

311 443

Third Reading

Date 3-11-75

Roll Call of the House of the FORTY-THIRD LEGISLATURE Of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNEY	✓			✓	28 McMILLAN		✓		
62 BOUCHER	✓			✓	27 MEENAN		✓		
61 BUCK	✓				26 MOCKLER		✓		
60 BURNETT <i>EX</i>			✓		25 MORTON	✓			
59 BUTTERFIELD	✓	✓			24 O'NEIL		✓		
58 CHASTEEN	✓				23 ORRISON	✓			
57 COFFMAN	✓	✓			22 OSLUND		✓		
56 COPENHAVER	✓	✓			21 PARKS		✓		
55 CRANFILL	✓	✓			20 PETERAL	✓			
54 CREWS		✓			19 PROFFIT		✓		
53 CROSS		✓			18 PROSSER		✓		
52 CURRY	✓				17 ROTH		✓		
51 DONLEY	✓	✓			16 SALISBURY		✓		
50 DOWNING	✓				15 SCHWOPE	✓			
49 EDWARDS	✓				14 SCOTT		✓		
48 ENGEN		✓			13 SIDI		✓		
47 ESKENS	✓				12 SIMPSON	✓			
46 FLEISCHLI	✓	✓			11 SMITH	✓			
45 FRISBY	✓				10 SMYTH		✓		
44 GEESEY <i>EX</i>			✓		9 STEWART		✓		
43 A. GRAHAM <i>EX</i>			✓		8 TRUE		✓		
42 L. GRAHAM	✓				7 URBIGKIT	✓			
41 HANSEN	✓				6 VAN VELZOR	✓			
40 HELLBAUM					5 VINICH		✓		
39 HOLLAND	✓				4 WILKINS	✓			
38 HUNTER	✓	✓			3 ZIMMER		✓		
37 HURSH		✓			2 ZUMBRUNNEN		✓		
36 JENNINGS		✓			1 MR. SPEAKER	✓			
35 JENSEN		✓							
34 JOHNSON	✓								
33 JONES		✓							
32 KINNAMAN	✓								
31 LEEDY			✓						
30 McCARTHY		✓							
29 McDANIEL	✓								

PRESENT.....

AYES 26

NOES 27

EXCUSED 4

ABSENT

TOTAL 67

LESS

INTRODUCED

1975

STATE OF WYOMING

75LSO-322.01

HOUSE BILL NO. 143

Radiation control.

J. L. Graham *Ferris M. Downing*
Sponsored by: Representative J. L. GRAHAM

A BILL

for

1 AN ACT to create W.S. 9-160.18:11 through 9-160.18:20
2 relating to radiation control; providing definitions;
3 authorizing the governor to enter into agreements for the
4 state to assume duties relating to radiation control;
5 designating the division of health and medical services,
6 department of health and social services as the radiation
7 control agency for Wyoming; specifying agency powers and
8 duties; granting rulemaking authority; specifying prohib-
9 ited acts and providing penalties; and specifying exemp-
10 tions from the act.

11 Be It Enacted by the Legislature of the State of Wyoming:

12 Section 1. W.S. 9-160.18:11 through 9-160.18:20 are
13 created to read:

14 9-160.18:11. Definitions. As used in this act:

15 (a) "Radioactive material" means any material,
16 solid, liquid or gas, which emits ionizing radiation

1 spontaneously;

2 (b) "Radiation" means ionizing radiation including
3 gamma rays and x-rays, and alpha particles, beta par-
4 ticles, high speed electrons, neutrons, protons and other
5 high speed nuclear particles, but not sound or radio waves
6 or visible infrared or ultraviolet light;

7 (c) "Person" means any individual, corporation,
8 partnership, firm, association, trust, estate, public or
9 private institution, group, agency, political subdivision
10 or agency thereof, and any legal successor, representa-
11 tive, agent or agency of the foregoing, other than the
12 United States atomic energy commission, and federal agen-
13 cies licensed by the atomic energy commission;

14 (d) "Department" means the state division of health
15 and medical services, department of health and social
16 services;

17 (e) "This act" means W.S. 9-160.18:11 through
18 9-160.18:20.

19 9-160.18:12. Agreements for transfer of functions
20 from federal government to state government.

21 (a) The governor, on behalf of this state, is
22 authorized to enter into agreements with the federal

1 government providing for the assumption by this state
2 through the department, and the discontinuance by the fed-
3 eral government, of certain responsibilities within the
4 state of Wyoming relating to the protection of persons and
5 property from the hazards of radioactive materials and
6 other sources of radiation.

7 (b) The governor on behalf of this state, is author-
8 ized to enter into agreements with the federal government,
9 other states or interstate agencies, whereby the depart-
10 ment shall perform on a cooperative basis with the federal
11 government, other states or interstate agencies, inspec-
12 tion or other functions relating to control of sources of
13 radiation.

14 (c) No such agreement entered into pursuant to sub-
15 sections (a) or (b) of this section shall transfer, dele-
16 gate to or impose upon the department any power, authority
17 or responsibility not fully consistent with the provisions
18 of this act.

19 9-160.18:13. Radiation control agency; powers and
20 duties.

21 (a) The department is hereby designated as the
22 Wyoming radiation control agency.

1 (b) Pursuant to rules and regulations as provided in
2 W.S. 9-160.18:14, the department shall issue licenses per-
3 taining to radioactive materials and require registration
4 of other sources of radiation. No other agency or polit-
5 ical subdivision of this state shall have such power or
6 authority.

7 (c) The department shall develop and conduct pro-
8 grams for evaluation and control of hazards associated
9 with the use of any and all sources of radiation.

10 (d) The department may institute training programs
11 for the purpose of qualifying personnel to carry out the
12 provisions of this act and may make the personnel avail-
13 able for participation in any program or programs of the
14 federal government, other states or interstate agencies in
15 furtherance of the purposes of this act.

16 (e) In the event of any emergency relating to any
17 source of radiation which endangers the public welfare,
18 health or safety, the department may issue such orders for
19 the protection of the public health and safety as may be
20 appropriate, including orders to lay an embargo upon or
21 impound radioactive materials and other sources of radia-
22 tion in the possession of any person who is not equipped
23 to observe or who fails to observe the provisions of this

1 act or any rules or regulations promulgated under this
2 act.

3 (f) Reasonable rights of access are hereby granted
4 to the department wherein sources of radiation are
5 believed to be located for the purpose of inspection and
6 determination whether violations involving provisions of
7 this act and rules adopted pursuant thereto may exist.

8 9-160.18:14. Rules and regulations to be adopted.

9 (a) The department shall formulate, adopt and
10 promulgate rules and regulations which shall cover subject
11 matter relative to radioactive materials and other sources
12 of radiation which shall include, but not be limited to:

13 (i) Licenses and registration;

14 (ii) Records;

15 (iii) Permissible levels of exposure;

16 (iv) Notification and reports of accidents;

17 (v) Technical qualifications of personnel;

18 (vi) Handling;

19 (vii) Exempt quantities of radioactive mate-
20 rials;

- 1 (viii) Transportation and storage;
- 2 (ix) Waste disposal;
- 3 (x) Posting and labeling of hazardous sources
4 and areas;
- 5 (xi) Surveys; and
- 6 (xii) Monitoring.

7 (b) The rules and regulations adopted pursuant to
8 this act shall not be construed to limit the kind or
9 amount of radiation that may be intentionally applied to a
10 person for diagnostic or therapeutic purposes by or under
11 direction of a duly licensed practitioner of the healing
12 arts.

13 (c) Any person, who on the effective date of an
14 agreement under W.S. 9-160.18:12 possesses a license
15 issued by the federal government is deemed to possess an
16 identical license issued pursuant to this act subject to
17 termination upon ninety (90) days written notice of termi-
18 nation from the department.

19 (d) In adopting, changing or revoking rules and
20 regulations the department shall comply with the provi-
21 sions of the Wyoming Administrative Procedure Act.

1 9-160.18:15. Radiation advisory committee. The
2 governor shall appoint a radiation advisory committee of
3 five (5) members, one (1) of whom shall be a physician
4 with specialty in radiology; one (1) of whom shall be a
5 doctor of dentistry; and one (1) of whom shall be from an
6 industry which utilizes radiation sources. Members of the
7 committee shall serve at the discretion of the governor
8 and shall be reimbursed mileage, per diem and expenses
9 while traveling to and from and for attendance at meetings
10 in the same manner and amount as state employees. The
11 committee shall furnish to the department such technical
12 advice as may be desirable or required on matters relating
13 to the radiation control program.

14 9-160.18:16. Injunction proceedings. If in the
15 judgment of the department, any person has engaged in or
16 is about to engage in any acts or practices which consti-
17 tute a violation of any provision of this act, the attor-
18 ney general shall, at the request of the department, make
19 application to the district court for an order enjoining
20 such acts or practices or for an order directing compli-
21 ance with the provisions of this act and all rules, regu-
22 lations and orders issued pursuant thereto.

23 9-160.18:17. Prohibited acts; violations; penalties.

1 (a) No person shall acquire, own, possess or use any
2 radioactive material (with the exception of exempt quan-
3 tities as determined by the department), occurring nat-
4 urally or produced artificially without having been
5 granted a license therefor from the department nor shall
6 any person transfer to another or dispose of such material
7 without first having been granted approval of the depart-
8 ment therefor.

9 (b) No person shall knowingly use, manufacture, pro-
10 duce, transport, transfer, receive, send, acquire, own or
11 possess any source of radiation unless licensed by or
12 registered with the department.

13 (c) Any person who violates any of the provisions of
14 this act or rules, regulations or orders in effect pur-
15 suant thereto is guilty of a misdemeanor and shall, upon
16 conviction thereof, be punished by a fine not to exceed
17 five hundred dollars (\$500.00), or by imprisonment in the
18 county jail for a period not to exceed one hundred eighty
19 (180) days, or both.

20 (d) The provisions of this section are not effective
21 until ninety (90) days after rules and regulations have
22 been adopted by the department pursuant to the provisions
23 of W.S. 9-160.18:14.

1 9-160.18:18. Exemptions.

2 (a) The provisions of W.S. 9-160.18:13 and
3 9-160.18:14 are not applicable to the following sources or
4 conditions:

5 (i) Electrical or other equipment or material
6 that is not intended primarily to produce radiation and
7 that, by nature of design, does not produce radiation at
8 the point of nearest approach at a weekly rate higher than
9 one-tenth (1/10th) the appropriate limit generally
10 accepted by the medical profession for any critical organ
11 exposed. The production testing or production servicing
12 of such equipment is not exempt;

13 (ii) Radiation machines during process of
14 manufacture or in storage or transit. The production
15 testing or production servicing of such machines is not
16 exempt;

17 (iii) Any radioactive material while being
18 transported in conformity with regulations adopted by the
19 atomic energy commission or the department of transporta-
20 tion and specifically applicable to the transportation of
21 such radioactive materials;

22 (iv) Unmined minerals containing radioactive

1 materials;

2 (b) No exemptions under this section are granted for
3 those quantities or types of activities which do not
4 comply with the established rules and regulations promul-
5 gated by the atomic energy commission.

6 9-160.18:19. Declaration of policy.

7 (a) It is the policy of the state of Wyoming in fur-
8 therance of its responsibility to protect the public
9 health and safety:

10 (i) To institute and maintain a regulatory
11 program for sources of radiation so as to provide for
12 compatibility with the standards and regulatory programs
13 of the federal government, a single, effective system of
14 regulation within the state, and a system consistent inso-
15 far as possible with those of other states; and

16 (ii) To institute and maintain a program to
17 permit development and utilization of sources of radiation
18 for peaceful purposes consistent with the health and
19 safety of the public.

20 9-160.18:20. Purpose.

21 (a) It is the purpose of this act to provide:

91. B. 143

HB143H31/A

In HB143H31/A:

Delete Page 1, line 1 amendment.
Delete Page 1, line 12 amendment.
Delete Page 2, line 18 amendment.

In HB143H32/A:

Delete Page 1, line 1 amendment.
Delete Page 1, line 12 amendment.
Delete Page 2, line 13 amendment.

In HB143HW2/A:

Delete Page 1, line 1 amendment.
Delete Page 1, line 12 amendment.
Delete Page 2, line 18 amendment.

In HB143 (Original Bill):

Page 1, line 1 Delete "9-160.18:20" insert "9-160.18:16".
Page 1, line 12 Delete "9-160.18:20" insert "9-160.18:16".
Page 1, line 18 Delete "9-160.18:20" insert "9-160.18:16".

-- SIDIP

9d. R. 143

HBI43HS2/A

dit

Page 1, line 1 Delete "18.20" insert "18.16".

Page 1, line 12 Delete "18:20" insert "18:16".

Page 1, lines 3 and 4 delete.

Page 2, line 1 After "spontaneously" delete "semicolon" insert "comma" and "and is not subject to the provisions of the Atomic Energy Act of 1954, as amended;"

Page 2, line 18 Delete "18:18" insert "18:16".

Page 2, lines 19 through 22 delete.

Page 3, lines 1 through 18 delete all and renumber accordingly.

Page 4, line 2 Delete "9-160.18:14" and insert "9-160.18:13".

Page 5, between lines 7 and 8 insert:

"(g) The department may monitor and evaluate any sources exempt under W.S.9-160.18:16 and may seek appropriate injunctive relief in the district court to abate any radiation source or condition endangering the public health. This shall not constitute authority to the governor to enter into agreements for the state to assume duties relating to radiation control."

Page 6, lines 13 through 18 delete.

Page 6, line 19 Delete "(d)" insert "(c)".

Page 8, line 23 Delete "9-160.18:14" and insert "9-160.18:13".

Page 10, line 2 Delete "exemptions" insert "Exemptions". -- J.L.GRAHAM *PS*

HBI43HW1/A

1-24
dit

Page 2, line 6 Insert "comma" after "visible".

Page 2, line 13 Delete "atomic energy" insert "nuclear regulatory".

Page 5, line 4 After "department" insert "to the property". -- J.L.GRAHAM *PS*

HBI43HW2/A

1-24
dit

Page 1, line 1 Delete "18:18" insert "18.17".

Page 1, line 12 Delete "18:13" insert "18:17".

Page 2, line 18 Delete "18:18" insert "18:17".

Page 10, lines 6 through 19 - Delete and renumber section accordingly. -- SIDI *PS*

7d. B 143

1-24-75
Dist-flaw

HB143HSL/A

- Page 1, line 1 Delete "18:20" insert "18:18".
line 12 Delete "18:20" insert "18:18".
- Page 2, line 12 Delete "atomic energy" insert "nuclear
regulatory".
line 18 Delete "18:20" insert "18:18".
- Page 5, line 3 After "access" insert "during normal
business hours."
line 9 Delete "formulate," delete "and".
line 10 Delete "promulgate".
line 12 Delete "shall" insert "may".
- Page 6, line 15 At beginning of line insert "to possess
and use radioactive materials".
line 16 Delete "subject to" and insert "period".
lines 17 and 18 - Delete entire lines.
- Page 7, lines 1 through 13 - Delete all of 9-160.18:15 and
renumber accordingly.
line 19 After "court" insert "of the jurisdiction
where the alleged acts or practices occur".
- Page 8, line 4 After "artificially" insert "comma".
line 8 Delete "therefor".
line 17 Delete "five" insert "one"
Delete "(\$500.00)" insert "(\$100.00)".
- Page 9, line 17 After "material" insert "including but
not limited to mined ore".
line 18 After "transported" insert "or processed".
line 19 Delete "atomic energy" insert "nuclear
regulatory".
- Page 10, line 2 Delete "No" -- After "are" insert "not".
lines 3, 4 and 5 - Delete entire lines and insert
"activities in violation of rules and
regulations of the nuclear regulatory
commission."
line 14 Delete "comma" and "and a system consistent
inso-".
line 15 Delete "far as possible with those of
other states".
lines 20 and 21 - Delete entire lines.
- Page 11, lines 1 through 15 - Delete entire lines. --
SIDI

JAK