

BILL ANALYSIS

Senate Research Center

H.B. 1171
By: Chisum (Brown)
Natural Resources
5/11/1999
Engrossed

DIGEST

The Texas Radiation Control Act of 1961, recodified in 1989, established regulatory framework and authority for the state agencies that regulate the possession, use, and disposal of radiation sources. H.B. 1171 sets forth provisions which clarify the entities to which certain individuals who deal with radioactive materials and other sources of radiation are required to report, or otherwise interact with.

PURPOSE

As proposed, H.B. 1171 sets forth provisions which clarify the entities to which certain individuals who deal with radioactive materials and other sources of radiation, are required to report, or otherwise interact with.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.003(17), Health and Safety Code, to redefine "radiation."

SECTION 2. Amends Sections 401.106, 401.108, and 401.110, Health and Safety Code, as follows:

Sec. 401.106. New heading: EXEMPTION FROM LICENSING OR REGISTRATION REQUIREMENTS OR FROM APPLICATION OF RULE. Authorizes the Texas Department of Health (TDH) or the Texas Natural Resource Conservation Commission (TNRCC) to exempt a radiation source from the application of an adopted rule if certain determinations are made regarding the prospective exemption. Requires TDH or TNRCC to provide the secretary of state with notice of, and justification for, the intent to grant an exemption.

Sec. 401.108. FINANCIAL QUALIFICATIONS. Requires the applicant to demonstrate certain qualifications to TNRCC, rather than TDH. Authorizes the Texas Board of Health (TBH), by rule, to require an applicant to demonstrate financial qualifications to conduct certain licensed activities, prior to the issuance or renewal of a license by TDH. Requires a license holder to submit certain proof to TDH or TNRCC, rather than the issuing agency, at intervals required by TBH or TRNCC, rather than the issuing agency. Deletes a specification that a license is issued or renewed by TDH, and a reference to Subchapter G.

Sec. 401.110. DETERMINATION ON LICENSE. Authorizes TNRCC to consider the applicant's financial qualifications in taking certain action, including the renewal of a license or registration.

SECTION 3. Amends Section 401.305(b), Health and Safety Code, to require certain entities to deposit money received from an administrative penalty collected by TDH under Sections 401.384-401.390, Health and Safety Code.

SECTION 4. Amends Section 401.381(a), Health and Safety Code, to clarify a violation of this chapter.

SECTION 5. Amends Section 401.384(a), Health and Safety Code, to authorize TDH to assess an administrative, rather than civil, penalty as provided by Sections 401.385-401.390, rather than 401.385-401.391, against a person who causes, suffers, allows, or permits a violation of a provision of this chapter.

SECTION 6. Amends Section 401.385, Health and Safety Code, to make a conforming change.

SECTION 7. Amends Sections 401.388(d) and (f), Health and Safety Code, to make conforming changes.

SECTION 8. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 9. Emergency clause.