

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 Sections 4 and 5 and by adding Section 8.5  
6 as follows:

7 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

8 Sec. 4. Nuclear accident plans; fees. Persons engaged  
9 within this State in the production of electricity utilizing  
10 nuclear energy, the operation of nuclear test and research  
11 reactors, the chemical conversion of uranium, or the  
12 transportation, storage or possession of spent nuclear fuel or  
13 high-level radioactive waste shall pay fees to cover the cost  
14 of establishing plans and programs to deal with the possibility  
15 of nuclear accidents. Except as provided below, the fees shall  
16 be used exclusively to fund those Agency and local government  
17 activities defined as necessary by the Director to implement  
18 and maintain the plans and programs authorized by this Act.  
19 Local governments incurring expenses attributable to  
20 implementation and maintenance of the plans and programs  
21 authorized by this Act may apply to the Agency for compensation  
22 for those expenses, and upon approval by the Director of  
23 applications submitted by local governments, the Agency shall

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

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

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

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

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

1 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and  
2 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for  
3 State fiscal year 1999, \$1,368,000; for State fiscal year 2000,  
4 \$1,404,000; for State fiscal year 2001, \$1,696,455; for State  
5 fiscal year 2002, \$1,730,636; for State fiscal year 2003  
6 through State and subsequent fiscal year 2011 years,  
7 \$1,757,727; for State fiscal year 2012 and subsequent fiscal  
8 years, \$1,903,182. Within 120 days after the end of the State  
9 fiscal year, the Agency shall determine, from the records of  
10 the Office of the Comptroller, the balance in the Nuclear  
11 Safety Emergency Preparedness Fund. When the balance in the  
12 fund, less any fees collected under this Section prior to their  
13 being due and payable for the succeeding fiscal year or years,  
14 exceeds \$400,000 at the close of business on June 30, 1993,  
15 1994, 1995, 1996, 1997, and 1998, or exceeds \$500,000 at the  
16 close of business on June 30, 1999 and June 30 of each  
17 succeeding year, the excess shall be credited to the owners of  
18 nuclear power reactors who are assessed fees under this  
19 subparagraph. Credits shall be applied against the fees to be  
20 collected under this subparagraph for the subsequent fiscal  
21 year. Each owner shall receive as a credit that amount of the  
22 excess which corresponds proportionately to the amount the  
23 owner contributed to all fees collected under this subparagraph  
24 in the fiscal year that produced the excess.

25 (3.5) The owner of a nuclear power reactor that notifies  
26 the Nuclear Regulatory Commission that the nuclear power

1 reactor has permanently ceased operations during State fiscal  
2 year 1998 shall pay the following fees for each such nuclear  
3 power reactor: \$1,368,000 for State fiscal year 1999 and  
4 \$1,404,000 for State fiscal year 2000.

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

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

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

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

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

26 (9) An annual fee of \$15,000 per year for each facility in

1 this State for the chemical conversion of uranium, to be paid  
2 by the owner of the facility.

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

19 (11) A fee assessed at the rate of \$2,500 per truck for  
20 each truck shipment and \$4,500 for the first cask and \$3,000  
21 for each additional cask for each rail shipment of spent  
22 nuclear fuel, high-level radioactive waste, transuranic waste,  
23 or a highway route controlled quantity of radioactive materials  
24 traversing the State to be paid by the shipper of the spent  
25 nuclear fuel, high level radioactive waste, transuranic waste,  
26 or highway route controlled quantity of radioactive material.

1 Truck shipments of greater than 250 miles in Illinois are  
2 subject to a surcharge of \$25 per mile over 250 miles for each  
3 truck in the shipment. The amount of fees collected each fiscal  
4 year under this subparagraph shall be excluded from the  
5 calculation of credits under subparagraph (3) of this Section.

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

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

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

3 Sec. 5. (a) Except as otherwise provided in this Section,  
4 within 30 days after the beginning of each State fiscal year,  
5 each person who possessed a valid operating license issued by  
6 the NRC for a nuclear power reactor or a spent fuel storage  
7 facility during any portion of the previous fiscal year shall  
8 pay to the Agency the fees imposed by Section 4 of this Act.  
9 The one-time facility charge assessed pursuant to subparagraph  
10 (1) of Section 4 shall be paid to the Agency not less than 2  
11 years prior to scheduled commencement of commercial operation.  
12 The additional facility charge assessed pursuant to  
13 subparagraph (2) of Section 4 shall be paid to the Department  
14 within 90 days of June 30, 1982. Fees assessed pursuant to  
15 subparagraph (3) of Section 4 for State fiscal year 1992 shall  
16 be payable as follows: \$400,000 due on August 1, 1991, and  
17 \$525,000 due on January 1, 1992. Fees assessed pursuant to  
18 subparagraph (3) of Section 4 for State fiscal years year 1993  
19 through 2011 and subsequent fiscal years shall be due and  
20 payable in two equal payments on July 1 and January 1 during  
21 the fiscal year in which the fee is due. For State fiscal year  
22 2012 and subsequent fiscal years, fees shall be due and payable  
23 in 4 equal payments on July 1, October 1, January 1, and April  
24 1 during the fiscal year in which the fee is due. Fees assessed  
25 pursuant to subparagraph (4) of Section 4 shall be paid in six



1 payments, the first, in the amount of \$400,000, shall be due  
2 and payable 30 days after the effective date of this Amendatory  
3 Act of 1984. Subsequent payments shall be in the amount of  
4 \$200,000 each, and shall be due and payable annually on August  
5 1, 1985 through August 1, 1989, inclusive. Fees assessed under  
6 the provisions of subparagraphs (6) and (7) of Section 4 of  
7 this Act shall be paid on or before January 1, 1990. Fees  
8 assessed under the provisions of subparagraphs (8) and (9) of  
9 Section 4 of this Act shall be paid on or before January 1st of  
10 each year, beginning January 1, 1990. Fees assessed under the  
11 provisions of subparagraphs (10) and (11) of Section 4 of this  
12 Act shall be paid to the Agency within 60 days after completion  
13 of such shipments within this State. Fees assessed pursuant to  
14 subparagraph (12) of Section 4 shall be paid to the Agency by  
15 each person who possessed a valid operating license issued by  
16 the NRC for a nuclear power reactor during any portion of the  
17 previous State fiscal year as follows: the fee due in fiscal  
18 year 1988 shall be paid on January 15, 1988, the fee due in  
19 fiscal year 1989 shall be paid on December 1, 1988, and  
20 subsequent fees shall be paid annually on December 1, 1989  
21 through December 1, 1990.

22 (b) Fees assessed pursuant to paragraph (3.5) of Section 4  
23 for State fiscal years 1999 and 2000 shall be due and payable  
24 in 2 equal payments on July 1 and January 1 during the fiscal  
25 year in which the fee is due. The fee due on July 1, 1998 shall  
26 be payable on that date, or within 10 days after the effective

1 date of this amendatory Act of 1998, whichever is later.

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

12 (Source: P.A. 93-1029, eff. 8-25-04.)

13 (420 ILCS 5/8.5 new)

14 Sec. 8.5. Remote monitoring system upgrades and equipment  
15 replacement.

16 (a) Each nuclear power reactor for which an operating  
17 license has been issued by the NRC shall be subject to the fees  
18 described in this Section, which shall be paid by the owner or  
19 owners of each reactor into the Nuclear Safety Emergency  
20 Preparedness Fund. The fees in this Section shall be used  
21 solely for the purposes set forth in this Section and cannot be  
22 transferred for other purposes.

23 (1) Within 14 days after the Agency notifies each owner  
24 subject to the fee requirements of this Section that the  
25 Agency has entered into one or more contracts with a third

1 party for purposes of upgrading the remote monitoring  
2 system software and that such work will commence within 30  
3 days, the owner or owners shall make a payment of \$19,697  
4 for each reactor owned. Thereafter, for each such reactor,  
5 the owner or owners shall submit 11 quarterly payments of  
6 \$19,697. The Agency shall use the fees collected in this  
7 subsection for purposes of upgrading remote monitoring  
8 system software and to acquire, replace, or upgrade  
9 equipment related to such monitoring, including, but not  
10 limited to, generators and transfer switches, air  
11 compressors, detection equipment, data loggers, and solar  
12 panels.

13 (2) Within 90 days after the effective date of this  
14 amendatory Act of the 97th General Assembly, the owner or  
15 owners subject to the fee requirements of this Section  
16 shall make a payment of \$7,575 for each reactor owned for  
17 the purposes of acquiring, replacing, and upgrading  
18 equipment, including, but not limited to, dosimeters,  
19 safety and command vehicles, liquid scintillation  
20 analyzers, an alpha spectrometry system, and compositors.  
21 Thereafter, for each such reactor, the owner or owners  
22 shall submit 11 quarterly payments of \$7,575.

23 (b) This Section is repealed on January 1, 2015.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.