

HOUSE BILL NO. HB0158

Radioactive materials transportation.

Sponsored by: Representative(s) Gilmore, Meuli, Robinson
and Wasserburger and Senator(s) Geis and
Ross

A BILL

for

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

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21 (b) As used in this section:

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23 (i) "Radioactive materials" means:

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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~~ October 1, 2003; 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 and 37-14-103(b)(ii) are
17 repealed.

18
19 **Section 3.** This act is effective July 1, 2005.

20
21 (END)