

**2001 DRAFTING REQUEST**

**Bill**

Received: **11/05/2001**

Received By: **rmarchan**

Wanted: **11/30/2001**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **letzing**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies: **DAK**

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Regulating sources of radiation (law revision committee)

**Instructions:**

See Attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 11/05/2001	rschluet 11/15/2001					
/P1	rmarchan 01/25/2002	gilfokm 01/28/2002	pgreensl 11/16/2001		lrb_docadmin 11/16/2001		
/1			pgreensl 01/29/2002		lrb_docadmin 01/29/2002	lrb_docadmin 01/31/2002	

FE Sent For:

<END>

Not Needed

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/P1		1-1/28 King		pgreensl 11/16/2001	1/29 [Signature] lrb_docadmin 11/16/2001		
FE Sent For:				1/29 P8	pg/ch		

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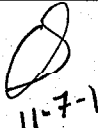
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Instructions:

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/?	rmarchan	 11-7-1	11/16 PS	11/16 PST			

FE Sent For:

<END>

**Marchant, Robert**

---

**From:** Letzing, Rachel  
**Sent:** Monday, November 05, 2001 8:26 AM  
**To:** Marchant, Robert  
**Subject:** law revision request



radiation  
technical.doc

Hi Rob,

Attached is a remedial legislation proposal that DHFS submitted at our request. Could you please draft this as a bill to be reviewed by the law revision committee? If it could be done by the meeting Dec. 11, that would be great. Thank you!

Rachel E. Letzing  
Legislative Council Staff  
(608) 266-3370  
rachel.letzing@legis.state.wi.us

-----Original Message-----

**From:** Pederson, Russell  
**Sent:** Thursday, November 01, 2001 10:34 AM  
**To:** Letzing, Rachel  
**Cc:** Kiesow, John  
**Subject:** RE: DHFS: Repeal of s. 101.55

Hi Rachel,

I have attached the ch. 101 proposal. Let me know if you need a more formal cover letter. We would like to forward 2 or 3 more (by the end of the week).

Thanks for your help.

Russ

>>> Letzing, Rachel 10/31/01 03:09PM >>>

Russ,  
How many additional proposals do you have? If it's 2 or 3 that can be drafted in time for the next meeting (Dec. 5), it should be fine.

Rachel

-----Original Message-----

**From:** Pederson, Russell  
**Sent:** Wednesday, October 31, 2001 12:15 PM  
**To:** Letzing, Rachel  
**Subject:** RE: DHFS: Repeal of s. 101.55

Rachel,

In addition to this proposal, will other proposed changes be accepted for

review? Thanks-

-RP  
>>> Letzing, Rachel 10/15/01 04:51PM >>>  
Thanks, Russ. I think this should be a remedial proposal from DHFS,  
submitted  
to Leg. Council in the usual way. Then the Law Revision Committee can  
review  
it at the next meeting. This will be drafted as a separate bill for the  
department. As soon as the department can draft a proposal, we'll move  
forward.

Rachel

-----Original Message-----

From: Pederson, Russell  
Sent: Monday, October 15, 2001 4:16 PM  
To: Letzing, Rachel  
Subject: DHFS: Repeal of s. 101.55

Hi Rachel,

We agree the section should and needs to be repealed. Thanks for your  
catch;  
will this be for the Revisor's or Remedial bill?

Please let me know if there is anything I can do to assist.

RP

**Department of Health and Family Services**  
**2001-2003 Remedial Legislation Statutory Language Request**  
November 5, 2001

**Title:** Regulation of Radioactive Material – Agreement State

**Current Language:** S. 101.55 of the Statutes directs that when the joint legislative council determines that it is in the interest of the state to enter into an agreement with the federal Nuclear Regulatory Commission (NRC) to assume regulation of certain sources of ionizing radiation, it shall convey its determination to the Governor together with an estimate of the fiscal impact, and after a finding by both the Governor and NRC as to the adequacy of the state's program, the Governor may enter into an agreement for state assumption.

In addition, s. 254.335(1) of the Statutes provides the Governor the authority to enter into agreements with the NRC, as provided under federal regulations, to assume regulation of certain sources of ionizing radiation.

**The Administrative or Substantive Problem with the Current Statutes:** S. 101.55 is redundant and inappropriate since the Governor has the authority to enter into an agreement with the NRC under s. 254.335(1) and previous legislation (1999-01 biennial budget bill) has established the funding and authority to allow the state to enter the agreement and assume regulation in the allowed areas.

**Statutory Changes Requested:** Delete s. 101.55 of the Statutes.

**Rationale for the Change** S. 101.55 was established in 1977 when the regulatory authority over radioactive materials was statutorily shared with the Department of Commerce. In September, 1998, the Governor requested the assistance of the NRC in pursuing an agreement to transfer authority for the regulation of certain radioactive materials to the State of Wisconsin under Section 274B of the Atomic Energy Act of 1954, as amended. The Governor also directed DHFS to pursue the agreement. The 1999-01 biennial budget act amended statutory provisions relating to radiation regulation to: (a) add radioactive materials licensing, enforcement and other authority necessary for Wisconsin to become an agreement state with the NRC; (b) designated DHFS as the state radiation control agency; and (c) removed all reference to the Department of Commerce as having regulatory authority over sources of ionizing radiation; and (d) provided clear authority under s. 254.335(1) for the Governor to enter into the agreement. As a result, s. 101.55 is unnecessary and no longer appropriate.

**Estimate of the Fiscal Effect of the Change**

None.

**Desired Effective Date:** Upon enactment

**Agency:** DPH

**Agency Contact:** Paul Schmidt

**Phone:** 267-4792





*Am NR  
152 notes  
img*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*D-NOTE*

*Gen*

1 AN ACT ...; relating to: the regulation of certain sources of ionizing radiation  
2 (suggested as remedial legislation by the department of health and family  
3 services).

*enter into an agreement with the federal government for state regulation of*

**Analysis by the Legislative Reference Bureau**

*Such an agreement*

Currently, two separate statutes grant the governor authority to regulate certain sources of ionizing radiation. One of the statutes authorizes the governor to enter into agreements with the federal nuclear regulatory commission to assume regulation of certain sources of ionizing radiation. The other statute authorizes the governor to enter into a similar agreement after the governor receives, along with other information, notice from the joint legislative council that it is in the interest of the state to enter into such an agreement.

*Thus*

This bill repeals the statute requiring action by the joint legislative council. Under this bill, the governor may enter into agreements with the federal nuclear regulatory commission to assume regulation of certain sources of ionizing radiation, regardless of whether the governor receives a notice or other information from the joint legislative council.

*receives*

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4188/7da P1 In

RJM:.....

*RS King*

Date

Rachel:

The attached draft is in preliminary form. Please forward your NOTES to me for inclusion in the draft and I will redraft it in introducible form.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4188/P1dn  
RJM:rs&kmg:pg

November 16, 2001

Rachel:

The attached draft is in preliminary form. Please forward your NOTES to me for inclusion in the draft and I will redraft it in introducible form.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

## Marchant, Robert

---

**From:** Zavos, Nicholas  
**Sent:** Friday, January 25, 2002 12:32 PM  
**To:** Marchant, Robert  
**Subject:** When it rains, it pours

I can't imagine law revision drafts are much fun to work on, so I apologize for dumping even more on you. This should be the last one. The committee approved LRB-4188 for introduction. I have attached the section note. Let me know if you have any questions. Thanks for your help. Have a good weekend.



Section Notes -  
DHFS.doc

*Nicholas R. Zavos*  
Staff Attorney  
Wisconsin Legislative Council  
(608) 266-1308  
nicholas.zavos@legis.state.wi.us

stays

RWR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

IN 1-25

note: standard

1     **AN ACT to repeal** 101.55 of the statutes; **relating to:** the regulation of certain  
 2           sources of ionizing radiation (suggested as remedial legislation by the  
 3           department of health and family services).

***Analysis by the Legislative Reference Bureau***

Currently, two separate statutes grant the governor authority to enter into an agreement with the federal government for state regulation of certain sources of ionizing radiation. One of the statutes authorizes the governor to enter into such an agreement with the federal nuclear regulatory commission. The other statute authorizes the governor to enter into a similar agreement after the governor receives, along with other information, notice from the joint legislative council that it is in the interest of the state to enter into such an agreement.

This bill repeals the statute requiring action by the joint legislative council. Thus, under this bill, the governor may enter into agreements with the federal nuclear regulatory commission to assume regulation of certain sources of ionizing radiation, regardless of whether the governor receives a notice or other information from the joint legislative council.

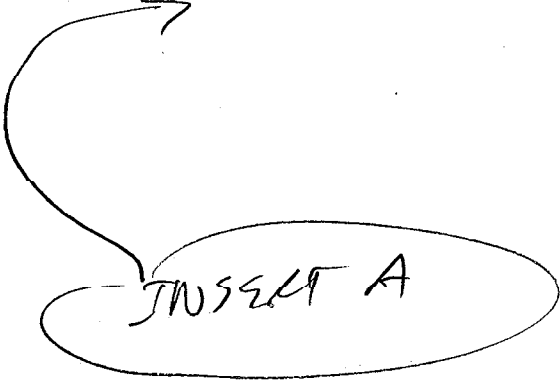
For further information, see the NOTE<sup>(S)</sup> provided by the law revision committee of the joint legislative council.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 SECTION 1. 101.55 of the statutes is repealed.

2 (END)



INSERT A

Section Notes

TWSEFTA

LRB-4188

NOTE:

Under current law, two separate statutes grant the governor authority to enter into an agreement with the federal government for state regulation of certain sources of ionizing radiation. One authorizes the governor to enter into such an agreement with the federal nuclear regulatory commission. The other authorizes the governor to enter into a similar agreement after the governor receives, among other things, notice from the joint legislative council that it is in the interest of the state to enter into such an agreement. Section 1 repeals the statute that requires a recommendation from the joint legislative council.



**Emery, Lynn**

---

**From:** Marchant, Robert  
**Sent:** Thursday, January 31, 2002 9:41 AM  
**To:** Emery, Lynn  
**Cc:** Zavos, Nicholas  
**Subject:** Jacketing request

Lynn--

Could you please Jacket LRB-4188 for Nick Zavos at LCS for introduction in the Assembly? Thanks.

Robert J. Marchant  
Legislative Attorney  
State of Wisconsin Legislative Reference Bureau  
608-261-4454