

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6246
BILL NUMBER: SB 186

NOTE PREPARED: Feb 24, 2010
BILL AMENDED: Feb 24, 2010

SUBJECT: Transportation of Radioactive Materials.

FIRST AUTHOR: Sen. Wyss
FIRST SPONSOR: Rep. Wolkins

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Transporting Radioactive Waste Violations*. This bill adds violations concerning the transportation of radioactive waste to the list of violations for which a truck and trailer may be stopped, inspected, and cited at a weigh station. The bill provides that the State Police Department may detain, seize, or impound a vehicle that illegally transports radioactive waste. It imposes civil penalties for the illegal transportation of radioactive waste. It specifies who may inspect motor vehicles for illegal transportation of radioactive waste. It amends IC 10-14-8 concerning the transportation of high-level radioactive waste to apply to both high- and low-level radioactive waste. It provides that the illegal transportation of radioactive waste is a Class B infraction.

Appointments. It allows certain members of local emergency planning committees and the Board of Firefighting Personnel Standards and Education to appoint designees.

Permit. The bill requires a person that transports high- or low-level radioactive waste to obtain a permit from the Department of Homeland Security (DHS).

Nuclear Response Fund. The bill imposes civil penalties for the illegal transportation of radioactive waste. It deposits civil penalties in the Nuclear Response Fund.

The bill deletes a provision that allows the DHS director to change the route of certain railway shipments. The bill specifies agents that may request copies of certain permits from shippers or carriers. The bill contains other technical corrections.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Permit.* The bill requires that a person that seeks to transport high- or low-level radioactive waste in Indiana must submit an application to the DHS in the form and manner prescribed by the DHS. This provision may result in more applications being submitted to the DHS. Any increased costs that the DHS would experience would be paid from increased fees and additional permits that are issued by the DHS.

Nuclear Response Fund. The bill provides that the Nuclear Response Fund may be used to provide appropriate education, training, and equipment to state emergency responders. Currently, only local responders are specified. The bill also specifies that money in the fund is appropriated to the DHS as opposed to the State Emergency Response Commission. These provisions should have no significant impact.

State Police Department (ISP). The ISP may detain, seize, or impound a motor vehicle and its cargo if ISP determines that the motor vehicle is involved in a violation. This requirement is within the ISP's routine functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Appointments. This provision will have no impact.

Explanation of State Revenues: *Nuclear Response Fund.* Under existing law, the DHS assesses a transportation fee of \$1,000 for each cask of nuclear waste in the shipment. The bill increases the fee to \$2,500 per truck; or, for rail shipments, \$4,500 for the first cask and \$3,000 for the second and additional casks. The DHS director must deposit fees collected in the Nuclear Response Fund. The bill also deposits civil penalties in the fund. The DHS does not currently track the shipments that will be most impacted by the proposed changes. Consequently, a fiscal impact is indeterminable.

Penalty Provision: Violators who ship radioactive waste without the proper permit commit a Class B infraction. The maximum judgment for a Class B infraction is \$1,000, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures: *Appointments.* A local emergency planning committee member may appoint a designee to act on the member's behalf. This provision should have no impact.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: ISP, DHS.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Mara Synder, DHS.

Fiscal Analyst: Bernadette Bartlett, 317-232-9586.