

HOUSE BILL NO. HB0183

Radioactive materials transportation.

Sponsored by: Representative(s) Gilmore, Cooper, Esquibel  
and Walsh and Senator(s) Mockler and Vasey

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.

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

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

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

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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 preparedness for, response ~~procedures related to,~~ the  
15 transportation of and recovery of, incidents involving  
16 radioactive class 7 materials as defined in 49 C.F.R.  
17 173.403(1), as amended as of August 28, 2001. Nothing in  
18 this subsection shall affect the liability of the person  
19 responsible for an incident involving the transportation of  
20 radioactive and hazardous materials.

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22 (b) As used in this section:

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24 (i) "Radioactive materials" means:

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

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

**Section 2.** W.S. 31-18-407 is repealed.

**Section 3.** This act is effective July 1, 2003.

(END)