

BILL ANALYSIS

C.S.S.B. 1605
By: Seliger
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is concern that current law contains some ambiguity with regard to certain provisions relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission. C.S.S.B. 1605 seeks to provide clarity and direction to the Texas Low-Level Radioactive Waste Disposal Compact Commission, established to carry out the duties of the Texas Low-Level Radioactive Waste Disposal Compact.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1605 amends the Health and Safety Code to prohibit a 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 has adopted bylaws necessary to carry out the terms of the compact.

C.S.S.B. 1605 specifies that the six-year terms served by members of the commission are staggered terms, with the terms of two members expiring on February 1 of each even-numbered year. The bill makes clarifying and nonsubstantive changes.

C.S.S.B. 1605 establishes that the 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), and prohibits money for the commission from being appropriated as part of an appropriation for TCEQ. The bill requires the 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 its activities during the preceding fiscal biennium; its recommendations for necessary and desirable legislation; and an accounting of all funds received and disbursed by the commission during the preceding biennium. The bill requires the attorney general to represent the commission in all matters before the state courts and any court of the United States.

C.S.S.B. 1605 subjects the commission to review under the Texas Sunset Act as if it were a state agency subject to review under that law, and prohibits the commission from being abolished under that law. The bill requires the commission to be reviewed during each period in which TCEQ is reviewed, and requires the commission to pay the cost incurred by the Sunset Advisory Commission (SAC) in performing a review of the commission. The bill requires the SAC to determine the cost, and requires the commission to pay the amount promptly on receipt of a statement from the SAC detailing the cost. The bill subjects the commission to audit by the state auditor in accordance with state law.

C.S.S.B. 1605 establishes that the term of office of a person serving as a host state commissioner

of the commission on the effective date of the bill's provisions expires February 1, 2012. The bill requires the governor, in order to begin the staggering of terms, to appoint host state commissioners as follows: two host state commissioners to terms expiring February 1, 2014; two host state commissioners to terms expiring February 1, 2016; and two host state commissioners to terms expiring February 1, 2018.

C.S.S.B. 1605 defines "commission" and "host state commissioner."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1605 differs from the original by retaining statutory language entitling a host state commissioner to reimbursement for actual and necessary expenses, whereas the original entitles a host state commissioner to reimbursement for reasonable and necessary expenses.

C.S.S.B. 1605 differs from the original by requiring the Texas Low-Level Radioactive Waste Disposal Compact Commission to be reviewed under the Texas Sunset Act during each period in which the Texas Commission on Environmental Quality is reviewed, whereas the original requires the Texas Low-Level Radioactive Waste Disposal Compact Commission to be reviewed under the Texas Sunset Act during the period in which state agencies scheduled to be reviewed or abolished in 2013 and every 12th year after that year are reviewed.