

# SB1043



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1043

Introduced 2/18/2005, by Sen. James F. Clayborne, Jr. - Emil Jones, Jr.

#### SYNOPSIS AS INTRODUCED:

420 ILCS 5/4

from Ch. 111 1/2, par. 4304

Amends the Illinois Nuclear Safety Preparedness Act. Makes a technical change in a Section relating to fees.

LRB094 04713 RSP 34742 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Nuclear Safety Preparedness Act is  
5 amended by changing Section 4 as follows:

6 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

7 Sec. 4. Nuclear accident plans; fees. Persons engaged  
8 within this State in the ~~the~~ production of electricity  
9 utilizing nuclear energy, the operation of nuclear test and  
10 research reactors, the chemical conversion of uranium, or the  
11 transportation, storage or possession of spent nuclear fuel or  
12 high-level radioactive waste shall pay fees to cover the cost  
13 of establishing plans and programs to deal with the possibility  
14 of nuclear accidents. Except as provided below, the fees shall  
15 be used exclusively to fund those Agency and local government  
16 activities defined as necessary by the Director to implement  
17 and maintain the plans and programs authorized by this Act.  
18 Local governments incurring expenses attributable to  
19 implementation and maintenance of the plans and programs  
20 authorized by this Act may apply to the Agency for compensation  
21 for those expenses, and upon approval by the Director of  
22 applications submitted by local governments, the Agency shall  
23 compensate local governments from fees collected under this  
24 Section. Compensation for local governments shall include  
25 \$250,000 in any year through fiscal year 1993, \$275,000 in  
26 fiscal year 1994 and fiscal year 1995, \$300,000 in fiscal year  
27 1996, \$400,000 in fiscal year 1997, and \$450,000 in fiscal year  
28 1998 and thereafter. Appropriations to the Department of  
29 Nuclear Safety (of which the Agency is the successor) for  
30 compensation to local governments from the Nuclear Safety  
31 Emergency Preparedness Fund provided for in this Section shall  
32 not exceed \$650,000 per State fiscal year. Expenditures from

1 these appropriations shall not exceed, in a single State fiscal  
2 year, the annual compensation amount made available to local  
3 governments under this Section, unexpended funds made  
4 available for local government compensation in the previous  
5 fiscal year, and funds recovered under the Illinois Grant Funds  
6 Recovery Act during previous fiscal years. Notwithstanding any  
7 other provision of this Act, the expenditure limitation for  
8 fiscal year 1998 shall include the additional \$100,000 made  
9 available to local governments for fiscal year 1997 under this  
10 amendatory Act of 1997. Any funds within these expenditure  
11 limitations, including the additional \$100,000 made available  
12 for fiscal year 1997 under this amendatory Act of 1997, that  
13 remain unexpended at the close of business on June 30, 1997,  
14 and on June 30 of each succeeding year, shall be excluded from  
15 the calculations of credits under subparagraph (3) of this  
16 Section. The Agency shall, by rule, determine the method for  
17 compensating local governments under this Section. The  
18 appropriation shall not exceed \$500,000 in any year preceding  
19 fiscal year 1996; the appropriation shall not exceed \$625,000  
20 in fiscal year 1996, \$725,000 in fiscal year 1997, and \$775,000  
21 in fiscal year 1998 and thereafter. The fees shall consist of  
22 the following:

23 (1) A one-time charge of \$590,000 per nuclear power station  
24 in this State to be paid by the owners of the stations.

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

28 (3) Through June 30, 1982, an annual fee of \$75,000 per  
29 year for each nuclear power reactor for which an operating  
30 license has been issued by the NRC, and after June 30, 1982,  
31 and through June 30, 1984 an annual fee of \$180,000 per year  
32 for each nuclear power reactor for which an operating license  
33 has been issued by the NRC, and after June 30, 1984, and  
34 through June 30, 1991, an annual fee of \$400,000 for each  
35 nuclear power reactor for which an operating license has been  
36 issued by the NRC, to be paid by the owners of nuclear power

1 reactors operating in this State. After June 30, 1991, the  
2 owners of nuclear power reactors in this State for which  
3 operating licenses have been issued by the NRC shall pay the  
4 following fees for each such nuclear power reactor: for State  
5 fiscal year 1992, \$925,000; for State fiscal year 1993,  
6 \$975,000; for State fiscal year 1994; \$1,010,000; for State  
7 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and  
8 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for  
9 State fiscal year 1999, \$1,368,000; for State fiscal year 2000,  
10 \$1,404,000; for State fiscal year 2001, \$1,696,455; for State  
11 fiscal year 2002, \$1,730,636; for State fiscal year 2003 and  
12 subsequent fiscal years, \$1,757,727. Within 120 days after the  
13 end of the State fiscal year, the Agency shall determine, from  
14 the records of the Office of the Comptroller, the balance in  
15 the Nuclear Safety Emergency Preparedness Fund. When the  
16 balance in the fund, less any fees collected under this Section  
17 prior to their being due and payable for the succeeding fiscal  
18 year or years, exceeds \$400,000 at the close of business on  
19 June 30, 1993, 1994, 1995, 1996, 1997, and 1998, or exceeds  
20 \$500,000 at the close of business on June 30, 1999 and June 30  
21 of each succeeding year, the excess shall be credited to the  
22 owners of nuclear power reactors who are assessed fees under  
23 this subparagraph. Credits shall be applied against the fees to  
24 be collected under this subparagraph for the subsequent fiscal  
25 year. Each owner shall receive as a credit that amount of the  
26 excess which corresponds proportionately to the amount the  
27 owner contributed to all fees collected under this subparagraph  
28 in the fiscal year that produced the excess.

29 (3.5) The owner of a nuclear power reactor that notifies  
30 the Nuclear Regulatory Commission that the nuclear power  
31 reactor has permanently ceased operations during State fiscal  
32 year 1998 shall pay the following fees for each such nuclear  
33 power reactor: \$1,368,000 for State fiscal year 1999 and  
34 \$1,404,000 for State fiscal year 2000.

35 (4) A capital expenditure surcharge of \$1,400,000 per  
36 nuclear power station in this State, whether operating or under

1 construction, shall be paid by the owners of the station.

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

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

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

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

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

23 (10) A fee assessed at the rate of \$2,500 per truck for  
24 each truck shipment and \$4,500 for the first cask and \$3,000  
25 for each additional cask for each rail shipment of spent  
26 nuclear fuel, high-level radioactive waste, transuranic waste,  
27 or a highway route controlled quantity of radioactive materials  
28 received at or departing from any nuclear power station or  
29 away-from-reactor spent nuclear fuel, high-level radioactive  
30 waste, transuranic waste storage facility, or other facility in  
31 this State to be paid by the shipper of the spent nuclear fuel,  
32 high level radioactive waste, transuranic waste, or highway  
33 route controlled quantity of radioactive material. Truck  
34 shipments of greater than 250 miles in Illinois are subject to  
35 a surcharge of \$25 per mile over 250 miles for each truck in  
36 the shipment. The amount of fees collected each fiscal year

1 under this subparagraph shall be excluded from the calculation  
2 of credits under subparagraph (3) of this Section.

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

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

1 (Source: P.A. 92-576, eff. 6-26-02; 93-1029, eff. 8-25-04.)