

SB2699



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2699

Introduced 1/18/2012, by Sen. John J. Cullerton

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 16155 KMW 61308 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
7 station in this State to be paid by the owners of the
8 stations.

9 (2) An additional charge of \$240,000 per nuclear power
10 station for which a fee under subparagraph (1) was paid
11 before 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,
15 1982, and through June 30, 1984 an annual fee of \$180,000
16 per year for each nuclear power reactor for which an
17 operating license has been issued by the NRC, and after
18 June 30, 1984, and through June 30, 1991, an annual fee of
19 \$400,000 for each nuclear power reactor for which an
20 operating license has been issued by the NRC, to be paid by
21 the owners of nuclear power reactors operating in this
22 State. After June 30, 1991, the owners of nuclear power
23 reactors in this State for which operating licenses have
24 been issued by the NRC shall pay the following fees for
25 each such nuclear power reactor: for State fiscal year
26 1992, \$925,000; for State fiscal year 1993, \$975,000; for

1 State fiscal year 1994; \$1,010,000; for State fiscal year
2 1995, \$1,060,000; for State fiscal years 1996 and 1997,
3 \$1,110,000; for State fiscal year 1998, \$1,314,000; for
4 State fiscal year 1999, \$1,368,000; for State fiscal year
5 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455;
6 for State fiscal year 2002, \$1,730,636; for State fiscal
7 year 2003 through State fiscal year 2011, \$1,757,727; for
8 State fiscal year 2012 and subsequent fiscal years,
9 \$1,903,182. Within 120 days after the end of the State
10 fiscal year, the Agency shall determine, from the records
11 of the Office of the Comptroller, the balance in the
12 Nuclear Safety Emergency Preparedness Fund. When the
13 balance in the fund, less any fees collected under this
14 Section prior to their being due and payable for the
15 succeeding fiscal year or years, exceeds \$400,000 at the
16 close of business on June 30, 1993, 1994, 1995, 1996, 1997,
17 and 1998, or exceeds \$500,000 at the close of business on
18 June 30, 1999 and June 30 of each succeeding year, the
19 excess shall be credited to the owners of nuclear power
20 reactors who are assessed fees under this subparagraph.
21 Credits shall be applied against the fees to be collected
22 under this subparagraph for the subsequent fiscal year.
23 Each owner shall receive as a credit that amount of the
24 excess which corresponds proportionately to the amount the
25 owner contributed to all fees collected under this
26 subparagraph in the fiscal year that produced the excess.

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

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

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

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

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

26 (8) An annual fee of \$150,000 per year for each

1 facility in this State housing a nuclear test and research
2 reactor, to be paid by the operator of the facility.
3 However, this annual fee shall not be required to be paid
4 by any tax-supported institution.

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

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

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

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

15 (12) In each of the State fiscal years 1988 through
16 1991, in addition to the annual fee provided for in
17 subparagraph (3), a fee of \$400,000 for each nuclear power
18 reactor for which an operating license has been issued by
19 the NRC, to be paid by the owners of nuclear power reactors
20 operating in this State. Within 120 days after the end of
21 the State fiscal years ending June 30, 1988, June 30, 1989,
22 June 30, 1990, and June 30, 1991, the Agency shall
23 determine the expenses of the Illinois Nuclear Safety
24 Preparedness Program paid from funds appropriated for
25 those fiscal years. When the aggregate of all fees,
26 charges, and surcharges collected under this Section

1 during any fiscal year exceeds the total expenditures under
2 this Act from appropriations for that fiscal year, the
3 excess shall be credited to the owners of nuclear power
4 reactors who are assessed fees under this subparagraph, and
5 the credits shall be applied against the fees to be
6 collected under this subparagraph for the subsequent
7 fiscal year. Each owner shall receive as a credit that
8 amount of the excess that corresponds proportionately to
9 the amount the owner contributed to all fees collected
10 under this subparagraph in the fiscal year that produced
11 the excess.

12 (Source: P.A. 97-195, eff. 7-25-11.)