

BILL ANALYSIS

H.B. 253
By: Chisum
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 77th legislature reviewed the Texas Natural Resource Conservation Commission under the Sunset Process and continued and the commission renaming it to the Texas Commission on Environmental Quality (TCEQ) in HB 2912. As the bill moved through the legislative process, the bill was amended several times with regard to considering past compliance history of licenses. The Texas Department of Health's (TDH) statutory authority for this provision is located in the same part of the code as TCEQ's authority to regulate low-level radioactive waste disposal. The attempt to make TCEQ's program actions uniform resulted in the inadvertent removal of TDH's authority to consider past compliance history of all radiation applicants and licenses. The purpose is to restore TDH's ability to consider the past compliance history of applicants and licensees when evaluating license applications for persons who wish to possess radioactive material or work with radiation-producing machines.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Health in SECTION 3 of this bill.

ANALYSIS

House Bill 253 authorizes the Texas Department of Health the ability to grant, deny, amend, renew, revoke, suspend, or restrict a license or registration based on the applicant's or license holder's technical competence, financial qualifications, and compliance history under Section 5.754, Water Code. If after a hearing, the applicant's compliance history reveals a recurring pattern of conduct that disregards the regulatory consistently, the department shall deny an application for a license or registration, license or registration amendment, or license or registration renewal.

EFFECTIVE DATE

This Act takes effect September 1, 2003.