

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 7, 2013**

**TO:** Honorable Patricia Harless, Chair, House Committee on Environmental Regulation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1653** by Darby (Relating to the operations of the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1653, As Introduced: a positive impact of \$1,400,000 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$700,000
2015	\$700,000
2016	\$700,000
2017	\$700,000
2018	\$700,000

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>Low-level Waste Acct</i> 88	Probable Revenue Gain/(Loss) from <i>Andrews County</i>
2014	\$700,000	\$2,800,000	\$700,000
2015	\$700,000	\$2,800,000	\$700,000
2016	\$700,000	\$2,800,000	\$700,000
2017	\$700,000	\$2,800,000	\$700,000
2018	\$700,000	\$2,800,000	\$700,000

**Fiscal Analysis**

The bill would amend Health and Safety Code, Chapter 401. The bill would change the definition of an affected person with regard to a low-level radioactive waste disposal facility to specify that

an affected person is either a resident of Andrews County or an adjacent Texas county and that is doing business in or has a legal interest in land in those counties.

The bill would define minor amendments, and it would prohibit the Texas Commission on Environmental Quality (TCEQ) from seeking public comment or holding a public hearing on minor amendments. The bill would also provide that the terms of a compact waste disposal license would remain in effect and operations can continue even if there is judicial intervention, and the TCEQ and the license holder could enter into a compliance agreement until the court determines in a final order that the TCEQ has resolved all procedural errors.

The bill would increase the annual curie limit for nonparty waste from 120,000 to 220,000 curies. The bill would delete language regarding the deadline for the State Office of Administrative Hearings (SOAH) to issue a decision on fees proposed by the TCEQ. In addition, a provision for the cessation of disposal if SOAH has not issued a decision on interim rates is deleted.

The bill becomes effective on September 1, 2013 or immediately upon receiving a two-thirds vote of both houses.

### **Methodology**

Because the bill would increase the number of curies of nonparty waste that can be accepted at the disposal facility, the amount of nonparty waste is expected to increase. The TCEQ estimates that the 20 percent surcharge on non-party waste would generate an additional \$2.8 million to the General Revenue-Dedicated Low-Level Waste Account No. 88 each fiscal year. Because the General Revenue Fund and Andrews County each receive 5 percent of gross receipts of the disposal facility, an increase of \$700,000 per fiscal year in revenues is expected for both the General Revenue Fund and Andrews County.

### **Local Government Impact**

Passage of the bill is expected to result in Andrews County receiving \$700,000 in additional revenue each fiscal year from the 5 percent fee on gross receipts resulting from the increase in curies for out of compact waste proposed by the bill.

**Source Agencies:** 535 Low-level Radioactive Waste Disposal Compact Commission, 582 Commission on Environmental Quality

**LBB Staff:** UP, SZ, ZS, TL