

1-1 By: Seliger S.B. No. 1605
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1605 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the Texas Low-Level Radioactive Waste Disposal Compact
1-11 Commission.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 401.248, Health and Safety Code, is
1-14 amended by adding Subsection (e) to read as follows:

1-15 (e) The compact waste disposal facility license holder may
1-16 not accept compact waste at the compact waste disposal facility
1-17 unless the compact commission established by the compact under
1-18 Section 403.006 has adopted bylaws necessary to carry out the terms
1-19 of the compact.

1-20 SECTION 2. Chapter 403, Health and Safety Code, is amended
1-21 by adding Section 403.0005 to read as follows:

1-22 Sec. 403.0005. DEFINITIONS. In this chapter:

1-23 (1) "Commission" means the commission established by
1-24 Article III of the Texas Low-Level Radioactive Waste Disposal
1-25 Compact.

1-26 (2) "Host state commissioner" means a person who is
1-27 appointed from this state to serve on the commission under this
1-28 chapter.

1-29 SECTION 3. Sections 403.002 and 403.004, Health and Safety
1-30 Code, are amended to read as follows:

1-31 Sec. 403.002. TERMS OF COMMISSION MEMBERS; VACANCY. Host
1-32 [A host] state commissioners serve staggered six-year terms, with
1-33 the terms of two host state commissioners expiring on February 1 of
1-34 each even-numbered year. A host state commissioner serves [for a
1-35 term of six years and] until a successor is appointed and qualified.
1-36 A vacancy in the office of host state commissioner is filled for the
1-37 unexpired term by appointment of the governor.

1-38 Sec. 403.004. COMPENSATION. A host state commissioner is
1-39 not entitled to compensation for performing the duties of host
1-40 state commissioner but is entitled to reimbursement for reasonable
1-41 [actual] and necessary expenses incurred in the performance of the
1-42 duties of host state commissioner.

1-43 SECTION 4. Chapter 403, Health and Safety Code, is amended
1-44 by adding Sections 403.007, 403.008, 403.009, 403.010, and 403.011
1-45 to read as follows:

1-46 Sec. 403.007. COMMISSION AS INDEPENDENT ENTITY. (a) The
1-47 commission is an independent entity and not a program, department,
1-48 or other division of, or administratively attached to, the Texas
1-49 Commission on Environmental Quality.

1-50 (b) Money for the commission may not be appropriated as part
1-51 of an appropriation for the Texas Commission on Environmental
1-52 Quality.

1-53 Sec. 403.008. BIENNIAL REPORTS TO LEGISLATURE. On or
1-54 before December 1 of each even-numbered year, the commission shall
1-55 file with the governor and the appropriate legislative committees a
1-56 written report that includes:

1-57 (1) a statement of the activities of the commission
1-58 during the preceding fiscal biennium;

1-59 (2) the commission's recommendations for necessary and
1-60 desirable legislation; and

1-61 (3) an accounting of all funds received and disbursed
1-62 by the commission during the preceding biennium.

1-63 Sec. 403.009. ATTORNEY GENERAL TO REPRESENT COMMISSION.

2-1 The attorney general shall represent the commission under this
2-2 chapter in all matters before the state courts and any court of the
2-3 United States.

2-4 Sec. 403.010. APPLICABILITY OF SUNSET ACT. (a) The
2-5 commission is subject to review under Chapter 325, Government Code
2-6 (Texas Sunset Act), as if it were a state agency subject to review
2-7 under that chapter, but may not be abolished under that chapter.

2-8 (b) The commission shall be reviewed during the period in
2-9 which state agencies scheduled to be reviewed or abolished in 2013
2-10 and every 12th year after that year are reviewed.

2-11 (c) The commission shall pay the cost incurred by the Sunset
2-12 Advisory Commission in performing a review of the commission under
2-13 this section. The Sunset Advisory Commission shall determine the
2-14 cost, and the commission shall pay the amount promptly on receipt of
2-15 a statement from the Sunset Advisory Commission detailing the cost.

2-16 Sec. 403.011. AUDIT. The commission is subject to audit by
2-17 the state auditor in accordance with Chapter 321, Government Code.

2-18 SECTION 5. The term of office of a person serving as a host
2-19 state commissioner of the Texas Low-Level Radioactive Waste
2-20 Disposal Compact Commission on the effective date of this Act
2-21 expires February 1, 2012. To begin the staggering of terms, the
2-22 governor shall appoint host state commissioners, in accordance with
2-23 the provisions of Section 403.002, Health and Safety Code, as
2-24 amended by this Act, as follows:

- 2-25 (1) two host state commissioners to terms expiring
- 2-26 February 1, 2014;
- 2-27 (2) two host state commissioners to terms expiring
- 2-28 February 1, 2016; and
- 2-29 (3) two host state commissioners to terms expiring
- 2-30 February 1, 2018.

2-31 SECTION 6. This Act takes effect September 1, 2011.

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