

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Landgraf

H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the storage or disposal of high-level radioactive  
3 waste.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 401.003, Health and Safety Code, is  
6 amended by adding Subdivision (12-b) to read as follows:

7 (12-b) "High-level radioactive waste" has the meaning  
8 assigned by 42 U.S.C. Section 10101(12) and includes spent nuclear  
9 fuel as defined by 42 U.S.C. Section 10101(23).

10 SECTION 2. Section 401.0525, Health and Safety Code, is  
11 amended by adding Subsection (c) to read as follows:

12 (c) With the exception of a permit for a facility located at  
13 the site of currently or formerly operating nuclear power reactors  
14 and currently or formerly operating nuclear research and test  
15 reactors operated by a university, the commission may not under the  
16 authority given to the agency under Section 301, 304, or 401 of the  
17 Clean Water Act (33 U.S.C. Sections 1311, 1314, and 1341) issue a  
18 general construction permit or approve a Stormwater Pollution  
19 Prevention Plan under Section 26.040, Water Code, or issue a permit  
20 under the Texas Pollutant Discharge Elimination System Program  
21 under Section 26.027, 26.028, or 26.121, Water Code, for the  
22 construction or operation of a facility that is licensed for the  
23 storage of high-level radioactive waste by the United States  
24 Nuclear Regulatory Commission under 10 C.F.R. Part 72. Section

1 401.005 does not apply to this subsection.

2 SECTION 3. Subchapter C, Chapter 401, Health and Safety  
3 Code, is amended by adding Section 401.072 to read as follows:

4 Sec. 401.072. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE  
5 WASTE. With the exception of storage at the site of currently or  
6 formerly operating nuclear power reactors and currently or formerly  
7 operating nuclear research and test reactors operated by a  
8 university, a person, including the compact waste disposal facility  
9 license holder, may not dispose of or store high-level radioactive  
10 waste in this state.

11 SECTION 4. Section 401.0525(c), Health and Safety Code, as  
12 added by this Act, applies only to an application for a permit or  
13 permit amendment submitted on or after the effective date of this  
14 Act.

15 SECTION 5. If any provision of this Act or its application  
16 to any person or circumstance is held invalid, the invalidity does  
17 not affect other provisions or applications of this Act that can be  
18 given effect without the invalid provision or application, and to  
19 this end the provisions of this Act are declared to be severable.

20 SECTION 6. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect on the 91st day after the last day of the  
25 legislative session.

ADOPTED

SEP 01 2021

*Laticia Lewis*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

By:

*Bin Sindwell*

1 Amend H.B. No. 7 (senate committee printing) by striking page  
2 2, lines 1 through 6, and substituting the following:

3 SECTION 6. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect December 5, 2021.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATURE 2nd CALLED SESSION 2021**

**September 1, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB7** by Landgraf (Relating to the storage or disposal of high-level radioactive waste.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to prohibit the issuance of certain permits by the Texas Commission on Environmental Quality for the construction or operation of a facility that is licensed to store high-level radioactive waste by the US Nuclear Regulatory Commission. The bill would prohibit the disposal or storage of high-level radioactive waste in the state other than storage at certain current or formerly operating nuclear reactors or test reactors.

Based on the analysis of the Texas Commission on Environmental Quality, the Comptroller of Public Accounts, and the Office of Court Administration, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be absorbed with existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

**LBB Staff:** JMc, LBO, GDZ

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATURE 2nd CALLED SESSION 2021**

**August 31, 2021**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** HB7 by Landgraf (Relating to the storage or disposal of high-level radioactive waste.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to prohibit the issuance of certain permits by the Texas Commission on Environmental Quality for the construction or operation of a facility that is licensed to store high-level radioactive waste by the US Nuclear Regulatory Commission. The bill would prohibit the disposal or storage of high-level radioactive waste in the state other than storage at certain current or formerly operating nuclear reactors or test reactors.

Based on the analysis of the Texas Commission on Environmental Quality, the Comptroller of Public Accounts, and the Office of Court Administration, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be absorbed with existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

**LBB Staff:** JMc, LBO, GDZ

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

**FISCAL NOTE, 87TH LEGISLATURE 2nd CALLED SESSION 2021**

**August 23, 2021**

**TO:** Honorable Brooks Landgraf, Chair, House Committee on Environmental Regulation

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB7** by Landgraf (Relating to the transportation, storage, or disposal of high-level radioactive waste.),  
**As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to prohibit the issuance of certain permits by the Texas Commission on Environmental Quality for the construction or operation of a facility that is licensed to store high-level radioactive waste by the US Nuclear Regulatory Commission. The bill would also prohibit the transport of high-level radioactive waste on the state's highways or railways and prohibit the disposal or storage of high-level radioactive waste in the state other than storage at certain current or formerly operating nuclear reactors or test reactors.

Based on the analysis of the Texas Commission on Environmental Quality, the Comptroller of Public Accounts, and the Office of Court Administration, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be absorbed with existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

**LBB Staff:** JMc, LBO, GDZ