

**SUBJECT:** Directing fees to the low-level radioactive waste fund

**COMMITTEE:** Environmental Regulation —favorable, without amendment

**VOTE:** 7 ayes — Pickett, Cyrier, Dale, Kacal, Landgraf, Reynolds, E. Rodriguez  
0 nays  
2 absent — E. Thompson, Lozano

**SENATE VOTE:** On final passage, May 2 — 30-1 (Bettencourt)

**WITNESSES:** No public hearing

**BACKGROUND:** Health and Safety Code, ch. 403 establishes the Texas Low-Level Radioactive Waste Disposal Compact Commission. States that are party to the compact enter into agreements for the efficient management and disposal of low-level radioactive waste.

Health and Safety Code, sec. 401.245 requires a compact waste disposal facility license holder who receives compact waste from a party state to collect a fee to be paid by each person who delivers waste to the compact waste disposal facility. The fee must be periodically adjusted based on the projected volume of low-level radioactive waste received, the relative hazard of the waste, and other associated costs. Sec. 401.246 requires that the fee collected be sufficient to cover certain costs related to the compact waste facility and the compact commission. The fee is deposited to the credit of the Environmental Radiation and Perpetual Care Account.

Sec. 401.249 establishes the Low-Level Radioactive Waste Fund as a general revenue dedicated account within the state treasury.

Some have suggested that applicable state compact waste disposal fees that support compact activities be deposited in the fund that most closely corresponds to the purpose for which the fees are collected.

**DIGEST:** SB 1330 would require the Texas Commission on Environmental Quality to deposit in the Low-Level Radioactive Waste Fund, rather than the Environmental Radiation and Perpetual Care Account, the portion of the party state compact waste disposal fees that were calculated to support the activities of the Texas Low-Level Radioactive Waste Disposal Compact Commission. The bill would specify that the calculation would be in accordance with certain statutory criteria regarding the costs that the fee must cover.

The bill would take effect September 1, 2017, only if a specific appropriation for its implementation was provided in the general appropriations act of the 85th Legislature.

**NOTES:** According to the Legislative Budget Board, the bill would have a negative impact of \$222,000 to general revenue related funds for the fiscal 2018-19 biennium and in subsequent biennia.