



Filed: 3/30/2004

09300HB5042ham002

LRB093 18307 BDD 49252 a

1 AMENDMENT TO HOUSE BILL 5042

2 AMENDMENT NO. _____. Amend House Bill 5042 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Nuclear Safety Law of 2004.

6 Section 5. Cross references. The Illinois Emergency
7 Management Agency shall exercise, administer, and enforce all
8 rights, powers, and duties vested in Department of Nuclear
9 Safety by the following named Acts or Sections of those Acts:

- 10 (1) The Radiation Protection Act of 1990.
- 11 (2) The Radioactive Waste Storage Act.
- 12 (3) The Personnel Radiation Monitoring Act.
- 13 (4) The Laser System Act of 1997.
- 14 (5) The Illinois Nuclear Safety Preparedness Act.
- 15 (6) The Radioactive Waste Compact Enforcement Act.
- 16 (7) Illinois Low-Level Radioactive Waste Management
17 Act.
- 18 (8) Illinois Nuclear Facility Safety Act.
- 19 (9) Radioactive Waste Tracking and Permitting Act.
- 20 (10) Radon Industry Licensing Act.
- 21 (11) Uranium and Thorium Mill Tailings Control Act.

22 Section 10. Nuclear and radioactive materials disposal.
23 The Illinois Emergency Management Agency shall formulate a

1 comprehensive plan regarding disposal of nuclear and
2 radioactive materials in this State. The Illinois Emergency
3 Management Agency shall establish minimum standards for
4 disposal sites, shall evaluate and publicize potential effects
5 on the public health and safety, and shall report to the
6 Governor and General Assembly all violations of the adopted
7 standards. In carrying out this function, the Illinois
8 Emergency Management Agency shall work in cooperation with the
9 Radiation Protection Advisory Council and the Low-Level
10 Radioactive Waste Task Group.

11 Section 15. Radiation sources; radioactive waste disposal.
12 The Illinois Emergency Management Agency, instead of the
13 Department of Nuclear Safety, shall register, license,
14 inspect, and control radiation sources, shall purchase, lease,
15 accept, or acquire lands, buildings, and grounds where
16 radioactive wastes can be disposed, and shall supervise and
17 regulate the operation of the disposal sites.

18 Section 20. Nuclear waste sites.

19 (a) The Illinois Emergency Management Agency shall conduct
20 a survey and prepare and publish a list of sites in the State
21 where nuclear waste has been deposited, treated, or stored.

22 (b) The Illinois Emergency Management Agency shall monitor
23 nuclear waste processing, use, handling, storage, and disposal
24 practices in the State, and shall determine existing and
25 expected rates of production of nuclear wastes.

26 (c) The Illinois Emergency Management Agency shall compile
27 and make available to the public an annual report identifying
28 the type and quantities of nuclear waste generated, stored,
29 treated, or disposed of within this State and containing the
30 other information required to be collected under this Section.

31 Section 25. Boiler and pressure vessel safety. The Illinois

1 Emergency Management Agency shall exercise, administer, and
2 enforce all of the following rights, powers, and duties:

3 (1) Rights, powers, and duties vested in the Department
4 of Nuclear Safety by the Boiler and Pressure Vessel Safety
5 Act prior to the abolishment of the Department of Nuclear
6 Safety, to the extent the rights, powers, and duties relate
7 to nuclear steam-generating facilities.

8 (2) Rights, powers, and duties relating to nuclear
9 steam-generating facilities vested in the Department of
10 Nuclear Safety by the Boiler and Pressure Vessel Safety Act
11 prior to the abolishment of the Department of Nuclear
12 Safety, which include but are not limited to the
13 formulation of definitions, rules, and regulations for the
14 safe and proper construction, installation, repair, use,
15 and operation of nuclear steam-generating facilities, the
16 adoption of rules for already installed nuclear
17 steam-generating facilities, the adoption of rules for
18 accidents in nuclear steam-generating facilities, the
19 examination for or suspension of inspectors' licenses of
20 the facilities, and the hearing of appeals from decisions
21 relating to the facilities.

22 (3) Rights, powers, and duties relating to nuclear
23 steam-generating facilities, vested in the State Fire
24 Marshal, the Chief Inspector, or the Department of Nuclear
25 Safety prior to its abolishment, by the Boiler and Pressure
26 Vessel Safety Act, which include but are not limited to the
27 employment of inspectors of nuclear steam-generating
28 facilities, issuance or suspension of their commissions,
29 prosecution of the Act or rules promulgated thereunder for
30 violations by nuclear steam-generating facilities,
31 maintenance of inspection records of all the facilities,
32 publication of rules relating to the facilities, having
33 free access to the facilities, issuance of inspection
34 certificates of the facilities, and the furnishing of bonds

1 conditioned upon the faithful performance of their duties.
2 The Director of Illinois Emergency Management Agency may
3 designate a Chief Inspector, or other inspectors, as he or
4 she deems necessary to perform the functions transferred by
5 this Section.

6 The transfer of rights, powers, and duties specified in
7 paragraphs (1), (2), and (3) is limited to the program
8 transferred by this Act and shall not be deemed to abolish or
9 diminish the exercise of those same rights, powers, and duties
10 by the Office of the State Fire Marshal, the Board of Boiler
11 and Pressure Vessel Rules, the State Fire Marshal, or the Chief
12 Inspector with respect to programs retained by the Office of
13 the State Fire Marshal.

14 Section 30. Powers vested in Environmental Protection
15 Agency.

16 (a) The Illinois Emergency Management Agency shall
17 exercise, administer, and enforce all rights, powers, and
18 duties vested in the Environmental Protection Agency by
19 paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q,
20 and r of Section 4 and by Sections 30 through 45 of the
21 Environmental Protection Act, to the extent that these powers
22 relate to standards of the Pollution Control Board adopted
23 under Section 35 of this Act. The transfer of rights, powers,
24 and duties specified in this Section is limited to the programs
25 transferred by Public Act 81-1516 and this Act and shall not be
26 deemed to abolish or diminish the exercise of those same
27 rights, powers, and duties by the Environmental Protection
28 Agency with respect to programs retained by the Environmental
29 Protection Agency.

30 (b) Notwithstanding provisions in Sections 4 and 17.7 of
31 the Environmental Protection Act, the Environmental Protection
32 Agency is not required to perform analytical services for
33 community water supplies to determine compliance with

1 contaminant levels for radionuclides as specified in State or
2 federal drinking water regulations.

3 (c) Community water supplies may request the Illinois
4 Emergency Management Agency to perform analytical services to
5 determine compliance with contaminant levels for radionuclides
6 as specified in State or federal drinking water regulations.
7 The Illinois Emergency Management Agency must adopt rules
8 establishing reasonable fees reflecting the direct and
9 indirect cost of testing community water supply samples. The
10 rules may require a community water supply to commit to
11 participation in the Illinois Emergency Management Agency's
12 testing program. Neither the Illinois Emergency Management
13 Agency nor the Environmental Protection Agency is required to
14 perform analytical services to determine contaminant levels
15 for radionuclides from any community water supply that does not
16 participate in the Illinois Emergency Management Agency's
17 testing program.

18 Community water supplies that choose not to participate in
19 the Illinois Emergency Management Agency's testing program or
20 do not pay the fees established by the Illinois Emergency
21 Management Agency shall have the duty to analyze all drinking
22 water samples as required by State or federal safe drinking
23 water regulations to determine radionuclide contaminant
24 levels.

25 Section 35. Pollution Control Board regulations concerning
26 nuclear plants. The Illinois Emergency Management Agency shall
27 enforce the regulations promulgated by the Pollution Control
28 Board under Section 25b of the Environmental Protection Act.
29 Under these regulations the Illinois Emergency Management
30 Agency shall require that a person, corporation, or public
31 authority intending to construct a nuclear steam-generating
32 facility or a nuclear fuel reprocessing plant file with the
33 Illinois Emergency Management Agency an environmental

1 feasibility report that incorporates the data provided in the
2 preliminary safety analysis required to be filed with the
3 United States Nuclear Regulatory Commission.

4 Section 40. Regulation of nuclear safety. The Illinois
5 Emergency Management Agency shall have primary responsibility
6 for the coordination and oversight of all State governmental
7 functions concerning the regulation of nuclear power,
8 including low level waste management, environmental
9 monitoring, and transportation of nuclear waste. Functions
10 performed by the Department of State Police and the Department
11 of Transportation in the area of nuclear safety, on the
12 effective date of this Act, may continue to be performed by
13 these agencies but under the direction of the Illinois
14 Emergency Management Agency. All other governmental functions
15 regulating nuclear safety shall be coordinated by Illinois
16 Emergency Management Agency.

17 Section 45. Appointment of Assistant Director. The
18 Assistant Director shall be an officer appointed by the
19 Governor, with the advice and consent of the Senate, and shall
20 serve for a term of 2 years beginning on the third Monday in
21 January of the odd-numbered year, and until a successor is
22 appointed and has qualified; except that the first Assistant
23 Director under this Act shall be the Director of the Department
24 of Nuclear Safety. The Assistant Director shall not hold any
25 other remunerative public office. The Assistant Director shall
26 receive an annual salary as set by the Governor from time to
27 time or the amount set by the Compensation Review Board,
28 whichever is higher. If set by the Governor, the Assistant
29 Director's annual salary may not exceed 85% of the Governor's
30 annual salary.

31 Section 50. Personnel transferred. Personnel previously

1 assigned to the programs transferred from the Department of
2 Nuclear Safety are hereby transferred to the Illinois Emergency
3 Management Agency. The rights of the employees, the State, and
4 executive agencies under the Personnel Code, any collective
5 bargaining agreement, or any pension, retirement, or annuity
6 plan shall not be affected by this Act.

7 Section 55. Records and property transferred. All books,
8 records, papers, documents, property (real or personal),
9 unexpended appropriations, and pending business in any way
10 pertaining to the rights, powers, and duties transferred by
11 this Act shall be delivered and transferred to the Illinois
12 Emergency Management Agency.

13 Section 60. Data available to Department of Public Health.
14 All files, records, and data gathered by or under the direction
15 or authority of the Director under the Civil Administrative
16 Code of Illinois shall be made available to the Department of
17 Public Health under the Illinois Health and Hazardous
18 Substances Registry Act.

19 Section 65. Nuclear accident plan. The Illinois Emergency
20 Management Agency shall have primary responsibility to
21 formulate a comprehensive emergency preparedness and response
22 plan for any nuclear accident. The Illinois Emergency
23 Management Agency shall also train and maintain an emergency
24 response team.

25 Section 70. Nuclear and radioactive materials
26 transportation plan. The Illinois Emergency Management Agency
27 shall formulate a comprehensive plan regarding the
28 transportation of nuclear and radioactive materials in
29 Illinois. The Illinois Emergency Management Agency shall have
30 primary responsibility for all State governmental regulation

1 of the transportation of nuclear and radioactive materials,
2 insofar as the regulation pertains to the public health and
3 safety. This responsibility shall include but not be limited to
4 the authority to oversee and coordinate regulatory functions
5 performed by the Department of Transportation, the Department
6 of State Police, and the Illinois Commerce Commission.

7 Section 75. Communication system. The Illinois Emergency
8 Management Agency shall establish a reliable system for
9 communication between the public and the Illinois Emergency
10 Management Agency and for dissemination of information by the
11 Illinois Emergency Management Agency.

12 Section 80. No accreditation, certification, or
13 registration if in default on educational loan. The Illinois
14 Emergency Management Agency shall not issue or renew to any
15 individual any accreditation, certification, or registration
16 (but excluding registration under Section 24.7 of the Radiation
17 Protection Act of 1990) otherwise issued by the Illinois
18 Emergency Management Agency if the individual has defaulted on
19 an educational loan guaranteed by the Illinois Student
20 Assistance Commission; however, the Agency may issue or renew
21 an accreditation, certification, or registration if the
22 individual has established a satisfactory repayment record as
23 determined by the Illinois Student Assistance Commission.
24 Additionally, any accreditation, certification, or
25 registration issued by the Illinois Emergency Management
26 Agency (but excluding registration under Section 24.7 of the
27 Radiation Protection Act of 1990) may be suspended or revoked
28 if the Illinois Emergency Management Agency, after the
29 opportunity for a hearing under the appropriate accreditation,
30 certification, or registration Act, finds that the holder has
31 failed to make satisfactory repayment to the Illinois Student
32 Assistance Commission for a delinquent or defaulted loan as

1 determined by the Illinois Student Assistance Commission.

2 Section 85. Saving clause.

3 (a) The rights, powers and duties transferred to the
4 Illinois Emergency Management Agency by this Act shall be
5 vested in and shall be exercised by the Illinois Emergency
6 Management Agency. Each act done in exercise of such rights,
7 powers, and duties shall have the same legal effect as if done
8 by the Department of Nuclear Safety, its divisions, officers,
9 or employees.

10 (b) Every person or corporation shall be subject to the
11 same obligations and duties and any penalties, civil or
12 criminal, arising therefrom, and shall have the same rights
13 arising from the exercise of such powers, duties, rights and
14 responsibilities as had been exercised by the Department of
15 Nuclear Safety, its divisions, officers or employees.

16 (c) Every officer of the Illinois Emergency Management
17 Agency shall, for any offense, be subject to the same penalty
18 or penalties, civil or criminal, as are prescribed by existing
19 law for the same offense by any officer whose powers or duties
20 were transferred under this Act.

21 (d) Whenever reports or notices are now required to be made
22 or given or papers or documents furnished or served by any
23 person to or upon the agencies and officers transferred by this
24 Act, the same shall be made, given, furnished, or served in the
25 same manner to or upon the Illinois Emergency Management
26 Agency.

27 (e) This Act shall not affect any act done, ratified, or
28 canceled or any right occurring or established or any action or
29 proceeding had or commenced in an administrative, civil, or
30 criminal cause regarding the Department of Nuclear Safety
31 before this Act takes effect, but such actions or proceedings
32 may be prosecuted and continued by the Illinois Emergency
33 Management Agency.

1 (f) Any rules of the Department of Nuclear Safety that are
2 in full force on the effective date of this Act and that have
3 been duly adopted by the Illinois Emergency Management Agency
4 shall become the rules of the Illinois Emergency Management
5 Agency. This Act shall not affect the legality of any such
6 rules in the Illinois Administrative Code. Any proposed rules
7 filed with the Secretary of State by the Department of Nuclear
8 Safety that are pending in the rulemaking process on the
9 effective date of this Act, shall be deemed to have been filed
10 by the Illinois Emergency Management Agency. As soon as
11 practicable hereafter, the Illinois Emergency Management
12 Agency shall revise and clarify the rules transferred to it
13 under this Act to reflect the reorganization of rights, powers,
14 and duties effected by this Act using the procedures for
15 recodification of rules available under the Illinois
16 Administrative Procedure Act, except that existing title,
17 part, and section numbering for the affected rules may be
18 retained. The Illinois Emergency Management Agency may propose
19 and adopt under the Illinois Administrative Procedure Act such
20 other rules of the reorganized agencies that will now be
21 administered by the Illinois Emergency Management Agency.

22 (g) If any provision of this Act or its application to any
23 person or circumstances is held invalid by any court of
24 competent jurisdiction, this invalidity does not effect any
25 other provision or application. To achieve this purpose, the
26 provisions of this Act are declared to be severable.

27 Section 905. The Civil Administrative Code of Illinois is
28 amended by changing Sections 5-15, 5-20, and 5-160 as follows:

29 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

30 Sec. 5-15. Departments of State government. The
31 Departments of State government are created as follows:

32 The Department on Aging.

1 The Department of Agriculture.
2 The Department of Central Management Services.
3 The Department of Children and Family Services.
4 The Department of Commerce and Economic Opportunity.
5 The Department of Corrections.
6 The Department of Employment Security.
7 The Emergency Management Agency.
8 The Department of Financial Institutions.
9 The Department of Human Rights.
10 The Department of Human Services.
11 The Department of Insurance.
12 The Department of Labor.
13 The Department of the Lottery.
14 The Department of Natural Resources.
15 ~~The Department of Nuclear Safety.~~
16 The Department of Professional Regulation.
17 The Department of Public Aid.
18 The Department of Public Health.
19 The Department of Revenue.
20 The Department of State Police.
21 The Department of Transportation.
22 The Department of Veterans' Affairs.
23 (Source: P.A. 93-25, eff. 6-20-03.)

24 (20 ILCS 5/5-20) (was 20 ILCS 5/4)
25 Sec. 5-20. Heads of departments. Each department shall have
26 an officer as its head who shall be known as director or
27 secretary and who shall, subject to the provisions of the Civil
28 Administrative Code of Illinois, execute the powers and
29 discharge the duties vested by law in his or her respective
30 department.

31 The following officers are hereby created:
32 Director of Aging, for the Department on Aging.
33 Director of Agriculture, for the Department of

1 Agriculture.

2 Director of Central Management Services, for the
3 Department of Central Management Services.

4 Director of Children and Family Services, for the
5 Department of Children and Family Services.

6 Director of Commerce and Economic Opportunity, for the
7 Department of Commerce and Economic Opportunity.

8 Director of Corrections, for the Department of
9 Corrections.

10 Director of Emergency Management Agency, for the Emergency
11 Management Agency.

12 Director of Employment Security, for the Department of
13 Employment Security.

14 Director of Financial Institutions, for the Department of
15 Financial Institutions.

16 Director of Human Rights, for the Department of Human
17 Rights.

18 Secretary of Human Services, for the Department of Human
19 Services.

20 Director of Insurance, for the Department of Insurance.

21 Director of Labor, for the Department of Labor.

22 Director of the Lottery, for the Department of the Lottery.

23 Director of Natural Resources, for the Department of
24 Natural Resources.

25 ~~Director of Nuclear Safety, for the Department of Nuclear~~
26 ~~Safety.~~

27 Director of Professional Regulation, for the Department of
28 Professional Regulation.

29 Director of Public Aid, for the Department of Public Aid.

30 Director of Public Health, for the Department of Public
31 Health.

32 Director of Revenue, for the Department of Revenue.

33 Director of State Police, for the Department of State
34 Police.

1 Secretary of Transportation, for the Department of
2 Transportation.

3 Director of Veterans' Affairs, for the Department of
4 Veterans' Affairs.

5 (Source: P.A. 93-25, eff. 6-20-03.)

6 (20 ILCS 5/5-160) (was 20 ILCS 5/5.13h)

7 Sec. 5-160. In the Emergency Management Agency ~~Department~~
8 ~~of Nuclear Safety~~. Assistant Director of the Emergency
9 Management Agency ~~of Nuclear Safety~~.

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 (20 ILCS 2005/Act rep.)

12 Section 910. The Department of Nuclear Safety Law of the
13 Civil Administrative Code of Illinois is repealed.

14 Section 915. The Illinois Nuclear Safety Preparedness Act
15 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, and 10 as
16 follows:

17 (420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

18 Sec. 3. Definitions. Unless the context otherwise clearly
19 requires, as used in this Act:

20 (1) "Agency ~~Department~~" means the Illinois Emergency
21 Management Agency ~~Department of Nuclear Safety~~ of the State of
22 Illinois.

23 (2) "Director" means the Director of the Illinois Emergency
24 Management Agency ~~Department of Nuclear Safety~~.

25 (3) "Person" means any individual, corporation,
26 partnership, firm, association, trust, estate, public or
27 private institution, group, agency, political subdivision of
28 this State, any other state or political subdivision or agency
29 thereof, and any legal successor, representative, agent, or
30 agency of the foregoing.

1 (4) "NRC" means the United States Nuclear Regulatory
2 Commission or any agency which succeeds to its functions in the
3 licensing of nuclear power reactors or facilities for storing
4 spent nuclear fuel.

5 (5) "High-level radioactive waste" means (1) the highly
6 radioactive material resulting from the reprocessing of spent
7 nuclear fuel including liquid waste produced directly in
8 reprocessing and any solid material derived from such liquid
9 waste that contains fission products in sufficient
10 concentrations; and (2) the highly radioactive material that
11 the NRC has determined to be high-level radioactive waste
12 requiring permanent isolation.

13 (6) "Nuclear facilities" means nuclear power plants,
14 facilities housing nuclear test and research reactors,
15 facilities for the chemical conversion of uranium, and
16 facilities for the storage of spent nuclear fuel or high-level
17 radioactive waste.

18 (7) "Spent nuclear fuel" means fuel that has been withdrawn
19 from a nuclear reactor following irradiation, the constituent
20 elements of which have not been separated by reprocessing.

21 (8) "Transuranic waste" means material contaminated with
22 elements that have an atomic number greater than 92, including
23 neptunium, plutonium, americium, and curium, excluding
24 radioactive wastes shipped to a licensed low-level radioactive
25 waste disposal facility.

26 (9) "Highway route controlled quantity of radioactive
27 materials" means that quantity of radioactive materials
28 defined as a highway route controlled quantity under rules of
29 the United States Department of Transportation, or any
30 successor agency.

31 (Source: P.A. 90-601, eff. 6-26-98.)

32 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

33 Sec. 4. Nuclear accident plans; fees. Persons engaged

1 within this State in the production of electricity utilizing
2 nuclear energy, the operation of nuclear test and research
3 reactors, the chemical conversion of uranium, or the
4 transportation, storage or possession of spent nuclear fuel or
5 high-level radioactive waste shall pay fees to cover the cost
6 of establishing plans and programs to deal with the possibility
7 of nuclear accidents. Except as provided below, the fees shall
8 be used exclusively to fund those Agency ~~Departmental~~ and local
9 government activities defined as necessary by the Director to
10 implement and maintain the plans and programs authorized by
11 this Act. Local governments incurring expenses attributable to
12 implementation and maintenance of the plans and programs
13 authorized by this Act may apply to the Agency ~~Department~~ for
14 compensation for those expenses, and upon approval by the
15 Director of applications submitted by local governments, the
16 Agency ~~Department~~ shall compensate local governments from fees
17 collected under this Section. Compensation for local
18 governments shall include \$450,000 for fiscal year 2003 and
19 \$450,000 each fiscal year thereafter. ~~\$250,000 in any year~~
20 ~~through fiscal year 1993, \$275,000 in fiscal year 1994 and~~
21 ~~fiscal year 1995, \$300,000 in fiscal year 1996, \$400,000 in~~
22 ~~fiscal year 1997, and \$450,000 in fiscal year 1998 and~~
23 ~~thereafter. Appropriations to the Department of Nuclear Safety~~
24 ~~for compensation to local governments from the Nuclear Safety~~
25 ~~Emergency Preparedness Fund provided for in this Section shall~~
26 ~~not exceed \$650,000 per State fiscal year.~~ Expenditures for
27 compensation to local governments from these appropriations
28 shall not exceed, in a single State fiscal year, \$450,000 and
29 ~~the annual compensation amount made available to local~~
30 ~~governments under this Section,~~ unexpended funds made
31 available for local government compensation in the previous
32 fiscal year, and funds recovered under the Illinois Grant Funds
33 Recovery Act during previous fiscal years. ~~Notwithstanding any~~
34 ~~other provision of this Act, the expenditure limitation for~~

1 ~~fiscal year 1998 shall include the additional \$100,000 made~~
2 ~~available to local governments for fiscal year 1997 under this~~
3 ~~amendatory Act of 1997.~~ Any funds within these expenditure
4 limitations compensation to local governments, ~~including the~~
5 ~~additional \$100,000 made available for fiscal year 1997 under~~
6 ~~this amendatory Act of 1997,~~ that remain unexpended at the
7 close of business on June 30, ~~1997,~~ and on June 30 of each
8 State fiscal ~~succeeding~~ year, shall be excluded from the
9 calculations of credits under subparagraph (3) of this Section.
10 The Agency Department shall, by rule, determine the method for
11 compensating local governments under this Section. ~~In~~
12 ~~addition, a portion of the fees collected may be appropriated~~
13 ~~to the Illinois Emergency Management Agency for activities~~
14 ~~associated with preparing and implementing plans to deal with~~
15 ~~the effects of nuclear accidents. The appropriation shall not~~
16 ~~exceed \$500,000 in any year preceding fiscal year 1996; the~~
17 ~~appropriation shall not exceed \$625,000 in fiscal year 1996,~~
18 ~~\$725,000 in fiscal year 1997, and \$775,000 in fiscal year 1998~~
19 ~~and thereafter.~~ The fees shall consist of the following:

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

22 (2) (Blank). ~~An additional charge of \$240,000 per nuclear~~
23 ~~power station for which a fee under subparagraph (1) was paid~~
24 ~~before June 30, 1982.~~

25 (3) ~~Through June 30, 1982, an annual fee of \$75,000 per~~
26 ~~year for each nuclear power reactor for which an operating~~
27 ~~license has been issued by the NRC, and after June 30, 1982,~~
28 ~~and through June 30, 1984 an annual fee of \$180,000 per year~~
29 ~~for each nuclear power reactor for which an operating license~~
30 ~~has been issued by the NRC, and after June 30, 1984, and~~
31 ~~through June 30, 1991, an annual fee of \$400,000 for each~~
32 ~~nuclear power reactor for which an operating license has been~~
33 ~~issued by the NRC, to be paid by the owners of nuclear power~~
34 ~~reactors operating in this State. After June 30, 1991, the The~~

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

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

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

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

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

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

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

25 (10) A fee assessed at the rate of \$2,500 per truck for
26 each truck shipment and \$4,500 for the first cask and \$3,000
27 for each additional cask for each rail shipment of spent
28 nuclear fuel, high-level radioactive waste, ~~or~~ transuranic
29 waste, or a highway route controlled quantity of radioactive
30 materials received at or departing from any nuclear power
31 station or away-from-reactor spent nuclear fuel, high-level
32 radioactive waste, ~~or~~ transuranic waste storage facility, or
33 other facility in this State to be paid by the shipper of the
34 spent nuclear fuel, high level radioactive waste, ~~or~~

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

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

22 (12) (Blank). ~~In each of the State fiscal years 1988~~
23 ~~through 1991, in addition to the annual fee provided for in~~
24 ~~subparagraph (3), a fee of \$400,000 for each nuclear power~~
25 ~~reactor for which an operating license has been issued by the~~
26 ~~NRC, to be paid by the owners of nuclear power reactors~~
27 ~~operating in this State. Within 120 days after the end of the~~
28 ~~State fiscal years ending June 30, 1988, June 30, 1989, June~~
29 ~~30, 1990, and June 30, 1991, the Department shall determine the~~
30 ~~expenses of the Illinois Nuclear Safety Preparedness Program~~
31 ~~paid from funds appropriated for those fiscal years. When the~~
32 ~~aggregate of all fees, charges, and surcharges collected under~~
33 ~~this Section during any fiscal year exceeds the total~~
34 ~~expenditures under this Act from appropriations for that fiscal~~

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

9 (Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00;
10 92-576, eff. 6-26-02.)

11 (420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

12 Sec. 5. (a) Except as otherwise provided in this Section,
13 within 30 days after the beginning of each State fiscal year,
14 each person who possessed a valid operating license issued by
15 the NRC for a nuclear power reactor or a spent fuel storage
16 facility during any portion of the previous fiscal year shall
17 pay to the Agency Department ~~the fees imposed by Section 4 of~~
18 ~~this Act. The one time facility charge assessed pursuant to~~
19 ~~subparagraph (1) of Section 4 shall be paid to the Department~~
20 ~~not less than 2 years prior to scheduled commencement of~~
21 ~~commercial operation. The additional facility charge assessed~~
22 ~~pursuant to subparagraph (2) of Section 4 shall be paid to the~~
23 ~~Department within 90 days of June 30, 1982. Fees assessed~~
24 ~~pursuant to subparagraph (3) of Section 4 for State fiscal year~~
25 ~~1992 shall be payable as follows: \$400,000 due on August 1,~~
26 ~~1991, and \$525,000 due on January 1, 1992. Fees assessed~~
27 ~~pursuant to subparagraph (3) of Section 4 for State fiscal year~~
28 ~~1993 and subsequent fiscal years shall be due and payable in~~
29 ~~two equal payments on July 1 and January 1 during the fiscal~~
30 ~~year in which the fee is due. Fees assessed pursuant to~~
31 ~~subparagraph (4) of Section 4 shall be paid in six payments,~~
32 ~~the first, in the amount of \$400,000, shall be due and payable~~
33 ~~30 days after the effective date of this Amendatory Act of~~

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

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

26 (c) Any person who fails to pay a fee assessed under
27 Section 4 of this Act within 90 days after the fee is payable
28 is liable in a civil action for an amount not to exceed 4 times
29 the amount assessed and not paid. The action shall be brought
30 by the Attorney General at the request of the Agency
31 ~~Department~~. If the action involves a fixed facility in
32 Illinois, the action shall be brought in the Circuit Court of
33 the county in which the facility is located. If the action does
34 not involve a fixed facility in Illinois, the action shall be

1 brought in the Circuit Court of Sangamon County.

2 (Source: P.A. 90-601, eff. 6-26-98; 91-47, eff. 6-30-99.)

3 (420 ILCS 5/6) (from Ch. 111 1/2, par. 4306)

4 Sec. 6. The Agency ~~Department~~ shall prepare a budget
5 showing the cost (including capital expenditures) to be
6 incurred in administering this Act during the fiscal year in
7 question. Such budget shall be prepared only after consultation
8 with those liable for the fees imposed by this Act as to the
9 costs necessary to enable the Agency ~~Department~~ to perform its
10 responsibilities under this Act.

11 (Source: P.A. 81-577.)

12 (420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

13 Sec. 7. All monies received by the Agency ~~Department~~ under
14 this Act shall be deposited in the State Treasury and shall be
15 set apart in a special fund to be known as the "Nuclear Safety
16 Emergency Preparedness Fund". All monies within the Nuclear
17 Safety Emergency Preparedness Fund shall be invested by the
18 State Treasurer in accordance with established investment
19 practices. Interest earned by such investment shall be returned
20 to the Nuclear Safety Emergency Preparedness Fund. Monies
21 deposited in this fund shall be expended by the Director only
22 to support the activities of the Illinois Nuclear Safety
23 Preparedness Program, including activities of the Illinois
24 State Police and the Illinois Commerce Commission under Section
25 8(a)(9).

26 (Source: P.A. 92-576, eff. 6-26-02.)

27 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

28 Sec. 8. (a) The Illinois Nuclear Safety Preparedness
29 Program shall consist of an assessment of the potential nuclear
30 accidents, their radiological consequences, and the necessary
31 protective actions required to mitigate the effects of such

1 accidents. It shall include, but not necessarily be limited to:

2 (1) Development of a remote effluent monitoring system
3 capable of reliably detecting and quantifying accidental
4 radioactive releases from nuclear power plants to the
5 environment;

6 (2) Development of an environmental monitoring program
7 for nuclear facilities other than nuclear power plants;

8 (3) Development of procedures for radiological
9 assessment and radiation exposure control for areas
10 surrounding each nuclear facility in Illinois;

11 (4) Radiological training of state and local emergency
12 response personnel in accordance with the Agency's
13 ~~Department's~~ responsibilities under the program;

14 (5) Participation in the development of accident
15 scenarios and in the exercising of fixed facility nuclear
16 emergency response plans;

17 (6) Development of mitigative emergency planning
18 standards including, but not limited to, standards
19 pertaining to evacuations, re-entry into evacuated areas,
20 contaminated foodstuffs and contaminated water supplies;

21 (7) Provision of specialized response equipment
22 necessary to accomplish this task;

23 (8) Implementation of the Boiler and Pressure Vessel
24 Safety program at nuclear steam-generating facilities as
25 mandated by Section 2005-35 of the Department of Nuclear
26 Safety Law, or its successor statute ~~(20—ILCS~~
27 ~~2005/2005-35)~~;

28 (9) Development and implementation of a plan for
29 inspecting and escorting all shipments of spent nuclear
30 fuel, high-level radioactive waste, ~~and~~ transuranic waste, and
31 and highway route controlled quantities of radioactive
32 materials in Illinois; and

33 (10) Implementation of the program under the Illinois
34 Nuclear Facility Safety Act.

1 (b) The Agency ~~Department~~ may incorporate data collected by
2 the operator of a nuclear facility into the Agency's
3 ~~Department's~~ remote monitoring system.

4 (c) The owners of each nuclear power reactor in Illinois
5 shall provide the Agency ~~Department~~ all system status signals
6 which initiate Emergency Action Level Declarations, actuate
7 accident mitigation and provide mitigation verification as
8 directed by the Agency ~~Department~~. The Agency ~~Department~~ shall
9 designate by rule those system status signals that must be
10 provided. Signals providing indication of operating power
11 level shall also be provided. The owners of the nuclear power
12 reactors shall, at their expense, ensure that valid signals
13 will be provided continuously 24 hours a day.

14 All such signals shall be provided in a manner and at a
15 frequency specified by the Agency ~~Department~~ for incorporation
16 into and augmentation of the remote effluent monitoring system
17 specified in subsection (a) (1) of this Section. Provision
18 shall be made for assuring that such system status and power
19 level signals shall be available to the Agency ~~Department~~
20 during reactor operation as well as throughout accidents and
21 subsequent recovery operations.

22 For nuclear reactors with operating licenses issued by the
23 Nuclear Regulatory Commission prior to the effective date of
24 this amendatory Act, such system status and power level signals
25 shall be provided to the Department of Nuclear Safety (of which
26 the Agency is the successor) by March 1, 1985. For reactors
27 without such a license on the effective date of this amendatory
28 Act, such signals shall be provided to the Department prior to
29 commencing initial fuel load for such reactor. Nuclear reactors
30 receiving their operating license after the effective date of
31 this amendatory Act, but before July 1, 1985, shall provide
32 such system status and power level signals to the Department of
33 Nuclear Safety (of which the Agency is the successor) by
34 September 1, 1985.

1 (Source: P.A. 90-601, eff. 6-26-98; 91-239, eff. 1-1-00.)

2 (420 ILCS 5/9) (from Ch. 111 1/2, par. 4309)

3 Sec. 9. Any equipment purchased by the Agency ~~Department~~ to
4 be installed on the premises of a nuclear facility pursuant to
5 the provisions of subsections (1), (2) and (7) of Section 8 of
6 this Act shall be installed by the owner of such nuclear
7 facility in accordance with criteria and standards established
8 by the Director of the Agency ~~Department~~, including criteria
9 for location, supporting utilities, and methods of
10 installation. Such installation shall be at no cost to the
11 Agency ~~Department~~. The owner of the nuclear facility shall
12 also, at its expense, pay for modifications of its facility as
13 requested by the Department to accommodate the Agency's
14 ~~Department's~~ equipment including updated equipment, and to
15 accommodate changes in the Agency's ~~Department's~~ criteria and
16 standards.

17 (Source: P.A. 86-901.)

18 (420 ILCS 5/10) (from Ch. 111 1/2, par. 4310)

19 Sec. 10. The Agency ~~Department~~ may accept and administer
20 according to law, loans, grants, or other funds or gifts from
21 the Federal Government and from other sources, public and
22 private, for carrying out its functions under this Act.

23 (Source: P.A. 83-1342.)

24 Section 999. Effective date. This Act takes effect upon
25 becoming law."