

HOUSE BILL NO. _____

Radioactive materials transportation-2.

Sponsored by: Joint Transportation and Highways Interim Committee

A BILL

for

1 AN ACT relating to emergency response fees; modifying fees
2 imposed on transportation of radioactive materials;
3 modifying uses of fees; clarifying provisions; modifying
4 definitions; repealing inconsistent provisions; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 37-14-103(a), (b) (i) (A) and (B) is
10 amended to read:

11

12 **37-14-103. Emergency response fee.**

13

14 (a) In addition to any other fees and taxes provided
15 by law, an emergency response fee of ~~two hundred dollars~~
16 ~~(\$200.00)~~ one thousand five hundred dollars (\$1,500.00)

1 shall apply to each ~~package~~shipment of radioactive
2 materials transported through this state. The department
3 of transportation shall collect this fee based on a permit
4 issued by the department which is not inconsistent with
5 federal law. The department shall promulgate rules on
6 issuing and revoking permits which are not inconsistent
7 with federal law. The department shall promulgate rules on
8 quarterly reporting and payment of fees, retention of
9 records and audit requirements. All emergency response fees
10 shall be deposited in a fund within the special revenue
11 fund to be used by the Wyoming emergency management agency
12 with the approval of the governor for the payment of costs
13 associated with ~~training for and conducting~~ emergency
14 response ~~procedures related to,~~ and recovery of, incidents
15 involving the transportation of radioactive and hazardous
16 materials. Nothing in this subsection shall affect the
17 liability of the person responsible for an incident
18 involving the transportation of radioactive and hazardous
19 materials.

20

21 (b) As used in this section:

22

23 (i) "Radioactive materials" means:

24

1 (A) Highway route controlled quantities of
2 radioactive materials as defined in 49 C.F.R. 173.403(1) as
3 amended as of ~~January 1, 1989~~ August 28, 2001; and
4

5 (B) Nuclear waste being transported ~~to the~~
6 ~~waste isolation pilot plant in New Mexico,~~ to any facility,
7 ~~established pursuant to section 135 of the federal "Nuclear~~
8 ~~Waste Policy Act of 1982" as amended, 42 U.S.C. 10101 et~~
9 ~~seq., to any~~ or repository licensed for the ~~permanent deep~~
10 ~~geological~~ storage or disposal of high-level radioactive
11 waste, transuranic waste and spent nuclear fuel, ~~or to any~~
12 ~~monitored retrievable storage facility established pursuant~~
13 ~~to section 141 of the federal "Nuclear Waste Policy Act of~~
14 ~~1982" as amended.~~

15
16 **Section 2.** W.S. 31-18-407 is repealed.

17
18 **Section 3.** This act is effective July 1, 2004.

19
20 (END)