITIONS. Defines, in this chapter, "commission" and "host state commissioner."

SECTION 3. Amends Sections 403.002 and 403.004, Health and Safety Code, as follows:

Sec. 403.002. TERMS OF COMMISSION MEMBERS; VACANCY. Provides that host state commissioners serve staggered six year terms, rather than for a term of six years, with the terms of two host state commissioners expiring on February 1 of each even-numbered year. Provides that a host state commissioner serves until a successor is appointed and qualified. Provides that a vacancy in the office of host state commissioner

is filled for the unexpired term by appointment of the governor. Makes nonsubstantive changes.

Sec. 403.004. COMPENSATION. Provides that a host state commissioner is not entitled to compensation for performing the duties of host state commissioner but is entitled to reimbursement for reasonable and necessary, rather than actual and necessary, expenses incurred in the performance of the duties of host state commissioner. Makes nonsubstantive changes.

SECTION 4. Amends Chapter 403, Health and Safety Code, by adding Sections 403.007, 403.008, 403.009, 403.010, and 403.011, as follows:

Sec. 403.007. COMMISSION AS INDEPENDENT ENTITY. (a) Provides that the compact commission is an independent entity and not a program, department, or other division of, or administratively attached to, the Texas Commission on Environmental Quality (TCEQ).

(b) Prohibits money for the compact commission from being appropriated as part of an appropriation for TCEQ.

Sec. 403.008. BIENNIAL REPORTS TO LEGISLATURE. Requires the compact commission, on or before December 1 of each even-numbered year, to file with the governor and the appropriate legislative committees a written report that includes a statement of the activities of the compact commission during the preceding fiscal biennium, the compact commission's recommendations for necessary and desirable legislation, and an accounting of all funds received and disbursed by the compact commission during the preceding biennium.

Sec. 403.009. ATTORNEY GENERAL TO REPRESENT COMMISSION. Requires the attorney general to represent the compact commission under this chapter in all matters before the state courts and any court of the United States.

Sec. 403.010. APPLICABILITY OF SUNSET ACT. (a) Provides that the compact commission is subject to review under Chapter 325 (Texas Sunset Act), Government Code, as if it were a state agency subject to review under that chapter, but prohibits it from being abolished under that chapter.

(b) Requires the compact commission to be reviewed during the period in which state agencies scheduled to be reviewed or abolished in 2013 and every 12th year after that year are reviewed.

(c) Requires the compact commission to pay the cost incurred by the Sunset Advisory Commission in performing a review of the compact commission under this section. Requires the Sunset Advisory Commission to determine the cost, and the compact commission is to pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

Sec. 403.011. AUDIT. Provides that the commission is subject to audit by the state auditor in accordance with Chapter 321 (State Auditor), Government Code.

SECTION 5. Provides that the term of office of a person serving as a host state commissioner of the commission on the effective date of this Act expires February 1, 2012. Requires the governor, to begin the staggering of terms, to appoint host state commissioners, in accordance with the provisions of Section 403.002, Health and Safety Code, as amended by this Act, as follows:

(1) two host state commissioners to terms expiring February 1, 2014;

(2) two host state commissioners to terms expiring February 1, 2016; and

(3) two host state commissioners to terms expiring February 1, 2018.

SECTION 6. Effective date: September 1, 2011.