

Clearinghouse Rule 95-174

CERTIFICATE

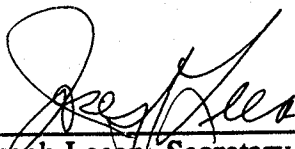
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES )

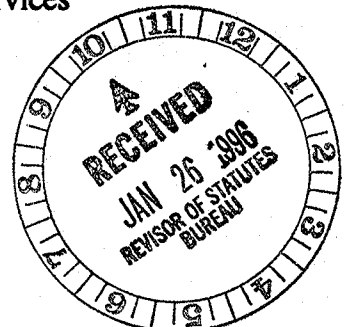
I, Joseph Leean, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to fees for registration of ionizing radiation installations were duly approved and adopted by this Department on January 26, 1996.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 26th day of January, 1996.

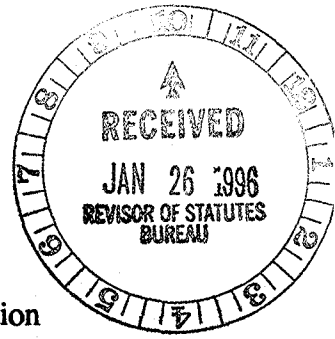
SEAL:

  
\_\_\_\_\_  
Joseph Leean, Secretary  
Department of Health and Social Services



4-1-96  
95-174

**ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
CREATING RULES**



To create HSS 157.035, relating to fees for registration of ionizing radiation installations.

Analysis Prepared by the Department of Health and Social Services

The Department under ch. HSS 157 regulates radiation-producing devices and radioactive materials in the interests of protecting the public from being exposed to ionizing radiation in amounts that are or may be detrimental to health.

A radiation installation, as defined in ch. HSS 157, is any location or facility where there is a device that when in use produces radiation, such as medical or dental x-ray equipment, or where radioactive material is produced, stored, disposed of or used for any purpose. Under s. 254.35, Stats., every ionizing radiation installation in the state has to be registered with the Department except an installation licensed by the U.S. Nuclear Regulatory Commission, and the registration has to be renewed by January 1 of each year, except in the case of a source of radiation devoted primarily to industrial purposes. A notice of registration must be in the possession of the person directly responsible for the radiation installation.

There is an annual fee charged by the Department for registration of a radiation installation. Registration fees are specified in s. 254.35 (3), Stats., by type of installation. The current statute-set fees date from 1985. Under s. 254.35 (3), Stats., each site pays a basic registration fee of \$25. In addition, each dental site pays \$20 for each x-ray tube and each non-dental site pays \$30 for each x-ray tube. There are currently over 4600 radiation installations in the state and 11,500 x-ray tubes.

The statute-set registration fees were changed in 1985 to the current amounts, with the maximum fee for a facility eliminated. The same session law created what is now s. 254.35 (3) (g), Stats., which permits the Department to raise those fees by promulgating rules that do that. This order raises the fees to bring revenues into line with expenditures. Under the statute-set fee schedule, the projected revenues for 1996 would be about \$400,000 while expenditures would be over \$600,000. Program revenues are expected to pay for this regulatory program. Therefore the Department through this order is raising the annual fees for registration of radiation installations. For calendar year 1996, the fees will be \$32 for each dental site and \$26 for each dental x-ray tube, and \$32 for each non-dental site and \$39 for each non-dental x-ray tube. Beginning January 1, 1997, the fees will be \$36 for each dental site and \$30 for each dental x-ray tube, and \$36 for each non-dental site and \$44 for each non-dental x-ray tube.

The Department's authority to create these rules is found in s.254.35(3)(g), Stats. The rules interpret s.254.35(3), Stats.

**SECTION 1. HSS 157.035 is created to read:**

HSS 157.035 REGISTRATION FEE. (1) In this section, "site" means street address.

(2) This section establishes fees for the annual registration of ionizing radiation installations. Pursuant to s 254.35(3)(g), Stats., the fees in this section replace the fees set out in s. 254.35(3)(a) to (f)., Stats.

(3) An annual registration fee under this section shall be levied for each site, as follows:

(a) For a medical, chiropractic, podiatric, veterinary, industrial, school, research project or other non-dental site having an ionizing radiation installation or radioactive materials in any quantity, the annual fee shall be as follows:

1. For the calendar year beginning January 1, 1996, to December 31, 1996, \$32 for the site and \$39 for each x-ray tube at the site; and

2. Beginning January 1, 1997, \$36 for each site and \$44 for each x-ray tube at the site.

(b) For a dental site having an ionizing radiation installation, the annual fee shall be as follows:

1. For the calendar year beginning January 1, 1996 to December 31, 1996, \$32 for the site and \$26 for each x-ray tube at the site; and

2. Beginning January 1, 1997, \$36 for each site and \$30 for each x-ray tube at the site.

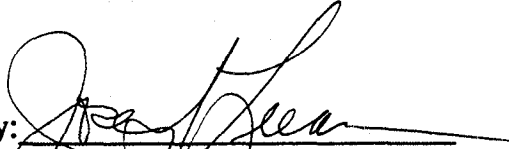
(4) The annual registration fee for the next year shall be paid by December 31 of the prior year of registration, and following receipt of the registration fee the department shall issue a new notice of registration. If the annual registration fee for the next year is not received by the department by December 31 of the prior year of registration, the department shall require payment of a penalty fee of \$25, in addition to the registration fee and regardless of the number of x-ray tubes, before issuing the new notice of registration.

(5) Any change in registration information shall be submitted to the department within 30 days after the change takes place. There is no fee for recording changes in registration information.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and  
Social Services

Dated: January 26, 1996

By:   
Joseph Lekan  
Secretary

SEAL:



State of Wisconsin  
**Department of Health and Social Services**

Tommy G. Thompson, Governor  
Joe Lekan, Secretary

January 26, 1996

Mr. Bruce E. Munson  
Revisor of Statutes  
131 W. Wilson St., Suite 800  
Madison, WI 53703

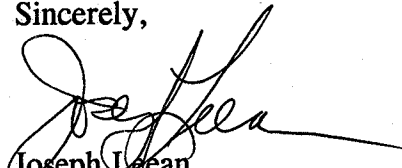


Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of s. HSS 157.035, administrative rules relating to fees for registration of ionizing radiation installations.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,



Joseph Lekan  
Secretary

Enclosure