

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 24, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1046 by Birdwell (Relating to the regulation of radioactive waste; reducing a surcharge; reducing a fee.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1046, As Introduced : a negative impact of (\$798,000) through the biennium ending August 31, 2023.

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:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	(\$399,000)
2023	(\$399,000)
2024	(\$399,000)
2025	(\$399,000)
2026	(\$399,000)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from Environmental Rad & Perpetual Care 5158
2022	(\$399,000)	(\$1,125,000)
2023	(\$399,000)	(\$1,125,000)
2024	(\$399,000)	(\$1,125,000)
2025	(\$399,000)	(\$1,125,000)
2026	(\$399,000)	(\$1,125,000)

Fiscal Analysis

This bill would amend the Health and Safety Code regarding the regulation of low-level radioactive waste disposal. The bill would create a reserved capacity for party state waste and specify a correction for determining capacity based on radioactive decay. A limitation of nonparty compact waste would be created based on the amount of party state waste currently stored in the facility.

The bill would eliminate the five percent state fee on non-federal compact waste and would reduce the twenty percent surcharge on nonparty compact waste to five percent. A compact waste disposal facility would be

required to conduct an annual comparison of party state and non-party state compact waste disposal fees and issue a rebate for any party state fees that were assessed above the average fee of non-party state fees.

This bill would take effect September 1, 2021.

Methodology

According to the Comptroller of Public Accounts, elimination of the five percent state fee on non-federal compact waste and reducing the twenty percent surcharge on nonparty compact waste to five percent would have a negative fiscal impact to the state through reducing annual revenues to the General Revenue Fund by \$399,000 and to the General Revenue–Dedicated Environmental Radiation and Perpetual Care Account No. 5158 by \$1,125,000. For the purposes of this analysis, it is assumed that levels of waste that would be deposited at the Texas Compact Waste Disposal Facility would not increase through 2026.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 535 LI Radioactive Waste Disp. Compact, 582 Commission on Environmental Quality

LBB Staff: JMc, AJL, MW, GDZ