

1 AMENDMENT TO HOUSE BILL 3347

2 AMENDMENT NO. _____. Amend House Bill 3347 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Low-Level Radioactive Waste
5 Management Act is amended by changing Sections 13 and 14 as
6 follows:

7 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

8 Sec. 13. Waste fees.

9 (a) The Department shall collect a fee from each
10 generator of low-level radioactive wastes in this State.
11 Except as provided in subsections (b), (c), and (d), the
12 amount of the fee shall be \$50.00 or the following amount,
13 whichever is greater:

14 (1) \$1 per cubic foot of waste shipped for storage,
15 treatment or disposal if storage of the waste for
16 shipment occurred prior to September 7, 1984;

17 (2) \$2 per cubic foot of waste stored for shipment
18 if storage of the waste occurs on or after September 7,
19 1984, but prior to October 1, 1985;

20 (3) \$3 per cubic foot of waste stored for shipment
21 if storage of the waste occurs on or after October 1,
22 1985;

1 (4) \$2 per cubic foot of waste shipped for storage,
2 treatment or disposal if storage of the waste for
3 shipment occurs on or after September 7, 1984 but prior
4 to October 1, 1985, provided that no fee has been
5 collected previously for storage of the waste;

6 (5) \$3 per cubic foot of waste shipped for storage,
7 treatment or disposal if storage of the waste for
8 shipment occurs on or after October 1, 1985, provided
9 that no fees have been collected previously for storage
10 of the waste.

11 Such fees shall be collected annually or as determined by
12 the Department and shall be deposited in the low-level
13 radioactive waste funds as provided in Section 14 of this
14 Act. Notwithstanding any other provision of this Act, no fee
15 under this Section shall be collected from a generator for
16 waste generated incident to manufacturing before December 31,
17 1980, and shipped for disposal outside of this State before
18 December 31, 1992, as part of a site reclamation leading to
19 license termination.

20 (b) Each nuclear power reactor in this State for which
21 an operating license has been issued by the Nuclear
22 Regulatory Commission shall not be subject to the fee
23 required by subsection (a) with respect to (1) waste stored
24 for shipment if storage of the waste occurs on or after
25 January 1, 1986; and (2) waste shipped for storage, treatment
26 or disposal if storage of the waste for shipment occurs on or
27 after January 1, 1986. In lieu of the fee, each reactor
28 shall be required to pay an annual fee as provided in this
29 subsection of \$90,000 for the treatment, storage and disposal
30 of low-level radioactive waste. Beginning with State fiscal
31 year 1986 and through State fiscal year 1997, fees shall be
32 due and payable on January 1st of each year. For State fiscal
33 year 1998 and all subsequent State fiscal years, fees shall
34 be due and payable on July 1 of each fiscal year. The fee

1 due on July 1, 1997 shall be payable on that date, or within
2 10 days after the effective date of this amendatory Act of
3 1997, whichever is later.

4 ~~After--September-15, 1987, for each nuclear power reactor~~
5 ~~for which an operating license is issued after January 1, the~~
6 ~~owner of each such reactor shall be required to pay--for--the~~
7 ~~year--in which the operating license is issued a prorated fee~~
8 ~~equal to \$246.57 multiplied by the number of days in the year~~
9 ~~during which the nuclear power reactor will be licensed.--The~~
10 ~~prorated fee shall be due--and--payable--30--days--after--the~~
11 ~~operating license is issued.~~

12 The owner of any nuclear power reactor that has an
13 operating license issued by the Nuclear Regulatory Commission
14 for any portion of State fiscal year 1998 shall continue to
15 pay an annual fee of \$90,000 for the treatment, storage, and
16 disposal of low-level radioactive waste through State fiscal
17 year 2002 2003. The fee shall be due and payable on July 1
18 of each fiscal year. The fee due on July 1, 1998 shall be
19 payable on that date, or within 10 days after the effective
20 date of this amendatory Act of 1998, whichever is later. If
21 the balance in the Low-Level Radioactive Waste Facility
22 Development and Operation Fund falls below \$500,000, as of
23 the end of any fiscal year after fiscal year 2002, the
24 Department is authorized to assess by rule, after notice and
25 a hearing, an additional annual fee to be paid by the owners
26 of nuclear power reactors for which operating licenses have
27 been issued by the Nuclear Regulatory Commission. The
28 additional annual fee shall be payable on the date or dates
29 specified by rule and shall not exceed \$30,000 per operating
30 reactor per year.

31 (c) In each of State fiscal years 1988, 1989 and 1990,
32 in addition to the fee imposed in subsections (b) and (d),
33 the owner of each nuclear power reactor in this State for
34 which an operating license has been issued by the Nuclear

1 Regulatory Commission shall pay a fee of \$408,000. If an
2 operating license is issued during one of those 3 fiscal
3 years, the owner shall pay a prorated amount of the fee equal
4 to \$1,117.80 multiplied by the number of days in the fiscal
5 year during which the nuclear power reactor was licensed.

6 The fee shall be due and payable as follows: in fiscal
7 year 1988, \$204,000 shall be paid on October 1, 1987 and
8 \$102,000 shall be paid on each of January 1, 1988 and April
9 1, 1988; in fiscal year 1989, \$102,000 shall be paid on each
10 of July 1, 1988, October 1, 1988, January 1, 1989 and April
11 1, 1989; and in fiscal year 1990, \$102,000 shall be paid on
12 each of July 1, 1989, October 1, 1989, January 1, 1990 and
13 April 1, 1990. If the operating license is issued during one
14 of the 3 fiscal years, the owner shall be subject to those
15 payment dates, and their corresponding amounts, on which the
16 owner possesses an operating license and, on June 30 of the
17 fiscal year of issuance of the license, whatever amount of
18 the prorated fee remains outstanding.

19 All of the amounts collected by the Department under this
20 subsection (c) shall be deposited into the Low-Level
21 Radioactive Waste Facility Development and Operation Fund
22 created under subsection (a) of Section 14 of this Act and
23 expended, subject to appropriation, for the purposes provided
24 in that subsection.

25 (d) In addition to the fees imposed in subsections (b)
26 and (c), the owners of nuclear power reactors in this State
27 for which operating licenses have been issued by the Nuclear
28 Regulatory Commission shall pay the following fees for each
29 such nuclear power reactor: for State fiscal year 1989,
30 \$325,000 payable on October 1, 1988, \$162,500 payable on
31 January 1, 1989, and \$162,500 payable on April 1, 1989; for
32 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
33 payable on October 1, \$300,000 payable on January 1 and
34 \$300,000 payable on April 1; for State fiscal year 1991,

1 either (1) \$150,000 payable on July 1, \$650,000 payable on
2 September 1, \$675,000 payable on January 1, and \$275,000
3 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on
4 the first day of each month from August through December,
5 \$225,000 on the first day of each month from January through
6 March and \$92,000 on the first day of each month from April
7 through June; for State fiscal year 1992, \$260,000 payable on
8 July 1, \$900,000 payable on September 1, \$300,000 payable on
9 October 1, \$150,000 payable on January 1, and \$100,000
10 payable on April 1; for State fiscal year 1993, \$100,000
11 payable on July 1, \$230,000 payable on August 1 or within 10
12 days after July 31, 1992, whichever is later, and \$355,000
13 payable on October 1; for State fiscal year 1994, \$100,000
14 payable on July 1, \$75,000 payable on October 1 and \$75,000
15 payable on April 1; for State fiscal year 1995, \$100,000
16 payable on July 1, \$75,000 payable on October 1, and \$75,000
17 payable on April 1, for State fiscal year 1996, \$100,000
18 payable on July 1, \$75,000 payable on October 1, and \$75,000
19 payable on April 1. The owner of any nuclear power reactor
20 that has an operating license issued by the Nuclear
21 Regulatory Commission for any portion of State fiscal year
22 1998 shall pay an annual fee of \$30,000 through State fiscal
23 year 2003. For State fiscal year 2004 and subsequent fiscal
24 years, the owner of any nuclear power reactor that has an
25 operating license issued by the Nuclear Regulatory Commission
26 shall pay an annual fee of \$30,000 per reactor, provided that
27 the fee shall not apply to a nuclear power reactor with
28 regard to which the owner notified the Nuclear Regulatory
29 Commission during State fiscal year 1998 that the nuclear
30 power reactor permanently ceased operations. The fee shall be
31 due and payable on July 1 of each fiscal year. The fee due
32 on July 1, 1998 shall be payable on that date, or within 10
33 days after the effective date of this amendatory Act of 1998,
34 whichever is later. The fee due on July 1, 1997 shall be

1 payable on that date or within 10 days after the effective
2 date of this amendatory Act of 1997, whichever is later. If
3 the payments under this subsection for fiscal year 1993 due
4 on January 1, 1993, or on April 1, 1993, or both, were due
5 before the effective date of this amendatory Act of the 87th
6 General Assembly, then those payments are waived and need not
7 be made.

8 All of the amounts collected by the Department under this
9 subsection (d) shall be deposited into the Low-Level
10 Radioactive Waste Facility Development and Operation Fund
11 created pursuant to subsection (a) of Section 14 of this Act
12 and expended, subject to appropriation, for the purposes
13 provided in that subsection.

14 All payments made by licensees under this subsection (d)
15 for fiscal year 1992 that are not appropriated and obligated
16 by the Department above \$1,750,000 per reactor in fiscal year
17 1992, shall be credited to the licensees making the payments
18 to reduce the per reactor fees required under this subsection
19 (d) for fiscal year 1993.

20 (e) The Department shall promulgate rules and
21 regulations establishing standards for the collection of the
22 fees authorized by this Section. The regulations shall
23 include, but need not be limited to:

24 (1) the records necessary to identify the amounts
25 of low-level radioactive wastes produced;

26 (2) the form and submission of reports to accompany
27 the payment of fees to the Department; and

28 (3) the time and manner of payment of fees to the
29 Department, which payments shall not be more frequent
30 than quarterly.

31 (f) Any operating agreement entered into under
32 subsection (b) of Section 5 of this Act between the
33 Department and any disposal facility contractor shall,
34 subject to the provisions of this Act, authorize the

1 contractor to impose upon and collect from persons using the
2 disposal facility fees designed and set at levels reasonably
3 calculated to produce sufficient revenues (1) to pay all
4 costs and expenses properly incurred or accrued in
5 connection with, and properly allocated to, performance of
6 the contractor's obligations under the operating agreement,
7 and (2) to provide reasonable and appropriate compensation or
8 profit to the contractor under the operating agreement. For
9 purposes of this subsection (f), the term "costs and
10 expenses" may include, without limitation, (i) direct and
11 indirect costs and expenses for labor, services, equipment,
12 materials, insurance and other risk management costs,
13 interest and other financing charges, and taxes or fees in
14 lieu of taxes; (ii) payments to or required by the United
15 States, the State of Illinois or any agency or department
16 thereof, the Central Midwest Interstate Low-Level Radioactive
17 Waste Compact, and subject to the provisions of this Act, any
18 unit of local government; (iii) amortization of capitalized
19 costs with respect to the disposal facility and its
20 development, including any capitalized reserves; and (iv)
21 payments with respect to reserves, accounts, escrows or trust
22 funds required by law or otherwise provided for under the
23 operating agreement.

24 (g) (Blank).

25 (h) (Blank).

26 (i) (Blank).

27 (j) (Blank).

28 (j-5) Prior to commencement of facility operations, the
29 Department shall adopt rules providing for the establishment
30 and collection of fees and charges with respect to the use of
31 the disposal facility as provided in subsection (f) of this
32 Section.

33 (k) The regional disposal facility shall be subject to
34 ad valorem real estate taxes lawfully imposed by units of

1 local government and school districts with jurisdiction over
2 the facility. No other local government tax, surtax, fee or
3 other charge on activities at the regional disposal facility
4 shall be allowed except as authorized by the Department.

5 (1) The Department shall have the power, in the event
6 that acceptance of waste for disposal at the regional
7 disposal facility is suspended, delayed or interrupted, to
8 impose emergency fees on the generators of low-level
9 radioactive waste. Generators shall pay emergency fees
10 within 30 days of receipt of notice of the emergency fees.
11 The Department shall deposit all of the receipts of any fees
12 collected under this subsection into the Low-Level
13 Radioactive Waste Facility Development and Operation Fund
14 created under subsection (b) of Section 14. Emergency fees
15 may be used to mitigate the impacts of the suspension or
16 interruption of acceptance of waste for disposal. The
17 requirements for rulemaking in the Illinois Administrative
18 Procedure Act shall not apply to the imposition of emergency
19 fees under this subsection.

20 (m) The Department shall promulgate any other rules and
21 regulations as may be necessary to implement this Section.

22 (Source: P.A. 90-29, eff. 6-26-97; 90-601, eff. 6-26-98;
23 90-655, eff. 7-30-98.)

24 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

25 Sec. 14. Waste management funds.

26 (a) There is hereby created in the State Treasury a
27 special fund to be known as the "Low-Level Radioactive Waste
28 Facility Development and Operation Fund". All monies within
29 the Low-Level Radioactive Waste Facility Development and
30 Operation Fund shall be invested by the State Treasurer in
31 accordance with established investment practices. Interest
32 earned by such investment shall be returned to the Low-Level
33 Radioactive Waste Facility Development and Operation Fund.

1 Except as otherwise provided in this subsection, the
 2 Department shall deposit 80% of all receipts from the fees
 3 required under subsections (a) and (b) of Section 13 in the
 4 State Treasury to the credit of this Fund. Beginning July 1,
 5 1997, and until December 31 of the year in which the Task
 6 Group approves a proposed site under Section 10.3, the
 7 Department shall deposit all fees collected under subsections
 8 (a) and (b) of Section 13 of this Act into the Fund. Subject
 9 to appropriation, the Department is authorized to expend all
 10 moneys in the Fund in amounts it deems necessary for:

11 (1) hiring personnel and any other operating and
 12 contingent expenses necessary for the proper
 13 administration of this Act;

14 (2) contracting with any firm for the purpose of
 15 carrying out the purposes of this Act;

16 (3) grants to the Central Midwest Interstate
 17 Low-Level Radioactive Waste Commission {blank};

18 (4) hiring personnel, contracting with any person,
 19 and meeting any other expenses incurred by the Department
 20 in fulfilling its responsibilities under the Radioactive
 21 Waste Compact Enforcement Act;

22 (5) activities under Sections 10, 10.2 and 10.3;

23 (6) payment of fees in lieu of taxes to a local
 24 government having within its boundaries a regional
 25 disposal facility;

26 (7) payment of grants to counties or municipalities
 27 under Section 12.1; and

28 (8) fulfillment of obligations under a community
 29 agreement under Section 12.1.

30 In spending monies pursuant to such appropriations, the
 31 Department shall to the extent practicable avoid duplicating
 32 expenditures made by any firm pursuant to a contract awarded
 33 under this Section. On or before March 1, 1989 and on or
 34 before October 1 of 1989, 1990, 1991, 1992, and 1993, the

1 Department shall deliver to the Governor, the President and
2 Minority Leader of the Senate, the Speaker and Minority
3 Leader of the House, and each of the generators that have
4 contributed during the preceding State fiscal year to the
5 Low-Level Radioactive Waste Facility Development and
6 Operation Fund a financial statement, certified and verified
7 by the Director, which details all receipts and expenditures
8 from the fund during the preceding State fiscal year;
9 provided that the report due on or before March 1, 1989 shall
10 detail all receipts and expenditures from the fund during the
11 period from July 1, 1988 through January 31, 1989. The
12 financial statements shall identify all sources of income to
13 the fund and all recipients of expenditures from the fund,
14 shall specify the amounts of all the income and expenditures,
15 and shall indicate the amounts of all the income and
16 expenditures, and shall indicate the purpose for all
17 expenditures.

18 (b) There is hereby created in the State Treasury a
19 special fund to be known as the "Low-Level Radioactive Waste
20 Facility Closure, Post-Closure Care and Compensation Fund".
21 All monies within the Low-Level Radioactive Waste Facility
22 Closure, Post-Closure Care and Compensation Fund shall be
23 invested by the State Treasurer in accordance with
24 established investment practices. Interest earned by such
25 investment shall be returned to the Low-Level Radioactive
26 Waste Facility Closure, Post-Closure Care and Compensation
27 Fund. The Department shall deposit 20% of all receipts from
28 the fees required under subsections (a) and (b) of Section 13
29 of this Act in the State Treasury to the credit of this Fund,
30 except that, pursuant to subsection (a) of Section 14 of this
31 Act, there shall be no such deposit into this Fund between
32 July 1, 1997 and December 31 of the year in which the Task
33 Group approves a proposed site pursuant to Section 10.3 of
34 this Act. All deposits into this Fund shall be held by the

1 State Treasurer separate and apart from all public money or
2 funds of this State. Subject to appropriation, the
3 Department is authorized to expend any moneys in this Fund in
4 amounts it deems necessary for:

5 (1) decommissioning and other procedures required
6 for the proper closure of the regional disposal facility;

7 (2) monitoring, inspecting, and other procedures
8 required for the proper closure, decommissioning, and
9 post-closure care of the regional disposal facility;

10 (3) taking any remedial actions necessary to
11 protect human health and the environment from releases or
12 threatened releases of wastes from the regional disposal
13 facility;

14 (4) the purchase of facility and third-party
15 liability insurance necessary during the institutional
16 control period of the regional disposal facility;

17 (5) mitigating the impacts of the suspension or
18 interruption of the acceptance of waste for disposal;

19 (6) compensating any person suffering any damages
20 or losses to a person or property caused by a release
21 from the regional disposal facility as provided for in
22 Section 15; and

23 (7) fulfillment of obligations under a community
24 agreement under Section 12.1.

25 On or before March 1 of each year, the Department shall
26 deliver to the Governor, the President and Minority Leader of
27 the Senate, the Speaker and Minority Leader of the House, and
28 each of the generators that have contributed during the
29 preceding State fiscal year to the Fund a financial
30 statement, certified and verified by the Director, which
31 details all receipts and expenditures from the Fund during
32 the preceding State fiscal year. The financial statements
33 shall identify all sources of income to the Fund and all
34 recipients of expenditures from the Fund, shall specify the

1 amounts of all the income and expenditures, and shall
2 indicate the amounts of all the income and expenditures, and
3 shall indicate the purpose for all expenditures.

4 (c) (Blank). ~~Monies--in-the-Low-Level-Radioactive-Waste~~
5 ~~Facility-Closure, Post-Closure--Care--and--Compensation--Fund~~
6 ~~shall--be--invested--by--the--State--Treasurer--in-the-manner~~
7 ~~required-by-law-of-other--State--monies,--provided--that--any~~
8 ~~interest--accruing-as-a-result-of-the-investment-shall--accrue~~
9 ~~to-this-special-Fund.~~

10 (d) The Department may accept for any of its purposes
11 and functions any donations, grants of money, equipment,
12 supplies, materials, and services from any state or the
13 United States, or from any institution, person, firm or
14 corporation. Any donation or grant of money received after
15 January 1, 1986 shall be deposited in either the Low-Level
16 Radioactive Waste Facility Development and Operation Fund or
17 the Low-Level Radioactive Waste Facility Closure,
18 Post-Closure Care and Compensation Fund, in accordance with
19 the purpose of the grant.

20 (Source: P.A. 90-29, eff. 6-26-97.)".