

HB0816



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0816

Introduced 01/31/11, by Rep. Michael J. Madigan

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.

LRB097 03645 JDS 43682 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

1 Section. Compensation for local governments shall include
2 \$250,000 in any year through fiscal year 1993, \$275,000 in
3 fiscal year 1994 and fiscal year 1995, \$300,000 in fiscal year
4 1996, \$400,000 in fiscal year 1997, and \$450,000 in fiscal year
5 1998 and thereafter. Appropriations to the Department of
6 Nuclear Safety (of which the Agency is the successor) for
7 compensation to local governments from the Nuclear Safety
8 Emergency Preparedness Fund provided for in this Section shall
9 not exceed \$650,000 per State fiscal year. Expenditures from
10 these appropriations shall not exceed, in a single State fiscal
11 year, the annual compensation amount made available to local
12 governments under this Section, unexpended funds made
13 available for local government compensation in the previous
14 fiscal year, and funds recovered under the Illinois Grant Funds
15 Recovery Act during previous fiscal years. Notwithstanding any
16 other provision of this Act, the expenditure limitation for
17 fiscal year 1998 shall include the additional \$100,000 made
18 available to local governments for fiscal year 1997 under this
19 amendatory Act of 1997. Any funds within these expenditure
20 limitations, including the additional \$100,000 made available
21 for fiscal year 1997 under this amendatory Act of 1997, that
22 remain unexpended at the close of business on June 30, 1997,
23 and on June 30 of each succeeding year, shall be excluded from
24 the calculations of credits under subparagraph (3) of this
25 Section. The Agency shall, by rule, determine the method for
26 compensating local governments under this Section. The

1 appropriation shall not exceed \$500,000 in any year preceding
2 fiscal year 1996; the appropriation shall not exceed \$625,000
3 in fiscal year 1996, \$725,000 in fiscal year 1997, and \$775,000
4 in fiscal year 1998 and thereafter. The fees shall consist of
5 the following:

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

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

11 (3) Through June 30, 1982, an annual fee of \$75,000 per
12 year for each nuclear power reactor for which an operating
13 license has been issued by the NRC, and after June 30, 1982,
14 and through June 30, 1984 an annual fee of \$180,000 per year
15 for each nuclear power reactor for which an operating license
16 has been issued by the NRC, and after June 30, 1984, and
17 through June 30, 1991, an annual fee of \$400,000 for each
18 nuclear power reactor for which an operating license has been
19 issued by the NRC, to be paid by the owners of nuclear power
20 reactors operating in this State. After June 30, 1991, the
21 owners of nuclear power reactors in this State for which
22 operating licenses have been issued by the NRC shall pay the
23 following fees for each such nuclear power reactor: for State
24 fiscal year 1992, \$925,000; for State fiscal year 1993,
25 \$975,000; for State fiscal year 1994; \$1,010,000; for State
26 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and

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

22 (3.5) The owner of a nuclear power reactor that notifies
23 the Nuclear Regulatory Commission that the nuclear power
24 reactor has permanently ceased operations during State fiscal
25 year 1998 shall pay the following fees for each such nuclear
26 power reactor: \$1,368,000 for State fiscal year 1999 and

1 \$1,404,000 for State fiscal year 2000.

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

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

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

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

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

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

26 (10) A fee assessed at the rate of \$2,500 per truck for

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

16 (11) A fee assessed at the rate of \$2,500 per truck for
17 each truck shipment and \$4,500 for the first cask and \$3,000
18 for each additional cask for each rail shipment of spent
19 nuclear fuel, high-level radioactive waste, transuranic waste,
20 or a highway route controlled quantity of radioactive materials
21 traversing the State to be paid by the shipper of the spent
22 nuclear fuel, high level radioactive waste, transuranic waste,
23 or highway route controlled quantity of radioactive material.
24 Truck shipments of greater than 250 miles in Illinois are
25 subject to a surcharge of \$25 per mile over 250 miles for each
26 truck in the shipment. The amount of fees collected each fiscal

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

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

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