

AN ACT

relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.

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

SECTION 1. Section 401.248, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) The compact waste disposal facility license holder may not accept compact waste at the compact waste disposal facility unless the compact commission established by the compact under Section 403.006 has adopted bylaws necessary to carry out the terms of the compact.

SECTION 2. Chapter 403, Health and Safety Code, is amended by adding Section 403.0005 to read as follows:

Sec. 403.0005. DEFINITIONS. In this chapter:

(1) "Commission" means the commission established by Article III of the Texas Low-Level Radioactive Waste Disposal Compact.

(2) "Host state commissioner" means a person who is appointed from this state to serve on the commission under this chapter.

SECTION 3. Sections 403.002 and 403.004, Health and Safety Code, are amended to read as follows:

Sec. 403.002. TERMS OF COMMISSION MEMBERS; VACANCY. ~~Host~~ [A ~~host~~] state commissioners serve staggered six-year terms, with the terms of two host state commissioners expiring on September 1 of each odd-numbered year. A host state

commissioner serves [~~for a term of six years and~~] until a successor is appointed and qualified. A vacancy in the office of host state commissioner is filled for the unexpired term by appointment of the governor.

Sec. 403.004. COMPENSATION. A host state commissioner is not entitled to compensation for performing the duties of host state commissioner but is entitled to reimbursement for actual and necessary expenses incurred in the performance of the duties of host state commissioner.

SECTION 4. Chapter 403, Health and Safety Code, is amended by adding Sections 403.0051, 403.0052, 403.0053, 403.0054, and 403.0055 to read as follows:

Sec. 403.0051. COMMISSION AS INDEPENDENT ENTITY. (a) The commission is an independent entity and not a program, department, or other division of, or administratively attached to, the Texas Commission on Environmental Quality.

(b) Money for the commission may not be appropriated as part of an appropriation for the Texas Commission on Environmental Quality.

Sec. 403.0052. BIENNIAL REPORTS TO LEGISLATURE. On or before December 1 of each even-numbered year, the commission shall file with the governor and the appropriate legislative committees a written report that includes:

(1) a statement of the activities of the commission during the preceding fiscal biennium;

(2) the commission's recommendations for necessary and desirable legislation; and

(3) an accounting of all funds received and disbursed by the commission during the preceding biennium.

Sec. 403.0053. ATTORNEY GENERAL TO REPRESENT COMMISSION.

The attorney general shall represent the commission under this chapter in all matters before the state courts and any court of the United States.

Sec. 403.0054. APPLICABILITY OF SUNSET ACT. (a) The commission is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency subject to review under that chapter, but may not be abolished under that chapter.

(b) The commission shall be reviewed during each period in which the Texas Commission on Environmental Quality is reviewed.

(c) The commission shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the commission under this section. The Sunset Advisory Commission shall determine the cost, and the commission shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

Sec. 403.0055. AUDIT. The commission is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

SECTION 5. The term of office of a person serving as a host state commissioner of the Texas Low-Level Radioactive Waste Disposal Compact Commission on the effective date of this Act expires on that date. To begin the staggering of terms, the governor shall appoint host state commissioners, in accordance with the provisions of Section 403.002, Health and Safety Code, as amended by this Act, as follows:

(1) two host state commissioners to terms expiring September 1, 2013;

(2) two host state commissioners to terms expiring September 1, 2015; and

(3) two host state commissioners to terms expiring September 1, 2017.

SECTION 6. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1605 passed the Senate on April 13, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 27, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1605 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 137, Nays 7, one present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor