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1 AMENDMENT TO SENATE BILL 3201

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3201 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Nuclear Safety Law of 2004.

6 Section 5. Cross references. The Illinois Emergency  
7 Management Agency shall exercise, administer, and enforce all  
8 rights, powers, and duties vested in Department of Nuclear  
9 Safety by the following named Acts or Sections of those Acts:

- 10 (1) The Radiation Protection Act of 1990.
- 11 (2) The Radioactive Waste Storage Act.
- 12 (3) The Personnel Radiation Monitoring Act.
- 13 (4) The Laser System Act of 1997.
- 14 (5) The Illinois Nuclear Safety Preparedness Act.
- 15 (6) The Radioactive Waste Compact Enforcement Act.
- 16 (7) Illinois Low-Level Radioactive Waste Management  
17 Act.
- 18 (8) Illinois Nuclear Facility Safety Act.
- 19 (9) Radioactive Waste Tracking and Permitting Act.
- 20 (10) Radon Industry Licensing Act.
- 21 (11) Uranium and Thorium Mill Tailings Control Act.

22 Section 10. Nuclear and radioactive materials disposal.  
23 The Illinois Emergency Management Agency shall formulate a

1 comprehensive plan regarding disposal of nuclear and  
2 radioactive materials in this State. The Illinois Emergency  
3 Management Agency shall establish minimum standards for  
4 disposal sites, shall evaluate and publicize potential effects  
5 on the public health and safety, and shall report to the  
6 Governor and General Assembly all violations of the adopted  
7 standards. In carrying out this function, the Illinois  
8 Emergency Management Agency shall work in cooperation with the  
9 Radiation Protection Advisory Council.

10 Section 15. Radiation sources; radioactive waste disposal.  
11 The Illinois Emergency Management Agency, instead of the  
12 Department of Nuclear Safety, shall register, license,  
13 inspect, and control radiation sources, shall purchase, lease,  
14 accept, or acquire lands, buildings, and grounds where  
15 radioactive wastes can be disposed, and shall supervise and  
16 regulate the operation of the disposal sites.

17 Section 20. Nuclear waste sites.

18 (a) The Illinois Emergency Management Agency shall conduct  
19 a survey and prepare and publish a list of sites in the State  
20 where nuclear waste has been deposited, treated, or stored.

21 (b) The Illinois Emergency Management Agency shall monitor  
22 nuclear waste processing, use, handling, storage, and disposal  
23 practices in the State, and shall determine existing and  
24 expected rates of production of nuclear wastes.

25 (c) The Illinois Emergency Management Agency shall compile  
26 and make available to the public an annual report identifying  
27 the type and quantities of nuclear waste generated, stored,  
28 treated, or disposed of within this State and containing the  
29 other information required to be collected under this Section.

30 Section 25. Boiler and pressure vessel safety. The Illinois  
31 Emergency Management Agency shall exercise, administer, and

1 enforce all of the following rights, powers, and duties:

2 (1) Rights, powers, and duties vested in the Department  
3 of Nuclear Safety by the Boiler and Pressure Vessel Safety  
4 Act prior to the abolishment of the Department of Nuclear  
5 Safety, to the extent the rights, powers, and duties relate  
6 to nuclear steam-generating facilities.

7 (2) Rights, powers, and duties relating to nuclear  
8 steam-generating facilities vested in the Department of  
9 Nuclear Safety by the Boiler and Pressure Vessel Safety Act  
10 prior to the abolishment of the Department of Nuclear  
11 Safety, which include but are not limited to the  
12 formulation of definitions, rules, and regulations for the  
13 safe and proper construction, installation, repair, use,  
14 and operation of nuclear steam-generating facilities, the  
15 adoption of rules for already installed nuclear  
16 steam-generating facilities, the adoption of rules for  
17 accidents in nuclear steam-generating facilities, the  
18 examination for or suspension of inspectors' licenses of  
19 the facilities, and the hearing of appeals from decisions  
20 relating to the facilities.

21 (3) Rights, powers, and duties relating to nuclear  
22 steam-generating facilities, vested in the State Fire  
23 Marshal, the Chief Inspector, or the Department of Nuclear  
24 Safety prior to its abolishment, by the Boiler and Pressure  
25 Vessel Safety Act, which include but are not limited to the  
26 employment of inspectors of nuclear steam-generating  
27 facilities, issuance or suspension of their commissions,  
28 prosecution of the Act or rules promulgated thereunder for  
29 violations by nuclear steam-generating facilities,  
30 maintenance of inspection records of all the facilities,  
31 publication of rules relating to the facilities, having  
32 free access to the facilities, issuance of inspection  
33 certificates of the facilities, and the furnishing of bonds  
34 conditioned upon the faithful performance of their duties.

1           The Director of Illinois Emergency Management Agency may  
2           designate a Chief Inspector, or other inspectors, as he or  
3           she deems necessary to perform the functions transferred by  
4           this Section.

5           The transfer of rights, powers, and duties specified in  
6           paragraphs (1), (2), and (3) is limited to the program  
7           transferred by this Act and shall not be deemed to abolish or  
8           diminish the exercise of those same rights, powers, and duties  
9           by the Office of the State Fire Marshal, the Board of Boiler  
10          and Pressure Vessel Rules, the State Fire Marshal, or the Chief  
11          Inspector with respect to programs retained by the Office of  
12          the State Fire Marshal.

13          Section 30. Powers vested in Environmental Protection  
14          Agency.

15          (a) The Illinois Emergency Management Agency shall  
16          exercise, administer, and enforce all rights, powers, and  
17          duties vested in the Environmental Protection Agency by  
18          paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q,  
19          and r of Section 4 and by Sections 30 through 45 of the  
20          Environmental Protection Act, to the extent that these powers  
21          relate to standards of the Pollution Control Board adopted  
22          under Section 35 of this Act. The transfer of rights, powers,  
23          and duties specified in this Section is limited to the programs  
24          transferred by Public Act 81-1516 and this Act and shall not be  
25          deemed to abolish or diminish the exercise of those same  
26          rights, powers, and duties by the Environmental Protection  
27          Agency with respect to programs retained by the Environmental  
28          Protection Agency.

29          (b) Notwithstanding provisions in Sections 4 and 17.7 of  
30          the Environmental Protection Act, the Environmental Protection  
31          Agency is not required to perform analytical services for  
32          community water supplies to determine compliance with  
33          contaminant levels for radionuclides as specified in State or

1 federal drinking water regulations.

2 (c) Community water supplies may request the Illinois  
3 Emergency Management Agency to perform analytical services to  
4 determine compliance with contaminant levels for radionuclides  
5 as specified in State or federal drinking water regulations.  
6 The Illinois Emergency Management Agency must adopt rules  
7 establishing reasonable fees reflecting the direct and  
8 indirect cost of testing community water supply samples. The  
9 rules may require a community water supply to commit to  
10 participation in the Illinois Emergency Management Agency's  
11 testing program. Neither the Illinois Emergency Management  
12 Agency nor the Environmental Protection Agency is required to  
13 perform analytical services to determine contaminant levels  
14 for radionuclides from any community water supply that does not  
15 participate in the Illinois Emergency Management Agency's  
16 testing program.

17 Community water supplies that choose not to participate in  
18 the Illinois Emergency Management Agency's testing program or  
19 do not pay the fees established by the Illinois Emergency  
20 Management Agency shall have the duty to analyze all drinking  
21 water samples as required by State or federal safe drinking  
22 water regulations to determine radionuclide contaminant  
23 levels.

24 Section 35. Pollution Control Board regulations concerning  
25 nuclear plants. The Illinois Emergency Management Agency shall  
26 enforce the regulations promulgated by the Pollution Control  
27 Board under Section 25b of the Environmental Protection Act.  
28 Under these regulations the Illinois Emergency Management  
29 Agency shall require that a person, corporation, or public  
30 authority intending to construct a nuclear steam-generating  
31 facility or a nuclear fuel reprocessing plant file with the  
32 Illinois Emergency Management Agency an environmental  
33 feasibility report that incorporates the data provided in the

1 preliminary safety analysis required to be filed with the  
2 United States Nuclear Regulatory Commission.

3 Section 40. Regulation of nuclear safety. The Illinois  
4 Emergency Management Agency shall have primary responsibility  
5 for the coordination and oversight of all State governmental  
6 functions concerning the regulation of nuclear power,  
7 including low level waste management, environmental  
8 monitoring, and transportation of nuclear waste. Functions  
9 performed by the Department of State Police and the Department  
10 of Transportation in the area of nuclear safety, on the  
11 effective date of this Act, may continue to be performed by  
12 these agencies but under the direction of the Illinois  
13 Emergency Management Agency. All other governmental functions  
14 regulating nuclear safety shall be coordinated by Illinois  
15 Emergency Management Agency.

16 Section 45. Appointment of Assistant Director. The  
17 Assistant Director shall be an officer appointed by the  
18 Governor, with the advice and consent of the Senate, and shall  
19 serve for a term of 2 years beginning on the third Monday in  
20 January of the odd-numbered year, and until a successor is  
21 appointed and has qualified; except that the first Assistant  
22 Director under this Act shall be the Director of Nuclear  
23 Safety. The Assistant Director shall not hold any other  
24 remunerative public office. The Assistant Director shall  
25 receive an annual salary as set by the Governor from time to  
26 time or the amount set by the Compensation Review Board,  
27 whichever is higher. If set by the Governor, the Assistant  
28 Director's annual salary may not exceed 85% of the Governor's  
29 annual salary.

30 Section 50. Personnel transferred. Personnel previously  
31 assigned to the programs transferred from the Department of

1 Nuclear Safety are hereby transferred to the Illinois Emergency  
2 Management Agency. The rights of the employees, the State, and  
3 executive agencies under the Personnel Code, any collective  
4 bargaining agreement, or any pension, retirement, or annuity  
5 plan shall not be affected by this Act.

6 Section 55. Records and property transferred. All books,  
7 records, papers, documents, property (real or personal),  
8 unexpended appropriations, and pending business in any way  
9 pertaining to the rights, powers, and duties transferred by  
10 this Act shall be delivered and transferred to the Illinois  
11 Emergency Management Agency.

12 Section 60. Data available to Department of Public Health.  
13 All files, records, and data gathered by or under the direction  
14 or authority of the Director under the Civil Administrative  
15 Code of Illinois shall be made available to the Department of  
16 Public Health under the Illinois Health and Hazardous  
17 Substances Registry Act.

18 Section 65. Nuclear accident plan. The Illinois Emergency  
19 Management Agency shall have primary responsibility to  
20 formulate a comprehensive emergency preparedness and response  
21 plan for any nuclear accident. The Illinois Emergency  
22 Management Agency shall also train and maintain an emergency  
23 response team.

24 Section 70. Nuclear and radioactive materials  
25 transportation plan. The Illinois Emergency Management Agency  
26 shall formulate a comprehensive plan regarding the  
27 transportation of nuclear and radioactive materials in  
28 Illinois. The Illinois Emergency Management Agency shall have  
29 primary responsibility for all State governmental regulation  
30 of the transportation of nuclear and radioactive materials,

1 insofar as the regulation pertains to the public health and  
2 safety. This responsibility shall include but not be limited to  
3 the authority to oversee and coordinate regulatory functions  
4 performed by the Department of Transportation, the Department  
5 of State Police, and the Illinois Commerce Commission.

6 Section 75. State nuclear power policy. The Illinois  
7 Emergency Management Agency, in cooperation with the  
8 Department of Natural Resources, shall study (i) the impact and  
9 cost of nuclear power and compare these to the impact and cost  
10 of alternative sources of energy, (ii) the potential effects on  
11 the public health and safety of all radioactive emissions from  
12 nuclear power plants, and (iii) all other factors that bear on  
13 the use of nuclear power or on nuclear safety. The Illinois  
14 Emergency Management Agency shall formulate a general nuclear  
15 policy for the State based on the findings of the study. The  
16 policy shall include but not be limited to the feasibility of  
17 continued use of nuclear power, effects of the use of nuclear  
18 power on the public health and safety, minimum acceptable  
19 standards for the location of any future nuclear power plants,  
20 and rules and regulations for the reporting by public utilities  
21 of radioactive emissions from power plants. The Illinois  
22 Emergency Management Agency shall establish a reliable system  
23 for communication between the public and the Illinois Emergency  
24 Management Agency and for dissemination of information by the  
25 Illinois Emergency Management Agency. The Illinois Emergency  
26 Management Agency shall publicize the findings of all studies  
27 and make the publications reasonably available to the public.

28 Section 80. No accreditation, certification, or  
29 registration if in default on educational loan. The Illinois  
30 Emergency Management Agency shall not issue or renew to any  
31 individual any accreditation, certification, or registration  
32 (but excluding registration under Section 24.7 of the Radiation



1 Protection Act of 1990) otherwise issued by the Illinois  
2 Emergency Management Agency if the individual has defaulted on  
3 an educational loan guaranteed by the Illinois Student  
4 Assistance Commission; however, the Agency may issue or renew  
5 an accreditation, certification, or registration if the  
6 individual has established a satisfactory repayment record as  
7 determined by the Illinois Student Assistance Commission.  
8 Additionally, any accreditation, certification, or  
9 registration issued by the Illinois Emergency Management  
10 Agency (but excluding registration under Section 24.7 of the  
11 Radiation Protection Act of 1990) may be suspended or revoked  
12 if the Illinois Emergency Management Agency, after the  
13 opportunity for a hearing under the appropriate accreditation,  
14 certification, or registration Act, finds that the holder has  
15 failed to make satisfactory repayment to the Illinois Student  
16 Assistance Commission for a delinquent or defaulted loan as  
17 determined by the Illinois Student Assistance Commission.

18 Section 85. Saving clause.

19 (a) The rights, powers and duties transferred to the  
20 Illinois Emergency Management Agency by this Act shall be  
21 vested in and shall be exercised by the Illinois Emergency  
22 Management Agency. Each act done in exercise of such rights,  
23 powers, and duties shall have the same legal effect as if done  
24 by the Department of Nuclear Safety, its divisions, officers,  
25 or employees.

26 (b) Every person or corporation shall be subject to the  
27 same obligations and duties and any penalties, civil or  
28 criminal, arising therefrom, and shall have the same rights  
29 arising from the exercise of such powers, duties, rights and  
30 responsibilities as had been exercised by the Department of  
31 Nuclear Safety, its divisions, officers or employees.

32 (c) Every officer of the Illinois Emergency Management  
33 Agency shall, for any offense, be subject to the same penalty

1 or penalties, civil or criminal, as are prescribed by existing  
2 law for the same offense by any officer whose powers or duties  
3 were transferred under this Act.

4 (d) Whenever reports or notices are now required to be made  
5 or given or papers or documents furnished or served by any  
6 person to or upon the agencies and officers transferred by this  
7 Act, the same shall be made, given, furnished, or served in the  
8 same manner to or upon the Illinois Emergency Management  
9 Agency.

10 (e) This Act shall not affect any act done, ratified, or  
11 canceled or any right occurring or established or any action or  
12 proceeding had or commenced in an administrative, civil, or  
13 criminal cause regarding the Department of Nuclear Safety  
14 before this Act takes effect, but such actions or proceedings  
15 may be prosecuted and continued by the Illinois Emergency  
16 Management Agency.

17 (f) Any rules of the Department of Nuclear Safety that are  
18 in full force on the effective date of this Act and that have  
19 been duly adopted by the Illinois Emergency Management Agency  
20 shall become the rules of the Illinois Emergency Management  
21 Agency. This Act shall not affect the legality of any such  
22 rules in the Illinois Administrative Code. Any proposed rules  
23 filed with the Secretary of State by the Department of Nuclear  
24 Safety that are pending in the rulemaking process on the  
25 effective date of this Act, shall be deemed to have been filed  
26 by the Illinois Emergency Management Agency. As soon as  
27 practicable hereafter, the Illinois Emergency Management  
28 Agency shall revise and clarify the rules transferred to it  
29 under this Act to reflect the reorganization of rights, powers,  
30 and duties effected by this Act using the procedures for  
31 recodification of rules available under the Illinois  
32 Administrative Procedure Act, except that existing title,  
33 part, and section numbering for the affected rules may be  
34 retained. The Illinois Emergency Management Agency may propose

1 and adopt under the Illinois Administrative Procedure Act such  
2 other rules of the reorganized agencies that will now be  
3 administered by the Illinois Emergency Management Agency.

4 (g) If any provision of this Act or its application to any  
5 person or circumstances is held invalid by any court of  
6 competent jurisdiction, this invalidity does not effect any  
7 other provision or application. To achieve this purpose, the  
8 provisions of this Act are declared to be severable.

9 Section 905. The Civil Administrative Code of Illinois is  
10 amended by changing Sections 5-15, 5-20, and 5-160 as follows:

11 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

12 Sec. 5-15. Departments of State government. The  
13 Departments of State government are created as follows:

14 The Department on Aging.

15 The Department of Agriculture.

16 The Department of Central Management Services.

17 The Department of Children and Family Services.

18 The Department of Commerce and Economic Opportunity.

19 The Department of Corrections.

20 The Department of Employment Security.

21 The Emergency Management Agency.

22 The Department of Financial Institutions.

23 The Department of Human Rights.

24 The Department of Human Services.

25 The Department of Insurance.

26 The Department of Labor.

27 The Department of the Lottery.

28 The Department of Natural Resources.

29 ~~The Department of Nuclear Safety.~~

30 The Department of Professional Regulation.

31 The Department of Public Aid.

32 The Department of Public Health.

1           The Department of Revenue.  
2           The Department of State Police.  
3           The Department of Transportation.  
4           The Department of Veterans' Affairs.  
5       (Source: P.A. 93-25, eff. 6-20-03.)

6           (20 ILCS 5/5-20) (was 20 ILCS 5/4)

7           Sec. 5-20. Heads of departments. Each department shall have  
8       an officer as its head who shall be known as director or  
9       secretary and who shall, subject to the provisions of the Civil  
10      Administrative Code of Illinois, execute the powers and  
11      discharge the duties vested by law in his or her respective  
12      department.

13          The following officers are hereby created:

14          Director of Aging, for the Department on Aging.

15          Director of Agriculture, for the Department of  
16      Agriculture.

17          Director of Central Management Services, for the  
18      Department of Central Management Services.

19          Director of Children and Family Services, for the  
20      Department of Children and Family Services.

21          Director of Commerce and Economic Opportunity, for the  
22      Department of Commerce and Economic Opportunity.

23          Director of Corrections, for the Department of  
24      Corrections.

25          Director of Emergency Management Agency, for the Emergency  
26      Management Agency.

27          Director of Employment Security, for the Department of  
28      Employment Security.

29          Director of Financial Institutions, for the Department of  
30      Financial Institutions.

31          Director of Human Rights, for the Department of Human  
32      Rights.

33          Secretary of Human Services, for the Department of Human

1 Services.

2 Director of Insurance, for the Department of Insurance.

3 Director of Labor, for the Department of Labor.

4 Director of the Lottery, for the Department of the Lottery.

5 Director of Natural Resources, for the Department of  
6 Natural Resources.

7 ~~Director of Nuclear Safety, for the Department of Nuclear~~  
8 ~~Safety.~~

9 Director of Professional Regulation, for the Department of  
10 Professional Regulation.

11 Director of Public Aid, for the Department of Public Aid.

12 Director of Public Health, for the Department of Public  
13 Health.

14 Director of Revenue, for the Department of Revenue.

15 Director of State Police, for the Department of State  
16 Police.

17 Secretary of Transportation, for the Department of  
18 Transportation.

19 Director of Veterans' Affairs, for the Department of  
20 Veterans' Affairs.

21 (Source: P.A. 93-25, eff. 6-20-03.)

22 (20 ILCS 5/5-160) (was 20 ILCS 5/5.13h)

23 Sec. 5-160. In the Emergency Management Agency ~~Department~~  
24 ~~of Nuclear Safety~~. Assistant Director of the Emergency  
25 Management Agency ~~Nuclear Safety~~.

26 (Source: P.A. 91-239, eff. 1-1-00.)

27 (20 ILCS 2005/Act rep.)

28 Section 910. The Department of Nuclear Safety Law of the  
29 Civil Administrative Code of Illinois is repealed.

30 Section 915. The Illinois Nuclear Safety Preparedness Act  
31 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, and 10 as

1 follows:

2 (420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

3 Sec. 3. Definitions. Unless the context otherwise clearly  
4 requires, as used in this Act:

5 (1) "Agency Department" means the Illinois Emergency  
6 Management Agency Department of Nuclear Safety of the State of  
7 Illinois.

8 (2) "Director" means the Director of the Illinois Emergency  
9 Management Agency Department of Nuclear Safety.

10 (3) "Person" means any individual, corporation,  
11 partnership, firm, association, trust, estate, public or  
12 private institution, group, agency, political subdivision of  
13 this State, any other state or political subdivision or agency  
14 thereof, and any legal successor, representative, agent, or  
15 agency of the foregoing.

16 (4) "NRC" means the United States Nuclear Regulatory  
17 Commission or any agency which succeeds to its functions in the  
18 licensing of nuclear power reactors or facilities for storing  
19 spent nuclear fuel.

20 (5) "High-level radioactive waste" means (1) the highly  
21 radioactive material resulting from the reprocessing of spent  
22 nuclear fuel including liquid waste produced directly in  
23 reprocessing and any solid material derived from such liquid  
24 waste that contains fission products in sufficient  
25 concentrations; and (2) the highly radioactive material that  
26 the NRC has determined to be high-level radioactive waste  
27 requiring permanent isolation.

28 (6) "Nuclear facilities" means nuclear power plants,  
29 facilities housing nuclear test and research reactors,  
30 facilities for the chemical conversion of uranium, and  
31 facilities for the storage of spent nuclear fuel or high-level  
32 radioactive waste.

33 (7) "Spent nuclear fuel" means fuel that has been withdrawn

1 from a nuclear reactor following irradiation, the constituent  
2 elements of which have not been separated by reprocessing.

3 (8) "Transuranic waste" means material contaminated with  
4 elements that have an atomic number greater than 92, including  
5 neptunium, plutonium, americium, and curium, excluding  
6 radioactive wastes shipped to a licensed low-level radioactive  
7 waste disposal facility.

8 (9) "Highway route controlled quantity of radioactive  
9 materials" means that quantity of radioactive materials  
10 defined as a highway route controlled quantity under rules of  
11 the United States Department of Transportation, or any  
12 successor agency.

13 (Source: P.A. 90-601, eff. 6-26-98.)

14 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

15 Sec. 4. Nuclear accident plans; fees. Persons engaged  
16 within this State in the production of electricity utilizing  
17 nuclear energy, the operation of nuclear test and research  
18 reactors, the chemical conversion of uranium, or the  
19 transportation, storage or possession of spent nuclear fuel or  
20 high-level radioactive waste shall pay fees to cover the cost  
21 of establishing plans and programs to deal with the possibility  
22 of nuclear accidents. Except as provided below, the fees shall  
23 be used exclusively to fund those Agency ~~Departmental~~ and local  
24 government activities defined as necessary by the Director to  
25 implement and maintain the plans and programs authorized by  
26 this Act. Local governments incurring expenses attributable to  
27 implementation and maintenance of the plans and programs  
28 authorized by this Act may apply to the Agency ~~Department~~ for  
29 compensation for those expenses, and upon approval by the  
30 Director of applications submitted by local governments, the  
31 Agency ~~Department~~ shall compensate local governments from fees  
32 collected under this Section. Compensation for local  
33 governments shall include \$250,000 in any year through fiscal

1 year 1993, \$275,000 in fiscal year 1994 and fiscal year 1995,  
2 \$300,000 in fiscal year 1996, \$400,000 in fiscal year 1997, and  
3 \$450,000 in fiscal year 1998 and thereafter. Appropriations to  
4 the Department of Nuclear Safety (of which the Agency is the  
5 successor) for compensation to local governments from the  
6 Nuclear Safety Emergency Preparedness Fund provided for in this  
7 Section shall not exceed \$650,000 per State fiscal year.  
8 Expenditures from these appropriations shall not exceed, in a  
9 single State fiscal year, the annual compensation amount made  
10 available to local governments under this Section, unexpended  
11 funds made available for local government compensation in the  
12 previous fiscal year, and funds recovered under the Illinois  
13 Grant Funds Recovery Act during previous fiscal years.  
14 Notwithstanding any other provision of this Act, the  
15 expenditure limitation for fiscal year 1998 shall include the  
16 additional \$100,000 made available to local governments for  
17 fiscal year 1997 under this amendatory Act of 1997. Any funds  
18 within these expenditure limitations, including the additional  
19 \$100,000 made available for fiscal year 1997 under this  
20 amendatory Act of 1997, that remain unexpended at the close of  
21 business on June 30, 1997, and on June 30 of each succeeding  
22 year, shall be excluded from the calculations of credits under  
23 subparagraph (3) of this Section. The Agency Department shall,  
24 by rule, determine the method for compensating local  
25 governments under this Section. ~~In addition, a portion of the~~  
26 ~~fees collected may be appropriated to the Illinois Emergency~~  
27 ~~Management Agency for activities associated with preparing and~~  
28 ~~implementing plans to deal with the effects of nuclear~~  
29 ~~accidents.~~ The appropriation shall not exceed \$500,000 in any  
30 year preceding fiscal year 1996; the appropriation shall not  
31 exceed \$625,000 in fiscal year 1996, \$725,000 in fiscal year  
32 1997, and \$775,000 in fiscal year 1998 and thereafter. The fees  
33 shall consist of the following:

- 34 (1) A one-time charge of \$590,000 per nuclear power station



1 in this State to be paid by the owners of the stations.

2 (2) An additional charge of \$240,000 per nuclear power  
3 station for which a fee under subparagraph (1) was paid before  
4 June 30, 1982.

5 (3) Through June 30, 1982, an annual fee of \$75,000 per  
6 year for each nuclear power reactor for which an operating  
7 license has been issued by the NRC, and after June 30, 1982,  
8 and through June 30, 1984 an annual fee of \$180,000 per year  
9 for each nuclear power reactor for which an operating license  
10 has been issued by the NRC, and after June 30, 1984, and  
11 through June 30, 1991, an annual fee of \$400,000 for each  
12 nuclear power reactor for which an operating license has been  
13 issued by the NRC, to be paid by the owners of nuclear power  
14 reactors operating in this State. After June 30, 1991, the  
15 owners of nuclear power reactors in this State for which  
16 operating licenses have been issued by the NRC shall pay the  
17 following fees for each such nuclear power reactor: for State  
18 fiscal year 1992, \$925,000; for State fiscal year 1993,  
19 \$975,000; for State fiscal year 1994; \$1,010,000; for State  
20 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and  
21 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for  
22 State fiscal year 1999, \$1,368,000; for State fiscal year 2000,  
23 \$1,404,000; for State fiscal year 2001, \$1,696,455; for State  
24 fiscal year 2002, \$1,730,636; for State fiscal year 2003 and  
25 subsequent fiscal years, \$1,757,727. Within 120 days after the  
26 end of the State fiscal year, the Agency ~~Department~~ shall  
27 determine, from the records of the Office of the Comptroller,  
28 the balance in the Nuclear Safety Emergency Preparedness Fund.  
29 When the balance in the fund, less any fees collected under  
30 this Section prior to their being due and payable for the  
31 succeeding fiscal year or years, exceeds \$400,000 at the close  
32 of business on June 30, 1993, 1994, 1995, 1996, 1997, and 1998,  
33 or exceeds \$500,000 at the close of business on June 30, 1999  
34 and June 30 of each succeeding year, the excess shall be

1 credited to the owners of nuclear power reactors who are  
2 assessed fees under this subparagraph. Credits shall be applied  
3 against the fees to be collected under this subparagraph for  
4 the subsequent fiscal year. Each owner shall receive as a  
5 credit that amount of the excess which corresponds  
6 proportionately to the amount the owner contributed to all fees  
7 collected under this subparagraph in the fiscal year that  
8 produced the excess.

9 (3.5) The owner of a nuclear power reactor that notifies  
10 the Nuclear Regulatory Commission that the nuclear power  
11 reactor has permanently ceased operations during State fiscal  
12 year 1998 shall pay the following fees for each such nuclear  
13 power reactor: \$1,368,000 for State fiscal year 1999 and  
14 \$1,404,000 for State fiscal year 2000.

15 (4) A capital expenditure surcharge of \$1,400,000 per  
16 nuclear power station in this State, whether operating or under  
17 construction, shall be paid by the owners of the station.

18 (5) An annual fee of \$25,000 per year for each site for  
19 which a valid operating license has been issued by NRC for the  
20 operation of an away-from-reactor spent nuclear fuel or  
21 high-level radioactive waste storage facility, to be paid by  
22 the owners of facilities for the storage of spent nuclear fuel  
23 or high-level radioactive waste for others in this State.

24 (6) A one-time charge of \$280,000 for each facility in this  
25 State housing a nuclear test and research reactor, to be paid  
26 by the operator of the facility. However, this charge shall not  
27 be required to be paid by any tax-supported institution.

28 (7) A one-time charge of \$50,000 for each facility in this  
29 State for the chemical conversion of uranium, to be paid by the  
30 owner of the facility.

31 (8) An annual fee of \$150,000 per year for each facility in  
32 this State housing a nuclear test and research reactor, to be  
33 paid by the operator of the facility. However, this annual fee  
34 shall not be required to be paid by any tax-supported

1 institution.

2 (9) An annual fee of \$15,000 per year for each facility in  
3 this State for the chemical conversion of uranium, to be paid  
4 by the owner of the facility.

5 (10) A fee assessed at the rate of \$2,500 per truck for  
6 each truck shipment and \$4,500 for the first cask and \$3,000  
7 for each additional cask for each rail shipment of spent  
8 nuclear fuel, high-level radioactive waste, ~~or~~ transuranic  
9 waste, or a highway route controlled quantity of radioactive  
10 materials received at or departing from any nuclear power  
11 station or away-from-reactor spent nuclear fuel, high-level  
12 radioactive waste, ~~or~~ transuranic waste storage facility, or  
13 other facility in this State to be paid by the shipper of the  
14 spent nuclear fuel, high level radioactive waste, ~~or~~  
15 transuranic waste, or highway route controlled quantity of  
16 radioactive material. Truck shipments of greater than 250 miles  
17 in Illinois are subject to a surcharge of \$25 per mile over 250  
18 miles for each truck in the shipment. The amount of fees  
19 collected each fiscal year under this subparagraph shall be  
20 excluded from the calculation of credits under subparagraph (3)  
21 of this Section.

22 (11) A fee assessed at the rate of \$2,500 per truck for  
23 each truck shipment and \$4,500 for the first cask and \$3,000  
24 for each additional cask for each rail shipment of spent  
25 nuclear fuel, high-level radioactive waste, ~~or~~ transuranic  
26 waste, or a highway route controlled quantity of radioactive  
27 materials traversing the State to be paid by the shipper of the  
28 spent nuclear fuel, high level radioactive waste, ~~or~~  
29 transuranic waste, or highway route controlled quantity of  
30 radioactive material. Truck shipments of greater than 250 miles  
31 in Illinois are subject to a surcharge of \$25 per mile over 250  
32 miles for each truck in the shipment. The amount of fees  
33 collected each fiscal year under this subparagraph shall be  
34 excluded from the calculation of credits under subparagraph (3)

1 of this Section.

2 (12) In each of the State fiscal years 1988 through 1991,  
3 in addition to the annual fee provided for in subparagraph (3),  
4 a fee of \$400,000 for each nuclear power reactor for which an  
5 operating license has been issued by the NRC, to be paid by the  
6 owners of nuclear power reactors operating in this State.  
7 Within 120 days after the end of the State fiscal years ending  
8 June 30, 1988, June 30, 1989, June 30, 1990, and June 30, 1991,  
9 the Agency ~~Department~~ shall determine the expenses of the  
10 Illinois Nuclear Safety Preparedness Program paid from funds  
11 appropriated for those fiscal years. When the aggregate of all  
12 fees, charges, and surcharges collected under this Section  
13 during any fiscal year exceeds the total expenditures under  
14 this Act from appropriations for that fiscal year, the excess  
15 shall be credited to the owners of nuclear power reactors who  
16 are assessed fees under this subparagraph, and the credits  
17 shall be applied against the fees to be collected under this  
18 subparagraph for the subsequent fiscal year. Each owner shall  
19 receive as a credit that amount of the excess that corresponds  
20 proportionately to the amount the owner contributed to all fees  
21 collected under this subparagraph in the fiscal year that  
22 produced the excess.

23 (Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00;  
24 92-576, eff. 6-26-02.)

25 (420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

26 Sec. 5. (a) Except as otherwise provided in this Section,  
27 within 30 days after the beginning of each State fiscal year,  
28 each person who possessed a valid operating license issued by  
29 the NRC for a nuclear power reactor or a spent fuel storage  
30 facility during any portion of the previous fiscal year shall  
31 pay to the Agency ~~Department~~ the fees imposed by Section 4 of  
32 this Act. The one-time facility charge assessed pursuant to  
33 subparagraph (1) of Section 4 shall be paid to the Agency

1 ~~Department~~ not less than 2 years prior to scheduled  
2 commencement of commercial operation. The additional facility  
3 charge assessed pursuant to subparagraph (2) of Section 4 shall  
4 be paid to the Department within 90 days of June 30, 1982. Fees  
5 assessed pursuant to subparagraph (3) of Section 4 for State  
6 fiscal year 1992 shall be payable as follows: \$400,000 due on  
7 August 1, 1991, and \$525,000 due on January 1, 1992. Fees  
8 assessed pursuant to subparagraph (3) of Section 4 for State  
9 fiscal year 1993 and subsequent fiscal years shall be due and  
10 payable in two equal payments on July 1 and January 1 during  
11 the fiscal year in which the fee is due. Fees assessed pursuant  
12 to subparagraph (4) of Section 4 shall be paid in six payments,  
13 the first, in the amount of \$400,000, shall be due and payable  
14 30 days after the effective date of this Amendatory Act of  
15 1984. Subsequent payments shall be in the amount of \$200,000  
16 each, and shall be due and payable annually on August 1, 1985  
17 through August 1, 1989, inclusive. Fees assessed under the  
18 provisions of subparagraphs (6) and (7) of Section 4 of this  
19 Act shall be paid on or before January 1, 1990. Fees assessed  
20 under the provisions of subparagraphs (8) and (9) of Section 4  
21 of this Act shall be paid on or before January 1st of each  
22 year, beginning January 1, 1990. Fees assessed under the  
23 provisions of subparagraphs (10) and (11) of Section 4 of this  
24 Act shall be paid to the Agency ~~Department~~ within 60 days after  
25 completion of such shipments within this State. Fees assessed  
26 pursuant to subparagraph (12) of Section 4 shall be paid to the  
27 Agency ~~Department~~ by each person who possessed a valid  
28 operating license issued by the NRC for a nuclear power reactor  
29 during any portion of the previous State fiscal year as  
30 follows: the fee due in fiscal year 1988 shall be paid on  
31 January 15, 1988, the fee due in fiscal year 1989 shall be paid  
32 on December 1, 1988, and subsequent fees shall be paid annually  
33 on December 1, 1989 through December 1, 1990.

34 (b) Fees assessed pursuant to paragraph (3.5) of Section 4

1 for State fiscal years 1999 and 2000 shall be due and payable  
2 in 2 equal payments on July 1 and January 1 during the fiscal  
3 year in which the fee is due. The fee due on July 1, 1998 shall  
4 be payable on that date, or within 10 days after the effective  
5 date of this amendatory Act of 1998, whichever is later.

6 (c) Any person who fails to pay a fee assessed under  
7 Section 4 of this Act within 90 days after the fee is payable  
8 is liable in a civil action for an amount not to exceed 4 times  
9 the amount assessed and not paid. The action shall be brought  
10 by the Attorney General at the request of the Agency  
11 ~~Department~~. If the action involves a fixed facility in  
12 Illinois, the action shall be brought in the Circuit Court of  
13 the county in which the facility is located. If the action does  
14 not involve a fixed facility in Illinois, the action shall be  
15 brought in the Circuit Court of Sangamon County.

16 (Source: P.A. 90-601, eff. 6-26-98; 91-47, eff. 6-30-99.)

17 (420 ILCS 5/6) (from Ch. 111 1/2, par. 4306)

18 Sec. 6. The Agency ~~Department~~ shall prepare a budget  
19 showing the cost (including capital expenditures) to be  
20 incurred in administering this Act during the fiscal year in  
21 question. Such budget shall be prepared only after consultation  
22 with those liable for the fees imposed by this Act as to the  
23 costs necessary to enable the Agency ~~Department~~ to perform its  
24 responsibilities under this Act.

25 (Source: P.A. 81-577.)

26 (420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

27 Sec. 7. All monies received by the Agency ~~Department~~ under  
28 this Act shall be deposited in the State Treasury and shall be  
29 set apart in a special fund to be known as the "Nuclear Safety  
30 Emergency Preparedness Fund". All monies within the Nuclear  
31 Safety Emergency Preparedness Fund shall be invested by the  
32 State Treasurer in accordance with established investment

1 practices. Interest earned by such investment shall be returned  
2 to the Nuclear Safety Emergency Preparedness Fund. Monies  
3 deposited in this fund shall be expended by the Director only  
4 to support the activities of the Illinois Nuclear Safety  
5 Preparedness Program, including activities of the Illinois  
6 State Police and the Illinois Commerce Commission under Section  
7 8(a)(9).

8 (Source: P.A. 92-576, eff. 6-26-02.)

9 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

10 Sec. 8. (a) The Illinois Nuclear Safety Preparedness  
11 Program shall consist of an assessment of the potential nuclear  
12 accidents, their radiological consequences, and the necessary  
13 protective actions required to mitigate the effects of such  
14 accidents. It shall include, but not necessarily be limited to:

15 (1) Development of a remote effluent monitoring system  
16 capable of reliably detecting and quantifying accidental  
17 radioactive releases from nuclear power plants to the  
18 environment;

19 (2) Development of an environmental monitoring program  
20 for nuclear facilities other than nuclear power plants;

21 (3) Development of procedures for radiological  
22 assessment and radiation exposure control for areas  
23 surrounding each nuclear facility in Illinois;

24 (4) Radiological training of state and local emergency  
25 response personnel in accordance with the Agency's  
26 ~~Department's~~ responsibilities under the program;

27 (5) Participation in the development of accident  
28 scenarios and in the exercising of fixed facility nuclear  
29 emergency response plans;

30 (6) Development of mitigative emergency planning  
31 standards including, but not limited to, standards  
32 pertaining to evacuations, re-entry into evacuated areas,  
33 contaminated foodstuffs and contaminated water supplies;

1 (7) Provision of specialized response equipment  
2 necessary to accomplish this task;

3 (8) Implementation of the Boiler and Pressure Vessel  
4 Safety program at nuclear steam-generating facilities as  
5 mandated by Section 2005-35 of the Department of Nuclear  
6 Safety Law, or its successor statute ~~(20 ILCS~~  
7 ~~2005/2005-35)~~;

8 (9) Development and implementation of a plan for  
9 inspecting and escorting all shipments of spent nuclear  
10 fuel, high-level radioactive waste, ~~and~~ transuranic waste,  
11 and highway route controlled quantities of radioactive  
12 materials in Illinois; and

13 (10) Implementation of the program under the Illinois  
14 Nuclear Facility Safety Act.

15 (b) The Agency ~~Department~~ may incorporate data collected by  
16 the operator of a nuclear facility into the Agency's  
17 ~~Department's~~ remote monitoring system.

18 (c) The owners of each nuclear power reactor in Illinois  
19 shall provide the Agency ~~Department~~ all system status signals  
20 which initiate Emergency Action Level Declarations, actuate  
21 accident mitigation and provide mitigation verification as  
22 directed by the Agency ~~Department~~. The Agency ~~Department~~ shall  
23 designate by rule those system status signals that must be  
24 provided. Signals providing indication of operating power  
25 level shall also be provided. The owners of the nuclear power  
26 reactors shall, at their expense, ensure that valid signals  
27 will be provided continuously 24 hours a day.

28 All such signals shall be provided in a manner and at a  
29 frequency specified by the Agency ~~Department~~ for incorporation  
30 into and augmentation of the remote effluent monitoring system  
31 specified in subsection (a) (1) of this Section. Provision  
32 shall be made for assuring that such system status and power  
33 level signals shall be available to the Agency ~~Department~~  
34 during reactor operation as well as throughout accidents and



1 subsequent recovery operations.

2 For nuclear reactors with operating licenses issued by the  
3 Nuclear Regulatory Commission prior to the effective date of  
4 this amendatory Act, such system status and power level signals  
5 shall be provided to the Department of Nuclear Safety (of which  
6 the Agency is the successor) by March 1, 1985. For reactors  
7 without such a license on the effective date of this amendatory  
8 Act, such signals shall be provided to the Department prior to  
9 commencing initial fuel load for such reactor. Nuclear reactors  
10 receiving their operating license after the effective date of  
11 this amendatory Act, but before July 1, 1985, shall provide  
12 such system status and power level signals to the Department of  
13 Nuclear Safety (of which the Agency is the successor) by  
14 September 1, 1985.

15 (Source: P.A. 90-601, eff. 6-26-98; 91-239, eff. 1-1-00.)

16 (420 ILCS 5/9) (from Ch. 111 1/2, par. 4309)

17 Sec. 9. Any equipment purchased by the Agency ~~Department~~ to  
18 be installed on the premises of a nuclear facility pursuant to  
19 the provisions of subsections (1), (2) and (7) of Section 8 of  
20 this Act shall be installed by the owner of such nuclear  
21 facility in accordance with criteria and standards established  
22 by the Director of the Agency ~~Department~~, including criteria  
23 for location, supporting utilities, and methods of  
24 installation. Such installation shall be at no cost to the  
25 Agency ~~Department~~. The owner of the nuclear facility shall  
26 also, at its expense, pay for modifications of its facility as  
27 requested by the Department to accommodate the Agency's  
28 ~~Department's~~ equipment including updated equipment, and to  
29 accommodate changes in the Agency's ~~Department's~~ criteria and  
30 standards.

31 (Source: P.A. 86-901.)

32 (420 ILCS 5/10) (from Ch. 111 1/2, par. 4310)

1           Sec. 10. The Agency ~~Department~~ may accept and administer  
2 according to law, loans, grants, or other funds or gifts from  
3 the Federal Government and from other sources, public and  
4 private, for carrying out its functions under this Act.  
5 (Source: P.A. 83-1342.)

6           Section 999. Effective date. This Act takes effect upon  
7 becoming law."