

MAINE STATE LEGISLATURE

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A.S.

L.D. 1951

DATE: 3/31/94

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ENERGY & NATURAL RESOURCES

Reported by: Senator Lawrence of York

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**STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 730, L.D. 1951, Bill, "An Act to Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact"

Amend the bill by inserting before the enacting clause the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation streamlines the regulatory functions of the State and alters the regulation of radioactive waste in the State; and

Whereas, the changes would be beneficial to the State if made immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend the bill by inserting after the enacting clause the following:

Sec. 1. 5 MRSA §12004-F, sub-§13, as enacted by PL 1987, c. 786, §5, is repealed.

COMMITTEE AMENDMENT

R. O. S.

COMMITTEE AMENDMENT "A" to S.P. 730, L.D. 1951

2 Sec. 2. 5 MRSA §12004-I, sub-§24-D, as renumbered by RR 1991,
c. 2, §15, is repealed.

4 Sec. 3. 5 MRSA §12004-J, sub-§2, as corrected by RR 1993, c. 1,
§14, is repealed.

6 Sec. 4. 5 MRSA §12004-J, sub-§2-A is enacted to read:

8
10 2-A. Advisory Legislative 38 MRSA
Environment Commission on Per Diem §1453-A
12 Radioactive
 Waste'

14 Further amend the bill by striking out all of section 3 and
16 inserting in its place the following:

18 'Sec. 3. 22 MRSA §675-A is enacted to read:

20 §675-A. Advisory Committee on Radiation

22 1. Appointment. The Governor shall appoint an Advisory
Committee on Radiation consisting of 7 members. One member must
24 be a physician and one member must be a dentist, both of whom
must be regularly involved in the medical use of radiation; one
26 member must represent the general public and the remaining 4
members must have training and experience in the various fields
28 in which sources of radiation are used. Members of the committee
serve 5-year staggered terms and are not compensated for their
30 services, but may be reimbursed for actual expenses to attend
committee meetings or for authorized business of the committee.

32 2. Duties. The committee shall make recommendations to the
commissioner and furnish advice that is requested by the
34 department on matters relating to the regulation of sources of
radiation including enforcement actions, regulation revision and
36 the establishment of fees. The committee may also make
recommendations and reports to the joint standing committees of
38 the Legislature.'

40 Further amend the bill in section 4 in subsection 4 in the
42 last line (page 2, line 15 in L.D.) by striking out the
following: "chapter 159-A" and inserting in its place the
44 following: '~~chapter-159-A~~ section 666'

46 Further amend the bill by striking out all of section 5 and
inserting in its place the following:

48 'Sec. 5. 22 MRSA §679, as enacted by PL 1983, c. 345, §§13
and 14, is amended to read:

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§679. Low-level radioactive waste disposal

State regulation of low-level radioactive waste disposal shall-be is subject to the primary jurisdiction of the Department of Environmental-Protectien Human Services, as specified in Title 38 section 676, except that disposal of low-level radioactive waste in the State is also subject to regulation by the Department of Environmental Protection.'

10 Further amend the bill in section 6 in that part designated "§679-A." in subsection 2 in paragraph B in the next to last line (page 2, line 50 in L.D.) by striking out the following: "Maine" and inserting in its place the following: 'Advisory'

14 Further amend the bill in section 6 in that part designated "§679-A." in subsection 2 in paragraph B in the last line (page 2, line 51 in L.D.) by striking out the following: "section 679-C" and inserting in its place the following: 'Title 38, section 1453-A'

20 Further amend the bill in section 6 in that part designated "§679-A." in subsection 2 in paragraph C in the first line (page 3, line 2 in L.D.) by striking out the following: "Maine" and inserting in its place the following: 'Advisory'

26 Further amend the bill in section 6 in that part designated "§679-A." by striking out all of subsection 3 (page 3, lines 5 to 8 in L.D.) and inserting in its place the following:

30 '3. Employees. To fulfill the requirements of this section, the department may employ staff subject to the Civil Service Law.'

34 Further amend the bill in section 6 by striking out all of those parts designated "§679-B." and "§679-C." and inserting in their place the following:

38 '§679-B. Radioactive Waste Fund

40 1. Establishment. There is established the Radioactive
42 Waste Fund to be used to carry out the purposes of this chapter.
44 Money allocated from this fund must be administered by the
46 commissioner in accordance with established budgetary procedures
48 and this section. The commissioner may accept state, federal and
private funds to be used as appropriate to ensure safe and
effective low-level radioactive waste management and to monitor
and evaluate plans for storage and disposal of high-level
radioactive waste.

2 2. Service fee; ceiling. Except for waste that is exempt
3 in accordance with subsection 4, the department shall assess
4 annually by September 1st each low-level radioactive waste
5 generator a service fee on all low-level radioactive waste
6 generated in this State that is shipped to a low-level
7 radioactive waste disposal facility, stored awaiting disposal at
8 such a facility or stored for any other purpose. The service fee
9 must be based 50% on the volume and 50% on the radioactivity of
10 the waste disposed in a disposal facility in the previous
11 calendar year or placed in storage in the previous calendar year
12 if the State did not have access to a disposal facility for that
13 year, but each generator must be assessed a minimum of \$100
14 annually. Each generator must pay this service fee within 30
15 days, except that any generator may choose to make quarterly
16 payments instead. Any radioactive waste for which a service fee
17 was assessed and collected under this section can not be
18 reassessed for the purposes of this section. The radiation
19 control program within the Division of Health Engineering shall
20 adopt rules in accordance with the Maine Administrative Procedure
21 Act concerning the calculation of the fee and the exemptions to
22 the fee, consistent with this section. The revenue from this
23 service fee each year must amount to \$260,000 and must be
24 credited to the fund established in subsection 1 and used to
25 carry out the purposes of this section and of Title 38, section
26 1453-A. If the Advisory Commission on Radioactive Waste, as
27 established in Title 38, section 1453-A is dissolved, the service
28 fee ceiling must be lowered by the amount of the budget of that
29 commission.

30 3. Compact fee assessment; ceiling. In addition to the
31 service fee assessed under subsection 2, the commissioner shall
32 annually by September 1st, beginning in 1994, assess any amount
33 necessary to fulfill the payment requirements to the Texas
34 Low-Level Radioactive Waste Disposal Compact Commission pursuant
35 to section 679-A, subsection 2, paragraph B less any balance
36 carried forward under subsection 6. The commissioner shall
37 assess each generator such a fee using the same method for
38 computing individual assessments as set out in subsection 2.
39 Each generator must pay the fee within 30 days, except that any
40 generator may choose to make quarterly payments instead.

41 4. Fee exemptions. The following types of low-level
42 radioactive waste are exempt from the fees established in
43 subsections 2 and 3:

44 A. Waste that is authorized by the United States Nuclear
45 Regulatory Commission for disposal without regard to its
46 radioactivity;

2 B. Waste that is authorized by the United States Nuclear
3 Regulatory Commission to be stored at the site of generation
4 for decay and ultimate disposal without regard to its
5 radioactivity; and

6 C. Radioactive waste or other material that is returned to
7 the vendor, including, but not limited to, sealed sources.

8
9 5. Allocation from fund. Money in the Radioactive Waste
10 Fund established by this section must be allocated from time to
11 time by the Legislature for the following purposes: to the
12 Radioactive Waste Advisory Commission Fund as established in
13 Title 38, section 1454-A to fund the activities of the Advisory
14 Commission on Radioactive Waste as described in Title 38, section
15 1453-A for advisory and public information activities; and to
16 the department for regulatory activities as described in this
17 section. These amounts become available in accordance with Title
18 5, chapters 141 to 155.

19 The department may receive and expend federal grants and payments
20 for the purpose of carrying out its duties set out in section
21 679-A, subsection 2. The money received by the department from
22 federal sources may not be counted toward the ceiling established
23 in subsection 2.

24
25 6. Balance carried forward. Any unexpended balance in the
26 Radioactive Waste Fund may not lapse, but must be carried forward
27 in the same amount for the next fiscal year and must be available
28 for the purposes authorized by this chapter.

29
30 7. Financial reports. The department shall report annually
31 before February 1st to the joint standing committee of the
32 Legislature having jurisdiction over natural resource matters on
33 the income to and expenditures from the Radioactive Waste Fund
34 for the previous year and on the budget for the coming year.
35 Those reports must include total fees received from each
36 generator, line item detail on expenditures including in-state
37 travel and out-of-state travel, printing, mailing and hearings,
38 personnel, consultant services, general operating expenses,
39 supplies and overhead for the department and transfer of funds
40 under subsection 8.

41
42 8. Transfer of funds. Notwithstanding Title 5, section
43 1585, funds allocated under this section must be transferred as
44 necessary to accomplish the purposes of this section and Title
45 38, chapter 14-A from the department to other agencies, including
46 the Department of Environmental Protection, the State Planning
47 Office, the Maine Geological Survey and the Maine Land Use
48 Regulation Commission.'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. 36 MRSA §271, sub-§2, ¶A, as amended by PL 1987, c. 530, §2, is further amended to read:

A. Hear and determine appeals according to the following provisions of law:

(1) The tree growth tax law, chapter 105, subchapter II-A;

(2) The farm and open space law, chapter 105, subchapter X;

(3) As provided in section 843;

(4) As provided in section 844;

(5) Section 272; and

(6) Section 2865; and

~~(7) Title 38, section 1505;~~

Sec. 9. 38 MRSA §1451, sub-§3-A, as amended by PL 1985, c. 737, Pt. A, §114, is further amended to read:

3-A. Commission. "Commission" means the Advisory Commission on Radioactive Waste established by section 1453 1453-A.

Further amend the bill by inserting after section 8 the following:

'Sec. 9. 38 MRSA §1453-A is enacted to read:

§1453-A. Advisory Commission on Radioactive Waste

1. Establishment; purpose. The Advisory Commission on Radioactive Waste, referred to in this section as the "commission," is established. The commission shall advise the Governor, the Legislature and other pertinent state agencies and entities on matters relating to radioactive waste management and provide information to the public and create opportunities for public input in order to facilitate public understanding of radioactive waste issues.

2. Membership; appointment. The commission consists of 16 members, appointed as follows:

- 2 A. The commissioner or the commissioner's designee;
- 4 B. The Commissioner of Human Services or the commissioner's
designee;
- 6 C. The State Geologist or a designee;
- 8 D. One person from a commercial nuclear power facility
situated in the State, appointed by the Governor;
- 12 E. Two persons from organizations that hold licenses issued
by the State for the use of radioactive material, one
appointed by the President of the Senate and one appointed
by the Speaker of the House of Representatives;
- 16 F. Three Senators, appointed by the President of the
Senate, 2 belonging to the political party holding the
largest number of seats in the Senate and one belonging to
the political party holding the 2nd largest number of seats
in the Senate;
- 22 G. Three members of the House of Representatives, appointed
by the Speaker of the House of Representatives, 2 belonging
to the political party holding the largest number of seats
in the House of Representatives and one belonging to the
political party holding the 2nd largest number of seats in
the House of Representatives; and
- 28 H. Four members of the general public with a knowledge of
and interest in the management of radioactive materials and
radioactive waste, 2 of whom are appointed by the Governor,
one of whom is appointed by the President of the Senate and
one of whom is appointed by the Speaker of the House of
Representatives.

30 The terms of the legislative members expire the first Wednesday
in December of even-numbered years. The terms of the public
member appointed by the President of the Senate, one public
member appointed by the Governor and the licensee member
appointed by the Speaker of the House of Representatives expire
December 31st of odd-numbered years. The terms of the public
member appointed by the Speaker of the House of Representatives,
the licensee member appointed by the President of the Senate and
one public member appointed by the Governor expire December 31st
of even-numbered years. Notwithstanding this subsection, any
public member or licensee member may be removed by the appointing
authority at the pleasure of the appointing authority and a new
member may be appointed to complete the term of the preceding
appointee. Members may continue to serve until their

2 replacements are designated. Vacancies must be filled by the
3 appointing authority to complete the term of the preceding
4 appointee. The commission shall elect the chair and vice-chair
5 from its membership by majority vote of all members present.

6 3. Duties. The duties of the commission are to:

8 A. Provide opportunities for public input and disseminate
9 information to the general public and promote public
10 understanding concerning the management of radioactive waste;

12 B. Study the management, transportation, treatment, storage
13 and disposal of radioactive waste, including high-level and
14 low-level radioactive waste and mixed waste, generated in
15 this State;

16 C. Monitor methods, criteria and federal timetables for
17 siting and constructing high-level radioactive waste
18 repositories or storage facilities;

20 D. Monitor the Texas siting effort and Texas Low-Level
21 Radioactive Waste Disposal Compact Commission activities
22 and, if events require, propose legislation to reinstitute
23 an in-state siting effort for the storage or disposal of
24 low-level radioactive waste in the State;

26 E. Advise the Governor, the Legislature, the department and
27 the Department of Human Services or their successors, the
28 State's member of the Texas Low-Level Radioactive Waste
29 Disposal Compact Commission and other pertinent state
30 agencies and entities, as appropriate, on relevant findings
31 and recommendations of the commission;

33 F. Receive a written report from the State's member of the
34 Texas Low-Level Radioactive Waste Disposal Compact
35 Commission within 60 days after a meeting of that commission
36 or an oral report from that member at the next scheduled
37 meeting of the Maine Commission on Radioactive Waste,
38 whichever comes first; and

40 G. Prepare a newsletter recording developments relevant to
41 radioactive waste issues.

44 4. Meetings and reports. The commission shall meet at
45 least 4 times a year. The commission shall submit an annual
46 report of activities to the Governor, the President of the
47 Senate, the Speaker of the House of Representatives and the joint
48 standing committee of the Legislature having jurisdiction over
49 energy and natural resource matters by February 15th of each year.

50

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2 5. Compensation. Members of the commission are entitled to
3 legislative per diem in compensation for attendance at commission
4 meetings in accordance with the provisions of Title 5, chapter
5 379, except that all legislative members of the commission must
6 obtain prior approval of out-of-state travel from their
7 respective presiding officers.

8 6. Staff assistance. The department shall provide
9 assistance to the commission in the conduct of its business. The
10 State Nuclear Safety Advisor and the Public Advocate shall
11 provide consultation as requested.

12 7. Repeal. This commission is subject to review and
13 terminates in accordance with Title 3, chapter 33, not including
14 the grace period, no later than June 30, 1999, unless continued
15 or modified by law.'

16
17 Further amend the bill by inserting after section 9 the
18 following:

19
20 'Sec. 10. 38 MRSA §1454-A is enacted to read:

21 §1454-A. Radioactive Waste Advisory Commission Fund

22
23 1. Establishment. There is established the Radioactive
24 Waste Advisory Commission Fund to be used to carry out the
25 purposes of this chapter. Money allocated to the commission and
26 to the Department of Environmental Protection from this fund must
27 be administered by the Commissioner of Environmental Protection
28 in accordance with established budgetary procedures and this
29 section. The commissioner may accept state, federal and private
30 funds to be used as appropriate to carry out the functions of the
31 Advisory Commission on Radioactive Waste as set forth in section
32 1453-A.

33
34 2. Allocation. Money in the fund established by this
35 section must be allocated from time to time by the Legislature to
36 the department to fund advisory and public information activities
37 of the commission. These amounts shall become available in
38 accordance with Title 5, chapters 141 to 155.

39
40 The commission may receive and expend federal grants and payments
41 for the purpose of carrying out its duties.

42
43 3. Balance carried forward. Any unexpended balance does
44 not lapse, but must be carried forward to the same fund for the
45 next fiscal year and must be available for the purposes
46 authorized by this chapter.

2 4. Financial reports. The commissioner shall report
3 quarterly to the Advisory Commission on Radioactive Waste and
4 annually, before February 1st, to the joint standing committee of
5 the Legislature having jurisdiction over natural resource matters
6 on the expenditures from the Radioactive Waste Advisory
7 Commission Fund for the previous fiscal year and on the budget
8 for the coming year. Those reports must include line item detail
9 on expenditures, including in-state travel and out-of-state
10 travel, printing, mailing and hearings, personnel, consultant
11 services, general operating expenses, supplies and overhead for
12 the commission and transfers of funds under subsection 5.

13 5. Transfer of funds. Notwithstanding Title 5, section
14 1585, funds allocated under this section may be transferred as
15 necessary to accomplish the purposes of this chapter from the
16 Department of Environmental Protection to other agencies,
17 including the Maine Geological Survey, Maine Land Use Regulation
18 Commission, Division of Health Engineering and the State Planning
19 Office.'

20
21 Further amend the bill in section 12 in that part designated
22 "\$1545." in subsection 1 in the 5th line (page 8, line 34 in
23 L.D.) by inserting after the following: "provisions of" the
24 following: 'subsection 405(5) of'

25
26 Further amend the bill in section 12 in that part designated
27 "\$1545." in subsection 3 by striking out all of the last sentence
28 (page 9, lines 28 and 29 in L.D.)

29
30 Further amend the bill by inserting after section 12 the
31 following:

32
33 **'Sec. 13. Transition; advisory commission.** The Advisory
34 Commission on Radioactive Waste is not dissolved in this Act, but
35 continues with the changes sets forth in this Act. Except for
36 the representative of the Executive Department, members appointed
37 to the commission as it was established in the Maine Revised
38 Statutes, Title 38, former section 1453 must continue to serve
39 until their terms expire in accordance with section 1453-A as
40 enacted in this legislation. The Governor shall appoint 2 public
41 members and a representative of a commercial nuclear power
42 facility situated in the State to fill terms that expire in
43 accordance with the provisions of section 1453-A.'

44
45 Further amend the bill by striking out all of section 13 and
46 inserting in its place the following:

47 **'Sec. 13. Transition provisions.** The following actions are
48 necessary to carry out the purposes of this legislation.

1. No later than June 30, 1994:

A. All amounts invested in a self-insurance fund established pursuant to the Maine Revised Statutes, Title 38, section 1540, subsection 4 must be transferred to the State Planning Office for the purpose of partial fulfillment of the assessment pursuant to Title 38, section 1545 and the self-insurance fund is terminated and ceases to exist. These amounts in the possession of the State Planning Office are subject to the requirements of Title 38, section 1545, subsection 4;

B. The balance of the fund for facility construction established pursuant to Title 38, section 1535 must be transferred to the State Planning Office for the purpose of partial fulfillment of the assessment pursuant to Title 38, section 1545. These amounts in the possession of the State Planning Office are subject to the requirements of Title 38, section 1545, subsection 4;

C. The remaining balance, if any, of all financial accounts in the possession of the Maine Low-level Radioactive Waste Authority must be transferred to the Radioactive Waste Fund in the Department of Human Services and must be deducted from the amount of the Radioactive Waste Fund assessment for fiscal year 1994-95; and

D. Any balance in the Radioactive Waste Evaluation Fund established under Title 38, former section 1454 must be transferred to the Radioactive Waste Advisory Commission Fund in the Department of Environmental Protection for the use of the Advisory Commission on Radioactive Waste. The total amount of the transferred funds must be used to reduce the assessment by the Department of Human Services for the Radioactive Waste Fund for fiscal year 1994-95.

2. The Maine Low-level Radioactive Waste Authority will cease operations and terminate the employment of all personnel when it has completed the transfer of all funds as required in this Act and all data, records and documents to a proper archive and the transfer of all equipment as follows:

A. One computer and office furniture to the radiation control program within the Department of Human Services;

B. Any remaining computers, as needed, and its library to the Advisory Commission on Radioactive Waste; and

C. All remaining assets, equipment and property to be sold with all proceeds to be transferred to the Radioactive Waste

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COMMITTEE AMENDMENT "A" to S.P. 730, L.D. 1951

2 Fund established by the Maine Revised Statutes, Title 22,
section 679-B.'

4 Further amend the bill by striking out all of sections 14
and 15 and inserting in their place the following:

6 'Sec. 14. Allocation. The following funds are allocated from
8 Other Special Revenue to carry out the purposes of this Act.

10 1994-95

12 ENVIRONMENTAL PROTECTION,
14 DEPARTMENT OF

16 Radioactive Waste Evaluation Fund

18 Personal Services (\$2,000)
All Other (23,219)

20 TOTAL (\$25,219)

22 Provides for the deallocation of funds to
24 reflect the repeal of the Radioactive Waste
Evaluation Fund.

26 Technical Studies - Department of
28 Environmental Protection

30 Positions - Other Count (-2.0)
Personal Services (\$93,019)
32 All Other (49,097)

34 TOTAL (\$142,116)

36 Provides for the deallocation of funds to
38 reflect the repeal of the Radioactive Waste
Evaluation Fund and the reestablishment of
40 the Technical Studies program as a part of
the new Advisory Commission on Radioactive
Waste.

42 Advisory Commission on Radioactive Waste

44 Positions (2.0)
46 Personal Services \$93,019
All Other 39,981
48 Capital Expenditures 2,000

50 TOTAL \$135,000

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COMMITTEE AMENDMENT "A" to S.P. 730, L.D. 1951

2 Provides for the allocation of funds to
 4 establish one 1/2-time Clerk Typist III
 6 position, one 1/2-time Planning and Research
 8 Associate I position and one Environmental
 10 Specialist IV position and general operating
 costs for the former Technical Studies
 program, which is reestablished as a part of
 the new Advisory Commission on Radioactive
 Waste.

12 DEPARTMENT OF ENVIRONMENTAL
 14 PROTECTION
 14 TOTAL

(\$32,335)

16 EXECUTIVE DEPARTMENT

18 State Planning Office

20 All Other \$15,000,000

22 Provides for the allocation of funds to
 24 implement the Texas Low-Level Radioactive
 Waste Disposal Compact.

26 EXECUTIVE DEPARTMENT
 28 TOTAL

\$15,000,000

30 HUMAN SERVICES, DEPARTMENT OF

32 Health - Bureau of

34 Positions - Other Count (1.5)
 34 Personal Services \$51,403
 36 All Other 38,597

38 TOTAL \$90,000

40 Provides for the allocation of funds
 including one Chemist II position and one
 42 part-time Lab Technician II position to the
 Public Health Laboratory to provide
 44 radiation protection services.

46 Health - Bureau of

48 Positions - Other Count (2.0)
 48 Personal Services \$65,000
 50 All Other 52,000
 Capital Expenditures 8,000

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 730, L.D. 1951

2 TOTAL \$125,000

4 Provides for the allocation of funds
6 including one Assistant Engineer position
8 and one Clerk Typist III position to fulfill
10 the state regulatory and enforcement
12 requirements of the Texas Low-Level
14 Radioactive Waste Disposal Compact.

10 DEPARTMENT OF HUMAN SERVICES
12 TOTAL \$215,000

14 TOTAL ALLOCATIONS \$15,182,665

16 Emergency clause. In view of the emergency cited in the
18 preamble, this Act takes effect when approved, except that the
20 portions of this Act that repeal the Maine Revised Statutes,
22 Title 38, chapter 14-B and section 1454 and enacts Title 38,
chapter 14-C and section 1454-A take effect July 1, 1994.'

24 Further amend the bill by renumbering the sections to read
consecutively.

26 Further amend the bill by inserting at the end and before
the statement of fact the following:

28 FISCAL NOTE

30 1994-95

32 APPROPRIATIONS/ALLOCATIONS

34 Other Funds \$15,182,665

36 REVENUES

38 Other Funds \$15,182,665

40 This bill provides allocations and deallocations and makes
42 other changes related to the State's participation in the Texas
44 Low-Level Radioactive Waste Disposal Compact.

46 The authority to assess any nuclear plant within the State
48 for the full costs of membership and participation in the compact
is transferred from the Maine Low-level Radioactive Waste
Authority to the State Planning Office resulting in increased
Other Special Revenue and the need for an allocation of
50 \$15,000,000 to the State Planning Office to support the

obligations that may become payable during fiscal year 1994-95. The State Planning Office will also require future allocations to support the balance of the compact costs. The State Planning Office may also receive additional revenue from the transfer provisions.

This bill also provides Other Special Revenue allocations to the Department of Human Services totalling \$215,000 in fiscal year 1994-95. The department will also experience an increase of Other Special Revenue of \$90,000 to the Health and Environmental Laboratory and \$260,000 to the Radioactive Waste Fund within the Bureau of Health program. Future allocations will be required to support the State's share of certain operational costs of the Texas Low-Level Radioactive Waste Disposal Compact Commission. The department may also receive additional revenue from the compact fee assessment and from the transfer provisions.

To reflect the repeal of the Radioactive Waste Evaluation Fund, the Department of Environmental Protection will require deallocations of \$25,219 and \$142,116 in fiscal year 1994-95 to eliminate the Radioactive Waste Evaluation Fund program and the Technical Studies program, respectively. In addition, to further reflect the transfer of the functions of the former Technical Studies program to the new Advisory Commission on Radioactive Waste within the Department of Environmental Protection, the commission will require annual allocations of \$135,000 beginning in fiscal year 1994-95. The transfer of remaining funds from the former Radioactive Waste Evaluation Fund to the new Radioactive Waste Advisory Commission Fund will provide the commission with adequate financial resources until funding is generated. When this funding is generated, additional transfers from the Radioactive Waste Fund in the Department of Human Services to the new Radioactive Waste Advisory Commission Fund are authorized.

STATEMENT OF FACT

The amendment deletes language moving the Advisory Commission on Radioactive Waste from the Department of Environmental Protection to the Department of Human Services and reconstituting the commission. In the amendment, the commission remains in the Department of Environmental Protection, with added duties as provided in the bill. The amendment also adds 2 Legislators to the membership specified in the bill, to make legislative membership conform to the current commission membership. The appointing authority for representatives of radioactive material licensees is changed from the Governor to the President of the Senate and the Speaker of the House of Representatives, as under current law.

R & S.

COMMITTEE AMENDMENT "A" to S.P. 730, L.D. 1951

2 The amendment clarifies service fee and the Texas Low-Level
Radioactive Waste Disposal Compact Commission cost assessments,
4 provides for the transfer of funds from the Radioactive Waste
Fund to pay costs of the advisory commission and creates a fund
6 in the Department of Environmental Protection to receive those
transfers.

8
10 The amendment increases the advisory commission budget and
provides deallocations and allocations among funds.

12 The amendment adds a dentist to the Advisory Committee on
Radiation within the Department of Human Services and authorizes
14 the committee to report to joint standing committees of the
Legislature.

16
18 The amendment also adds an emergency clause and preamble and
a fiscal note and conforms existing law to current drafting
standards.

20