

Amend CSHB 1567 as follows:

(1) On page 1, line 5, between "(d)," and "and", insert "(e),".

(2) On page 1, strike line 17 and substitute "the [~~radiation and~~] perpetual care account [~~fund~~]; and".

(3) On page 2, between lines 2 and 3, insert:

(e) Money expended from the [~~radiation and~~] perpetual care account [~~fund~~] to respond to accidents involving low-level radioactive waste must be reimbursed to the [~~radiation and~~] perpetual care account [~~fund~~] by the responsible shipper or transporter according to rules adopted by the board.

(4) On page 37, lines 8 and 9, strike "radiation and perpetual care fund" and substitute "perpetual care account".

(5) On page 37, lines 14 and 15, strike "radiation and perpetual care fund" and substitute "[~~radiation and~~] perpetual care account [~~fund~~"]".

(6) Insert the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION \_\_\_\_ . Section 401.003(11), Health and Safety Code, is amended to read as follows:

(11) "Perpetual care account" [~~"Fund"~~] means the radiation and perpetual care account [~~fund~~].

SECTION \_\_\_\_ . Section 401.109(a), Health and Safety Code, is amended to read as follows:

(a) The department or commission may require a holder of a license issued by the agency to provide security acceptable to the agency to assure performance of the license holder's obligations under this chapter. The department or commission shall deposit security provided under this section to the credit of the perpetual care account.

SECTION \_\_\_\_ . Section 401.152(b), Health and Safety Code, is amended to read as follows:

(b) The agency shall use the security provided by the license holder to pay the costs of actions that are taken or that are to be taken under this section. The agency shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security into cash, as necessary; and
- (3) disburse from the security in the perpetual care account [~~fund~~] the amount necessary to pay the costs.

SECTION \_\_\_\_\_. Section 401.270(e), Health and Safety Code, is amended to read as follows:

(e) The department shall use the security provided by the license holder to pay the costs of actions that are taken or that are to be taken under this section. The department shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the licensee;
- (2) convert an amount of security into cash, as necessary; and
- (3) disburse from the security in the perpetual care account [~~fund~~] the amount necessary to pay the costs.

SECTION \_\_\_\_\_. Section 401.301(d), Health and Safety Code, is amended to read as follows:

(d) The department may require that each person who holds a specific license issued by the department annually pay to the department an additional five percent of the appropriate annual fee set under Subsection (b). Fees collected under this subsection shall be deposited to the credit of the [~~radiation and~~] perpetual care account [~~fund~~]. The fees are not refundable.

SECTION \_\_\_\_\_. Section 401.303(g), Health and Safety Code, is amended to read as follows:

(g) If a license holder satisfies the obligations under this chapter, the issuing agency shall have the comptroller promptly refund to the license holder from the perpetual care account [~~fund~~] the excess of the amount of all payments made by the license holder to the issuing agency and the investment earnings of those payments over the amount determined to be required for the continuing maintenance and surveillance of land, buildings, and radioactive material conveyed to the state.

SECTION \_\_\_\_\_. Section 401.305, Health and Safety Code, is amended to read as follows:

Sec. 401.305. RADIATION AND PERPETUAL CARE ACCOUNT [~~FUND~~].

(a) The radiation and perpetual care account is an account in the general revenue fund [~~is in the state treasury~~].

(b) The department and commission each shall deposit to the credit of the perpetual care account [~~fund~~] money and security they receive under this chapter, including an administrative penalty collected by the department under Sections 401.384-401.390 but excluding fees collected under Sections 401.301(a)-(c) and 401.302. Interest earned on money in the perpetual care account [~~fund~~] shall be credited to the perpetual care account [~~fund~~].

(c) Money and security in the perpetual care account [~~fund~~] may be administered by the department or commission only for the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive material for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the perpetual care account [~~fund~~] may not be used for normal operating expenses of the department or commission.

(e) The department may use money in the perpetual care account [~~fund~~] to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive materials, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the department to meet the requirements of this chapter or department rules; and

(2) to assure the protection of the public health and safety and the environment from the adverse effects of ionizing radiation.

(f) The department may provide, by the terms of a contract or lease entered into between the department and any person or by the terms of a license issued by the department to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to department jurisdiction under this chapter as needed to carry out the purpose of this chapter.

(g) The existence of the [~~radiation and~~] perpetual care account [~~fund~~] does not make the department liable for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive material arising from a license holder's abandonment of radioactive material, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or department rules.

SECTION \_\_\_\_\_. Section 401.342(b), Health and Safety Code, is amended to read as follows:

(b) The attorney general may petition the court for:

(1) an order enjoining the act or practice or an order directing compliance and reimbursement of the perpetual care account [~~fund~~], if applicable;

(2) civil penalties as provided by Section 401.381; or

(3) a permanent or temporary injunction, restraining order, or other appropriate order if the department shows that the person engaged in or is about to engage in any of the acts or practices.

SECTION \_\_\_\_\_. Section 401.343(a), Health and Safety Code, is amended to read as follows:

(a) The department shall seek reimbursement, either by an order of the department or a suit filed by the attorney general at the department's request, of security from the perpetual care account [~~fund~~] used by the department to pay for actions, including corrective measures, to remedy spills or contamination by radioactive material resulting from a violation of this chapter relating to an activity under the department's jurisdiction or a rule, license, registration, or order adopted or issued by the department under this chapter.

SECTION \_\_\_\_\_. Section 7.033, Water Code, is amended to read as follows:

Sec. 7.033. RECOVERY OF SECURITY FOR CHAPTER 401, HEALTH AND SAFETY CODE, VIOLATION. The commission shall seek reimbursement, either by a commission order or by a suit filed under Subchapter D by the attorney general at the commission's request, of security from the radiation and perpetual care account [~~fund~~] used by the commission to pay for actions, including corrective

measures, to remedy spills or contamination by radioactive material resulting from a violation of Chapter 401, Health and Safety Code, relating to an activity under the commission's jurisdiction or a rule adopted or a license, registration, or order issued by the commission under that chapter.