

Amend CSHB 1567 as follows:

(1) In SECTION 7 of the bill, strike proposed Section 401.241, Health and Safety Code (committee printing page 13, lines 8-32), and substitute:

Sec. 401.241. POSTCLOSURE CONTINGENCY FEE AND BOND. (a) The department annually shall collect from the compact waste disposal facility license holder a fee to be used to address and prevent unplanned events that pose a risk to public health and safety that occur after the compact waste disposal facility has been closed and decommissioned.

(b) The department by rule shall set the fee under Subsection (a) so that the aggregate amount of money in the low-level radioactive waste fund, including interest earned on the fees and payments from party states, will be \$100 million on the 35th anniversary of the date the license is issued under this subchapter. To the extent possible, the department shall ensure that annual fees collected under Subsection (a) are approximately equal.

(c) The department shall deposit a fee collected under Subsection (a) to the credit of the low-level radioactive waste fund.

(d) The department shall require the license holder annually to post a bond to insure against closure and decommissioning of the compact waste disposal facility before the amount of money in the low-level radioactive waste fund reaches \$100 million. A bond under this subsection must be in an amount that, when combined with the amount in the low-level radioactive waste fund, is \$100 million.

Sec. 401.2415. LIABILITY INSURANCE. The department shall require the compact waste disposal facility license holder to carry liability insurance.

(2) Strike SECTION 12 of the bill (committee printing page 16, line 46, through page 17, line 18) and insert the following:

SECTION 12. Section 402.275, Health and Safety Code, is transferred to Subchapter F, Chapter 401, Health and Safety Code, renumbered as Section 401.249, and amended to read as follows:

Sec. 401.249 [~~402.275~~]. LOW-LEVEL RADIOACTIVE WASTE FUND.

(a) The low-level radioactive waste fund is a trust fund outside
~~[in]~~ the state treasury held by the comptroller as trustee.

(b) The low-level radioactive waste fund is an interest-bearing fund. Interest earned on money in the fund shall be deposited to the credit of the fund.

(c) The low-level radioactive waste fund consists of:

(1) postclosure contingency fees collected under
Section 401.241; and

(2) money ~~[Money received by the authority, including waste disposal fees, planning and implementation fees, surcharges on planning and implementation fees, processing and packaging fees, civil penalties, payments made by a party state to a low-level radioactive waste compact entered into under Section 402.219(c), and other receipts]~~ collected by the department ~~[authority]~~ under this chapter ~~[shall be deposited to the credit of the low-level radioactive waste fund]~~.

(d) Money ~~[Except as provided by Subsection (f), money]~~ in the low-level radioactive waste fund may be used only to address and prevent unplanned events that pose a risk to public health and safety that may occur after decommissioning and closure of the compact waste disposal facility ~~[pay:~~

~~[(1) operating and maintenance costs of the authority,~~

~~[(2) future costs of decommissioning, closing, and postclosure maintenance and surveillance of the disposal site,~~

~~[(3) licensing fees and to provide security required by the commission,~~

~~[(4) money judgments rendered against the authority that are directed by a court of this state to be paid from this fund,~~

~~[(5) expenses associated with implementation of the rangeland and wildlife management plan,~~

~~[(6) funds for local public projects under Subchapter I,~~

~~[(7) debt service and necessary fees and charges, including insurance premiums and similar costs, associated with the issuance and payment of bonds under Subchapter K, and~~

~~[(8) expenses for any other purpose under this chapter].~~

(e) Section 403.095, Government Code, does not apply to the low-level radioactive waste fund. [~~A payment for debt service and related costs under Subsection (d)(7) has priority for payment from the low-level radioactive waste fund over a payment for another expense authorized by Subsection (d).~~]

(f) Every six years beginning on the third even-numbered year after the date the license is issued under this subchapter, the department shall evaluate the low-level radioactive waste fund to determine whether the fund will be adequate to accomplish the objectives under Subsection (d). The department shall report the results of the evaluation to the governor, lieutenant governor, and speaker of the house of representatives on or before December 15 of the year in which the evaluation is conducted. [~~The authority may transfer money from the low-level radioactive waste fund to the radiation and perpetual care fund to make payments required by the commission under Section 401.303.~~]