

CHAPTER 76

H.B. No. 822

AN ACT

relating to the powers and financing of the Texas Low-Level Radioactive Waste Disposal Authority and its governing board.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.03, Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes), is amended by adding Subdivisions (10), (11), (12), and (13) to read as follows:

(10) "Board" means the governing board of the authority.

(11) "Rangeland and wildlife management plan" means a plan that applies rangeland and wildlife habitat management techniques to land located in the vicinity of a disposal site so that the natural productivity and economic value of the land are enhanced.

(12) "Committee" means a citizens advisory committee created by this Act.

(13) "Affected governmental entity" means a city, county, hospital district, school district, water district, or other political subdivision of this state that may reasonably be expected to incur expenses in connection with additional fire, police, education, utility, public access, and other governmental services, public works projects, and planning that are required by the city, county, hospital district, school district, water district, or other political subdivision of this state as a result of the construction and operation of a disposal site within or adjacent to the affected city, county, hospital district, school district, water district, or other political subdivision of this state.

SECTION 2. Section 2.13, Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.13. MEETINGS OF THE BOARD. (a) The board shall hold regular quarterly meetings on dates established by rule of the board and shall hold special meetings at the call of the chair or on written request to the chairman by one member of the board.

(b) The board shall hold an annual meeting with officials of a county in which a disposal site is located and representatives of affected governmental entities to discuss any concerns relating to the disposal site.

SECTION 3. Section 3.09, Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) For the purpose of implementing a rangeland and wildlife management plan the authority may lease from the School Land Board or the board of regents of The University of Texas System property that is dedicated to the permanent school fund or the permanent university fund and that is proximately located to a disposal site. Land leased for a rangeland and wildlife management plan shall not exceed 65,000 acres.

SECTION 4. Section 3.11, Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.11. AUTHORITY TO ENTER INTO CONSTRUCTION CONTRACTS. (a) The authority may contract with any person to construct any part of the works and facilities or from time to time make improvements at the disposal site, provided the contract specifically provides for termination by the authority for failure of the contractor to comply with federal and state standards and rules or with the authority's disposal plans.

(b) A person who contracts with the authority shall, if practicable, obtain necessary supplies, equipment, and material for use under that contract from sources located in the county where the disposal site is located, and hire required personnel from that county.

SECTION 5. The Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes) is amended by adding Sections 3.29 and 3.30 to read as follows:

Sec. 3.29. CITIZENS ADVISORY COMMITTEE. (a) The board shall create a citizens advisory committee as provided by this section to perform oversight functions over a low-level waste disposal site. The committee shall begin to perform its functions not earlier than the 30th day after the date on which construction of the site begins.

(b) Each affected governmental entity may appoint one person to the committee for a term of four years.

(c) The committee may:

(1) *conduct independent monitoring of disposal site activities as authorized by guidelines adopted by the board;*

(2) *make recommendations to the board concerning operations at the disposal site; and*

(3) *execute any other review and monitoring functions as may be recommended by the committee and approved by the board.*

(d) *Reasonable notice as provided by board rules must be given to the manager of a disposal site before any committee member enters a disposal site to exercise any function authorized by this section.*

Sec. 3.30. AFFECTED GOVERNMENTAL ENTITY. The board shall adopt criteria to determine whether a governmental entity is an affected governmental entity for the purposes of this Act.

SECTION 6. Section 4.02, Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Waste disposal fees adopted by the board *must* ~~shall~~ be sufficient:

(1) to allow the authority to recover operating and maintenance costs;

(2) *to allow the authority to recover*~~[,]~~ expenses incurred before beginning operation of the disposal site amortized over a period of not more than 20 years beginning on the first day of operation of the disposal site;

(3) *to provide*~~[,]~~ an amount necessary to meet future costs of decommissioning, ~~and~~ closing, and postclosure maintenance and surveillance of the disposal site;

(4) *to provide an amount to compensate for impacts associated with the disposal site;*

(5) *to provide an amount sufficient to fund, in whole or in part, a rangeland and wildlife management plan; and*

(6) *to provide*~~[,] an amount sufficient to meet needs for impact assistance under Section 4.04 of this Act,~~ an amount necessary to pay licensing fees and to provide security required by the agency under laws and rules of the agency.

(d) *The amount required by Subsection (c)(4) of this section and designated by the board as available for impact assistance allocation under this Act may not be less than 10 percent of the annual gross receipts from waste received at the disposal site, and shall not exceed \$300,000 per annum for each generator of waste, except that during periods of unusual volume generation occasioned by unscheduled refueling, unplanned outages, special maintenance, or system decontamination and decommissioning, the amount payable by the affected generator shall not exceed \$500,000 per annum for two consecutive years.*

SECTION 7. Section 4.04, Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.04. LOW-LEVEL RADIOACTIVE WASTE DISPOSAL IMPACT ASSISTANCE. (a) *The citizens advisory committee established under this Act shall coordinate and make recommendations to the board concerning requests from affected governmental entities for assistance to compensate for impacts associated with the disposal site and allocations of impact assistance funds* ~~[The board may make grants to a city, county, hospital district, school district, water district, or other political subdivision of this state to reimburse that entity for actual costs or to pay expenses anticipated in connection with additional fire, police, educational, utility, public access, and other governmental services, public works projects, and planning that are required by the city, county, hospital district, school district, water district, or other political subdivision of this state as a result of the construction and operation of a disposal site within or adjacent to the affected city, county, hospital district, school district, water district, or other political subdivision of this state].~~

(b) The *committee* ~~[board]~~ shall adopt rules establishing:

(1) ~~[procedures for the application for grants under this section;~~

~~[(2)]~~ criteria for determining the adverse effect that the construction and operation of a disposal site will have on *affected governmental entities* [~~cities, counties, hospital districts, school districts, water districts, and other political subdivisions of this state~~];

(2) ~~[(3)]~~ priorities of needs for affected *governmental entities* [~~cities, counties, hospital districts, school districts, water districts, and other political subdivisions of this state~~]; and

(3) ~~[(4)]~~ methods for monitoring the uses and effectiveness of *impact assistance funds allocated to affected governmental entities* [~~grants made~~] under this Act [~~section~~].

(c) *Once a year, the committee shall prepare and recommend to the board for final approval a budget that allocates impact assistance funds to affected governmental entities. The committee shall allocate to each affected governmental entity the amount required for impact assistance as provided under this section. Each affected governmental entity must show their impact by providing adequate supporting information to the committee.*

(d) *Except as provided by Subsection (e) of this section, no affected governmental entity may receive more than the amount equal to the product of the amount designated by the board under this Act as available for impact assistance allocation and the ratio of each affected governmental entity's assessed tax valuation to the total assessed tax valuation of all the affected governmental entities.*

(e) *If the maximum amount determined under Subsection (d) of this section is less than the actual amount that an affected governmental entity shows to be required for impact assistance, the committee may allocate the affected governmental entity an amount that exceeds the maximum amount if not all of the affected governmental entities qualify for the maximum allocation permitted under Subsection (d) of this section.*

(f) *Impact assistance funds received by affected governmental entities under this section are not a loan or grant-in-aid that is subject to review by a regional planning commission under Chapter 570, Acts of the 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes). [On approval of a grant under this section, the board shall issue an order stating the name of the city, county, hospital district, school district, water district, or other political subdivision of the state receiving the grant and the amount of the grant and shall direct payment of the grant.]*

SECTION 8. The Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes) is amended by adding Section 4.05 to read as follows:

Sec. 4.05. LOW-LEVEL WASTE ACCOUNT. (a) The low-level waste account is created as a special account in the general revenue fund in the state treasury. The account is an interest-bearing account and interest earned on money in the account shall be deposited to the credit of the general revenue fund.

(b) *All waste disposal fees, processing and packaging fees, civil penalties, payments to the State of Texas under Public Law 99-240, and other receipts collected by the authority under this Act shall be deposited in the low-level waste account.*

(c) *Except as provided by Subsection (d) of this section, money in the low-level waste account may be used to pay:*

(1) *operating and maintenance costs of the authority;*
 (2) *reimbursement to the general revenue fund for expenses incurred by the state before the beginning of the first day of operation of the disposal site and for any other maintenance and operating expenses paid by appropriation from the general revenue fund;*

(3) *future costs of decommissioning, closing, and postclosure maintenance and surveillance of the disposal site;*

(4) *licensing fees and to provide security required by the agency;*

(5) *any money judgments rendered against the authority that are directed by a court of this state to be paid from this fund;*

(6) expenses associated with implementation of the rangeland and wildlife management plan;

(7) impact assistance funds allocated to affected governmental entities; and

(8) any other expenses for any other purpose, including purposes unrelated to low-level waste disposal, as determined in the General Appropriations Act.

(d) Payments to the State of Texas under Public Law 99-240 may be used only for the purposes stated in the federal law.

SECTION 9. This Act takes effect on September 1, 1987.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 822 on April 28, 1987, by a non-record vote. Passed by the Senate, with amendments, on April 15, 1987, by a viva-voce vote.

Approved May 8, 1987.

Effective Sept. 1, 1987.