

1 AN ACT concerning nuclear 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  
5 is amended by changing Sections 4 and 7 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 production of electricity utilizing  
9 nuclear energy, the operation of nuclear test and research  
10 reactors, the chemical conversion of uranium, or the  
11 transportation, storage or possession of spent nuclear fuel  
12 or high-level radioactive waste shall pay fees to cover the  
13 cost of establishing plans and programs to deal with the  
14 possibility of nuclear accidents. Except as provided below,  
15 the fees shall be used exclusively to fund those Departmental  
16 and local government activities defined as necessary by the  
17 Director to implement and maintain the plans and programs  
18 authorized by this Act. Local governments incurring expenses  
19 attributable to implementation and maintenance of the plans  
20 and programs authorized by this Act may apply to the  
21 Department for compensation for those expenses, and upon  
22 approval by the Director of applications submitted by local  
23 governments, the Department shall compensate local  
24 governments from fees collected under this Section.  
25 Compensation for local governments shall include \$250,000 in  
26 any year through fiscal year 1993, \$275,000 in fiscal year  
27 1994 and fiscal year 1995, \$300,000 in fiscal year 1996,  
28 \$400,000 in fiscal year 1997, and \$450,000 in fiscal year  
29 1998 and thereafter. Appropriations to the Department of  
30 Nuclear Safety for compensation to local governments from the  
31 Nuclear Safety Emergency Preparedness Fund provided for in

1 this Section shall not exceed \$650,000 per State fiscal year.  
2 Expenditures from these appropriations shall not exceed, in a  
3 single State fiscal year, the annual compensation amount made  
4 available to local governments under this Section, unexpended  
5 funds made available for local government compensation in the  
6 previous fiscal year, and funds recovered under the Illinois  
7 Grant Funds Recovery Act during previous fiscal years.  
8 Notwithstanding any other provision of this Act, the  
9 expenditure limitation for fiscal year 1998 shall include the  
10 additional \$100,000 made available to local governments for  
11 fiscal year 1997 under this amendatory Act of 1997. Any  
12 funds within these expenditure limitations, including the  
13 additional \$100,000 made available for fiscal year 1997 under  
14 this amendatory Act of 1997, that remain unexpended at the  
15 close of business on June 30, 1997, and on June 30 of each  
16 succeeding year, shall be excluded from the calculations of  
17 credits under subparagraph (3) of this Section. The  
18 Department shall, by rule, determine the method for  
19 compensating local governments under this Section. In  
20 addition, a portion of the fees collected may be appropriated  
21 to the Illinois Emergency Management Agency for activities  
22 associated with preparing and implementing plans to deal with  
23 the effects of nuclear accidents. The appropriation shall not  
24 exceed \$500,000 in any year preceding fiscal year 1996; the  
25 appropriation shall not exceed \$625,000 in fiscal year 1996,  
26 \$725,000 in fiscal year 1997, and \$775,000 in fiscal year  
27 1998 and thereafter. The fees shall consist of the following:

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

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

34 (3) Through June 30, 1982, an annual fee of \$75,000 per

1 year for each nuclear power reactor for which an operating  
2 license has been issued by the NRC, and after June 30, 1982,  
3 and through June 30, 1984 an annual fee of \$180,000 per year  
4 for each nuclear power reactor for which an operating license  
5 has been issued by the NRC, and after June 30, 1984, and  
6 through June 30, 1991, an annual fee of \$400,000 for each  
7 nuclear power reactor for which an operating license has been  
8 issued by the NRC, to be paid by the owners of nuclear power  
9 reactors operating in this State. After June 30, 1991, the  
10 owners of nuclear power reactors in this State for which  
11 operating licenses have been issued by the NRC shall pay the  
12 following fees for each such nuclear power reactor: for State  
13 fiscal year 1992, \$925,000; for State fiscal year 1993,  
14 \$975,000; for State fiscal year 1994; \$1,010,000; for State  
15 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and  
16 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for  
17 State fiscal year 1999, \$1,368,000; for State fiscal year  
18 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; for  
19 State fiscal year 2002, \$1,730,636; for State fiscal year  
20 2003 and subsequent fiscal years, \$1,757,727. Within 120 days  
21 after the end of the State fiscal year, the Department shall  
22 determine, from the records of the Office of the Comptroller,  
23 the balance in the Nuclear Safety Emergency Preparedness  
24 Fund. When the balance in the fund, less any fees collected  
25 under this Section prior to their being due and payable for  
26 the succeeding fiscal year or years, exceeds \$400,000 at the  
27 close of business on June 30, 1993, 1994, 1995, 1996, 1997,  
28 and 1998, or exceeds \$500,000 at the close of business on  
29 June 30, 1999 and June 30 of each succeeding year, the excess  
30 shall be credited to the owners of nuclear power reactors who  
31 are assessed fees under this subparagraph. Credits shall be  
32 applied against the fees to be collected under this  
33 subparagraph for the subsequent fiscal year. Each owner  
34 shall receive as a credit that amount of the excess which

1 corresponds proportionately to the amount the owner  
2 contributed to all fees collected under this subparagraph in  
3 the fiscal year that produced the excess.

4 (3.5) The owner of a nuclear power reactor that notifies  
5 the Nuclear Regulatory Commission that the nuclear power  
6 reactor has permanently ceased operations during State fiscal  
7 year 1998 shall pay the following fees for each such nuclear  
8 power reactor: \$1,368,000 for State fiscal year 1999 and  
9 \$1,404,000 for State fiscal year 2000.

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

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

21 (6) A one-time charge of \$280,000 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 charge  
24 shall not be required to be paid by any tax-supported  
25 institution.

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

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

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

1 in this State for the chemical conversion of uranium, to be  
2 paid 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, or transuranic  
7 waste received at or departing from any nuclear power station  
8 or away-from-reactor spent nuclear fuel, high-level  
9 radioactive waste, or transuranic waste storage facility in  
10 this State to be paid by the shipper of the spent nuclear  
11 fuel, high level radioactive waste, or transuranic waste.  
12 Single-cask Truck shipments of greater than 250 miles in  
13 Illinois are subject to a surcharge of \$25 per mile over 250  
14 miles for each truck in the shipment ~~the-first-truck-in--each~~  
15 ~~shipment.~~ The amount of fees collected each fiscal year  
16 under this subparagraph shall be excluded from the  
17 calculation of credits under subparagraph (3) of this  
18 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, or transuranic  
23 waste traversing the State to be paid by the shipper of the  
24 spent nuclear fuel, high level radioactive waste, or  
25 transuranic waste. Single-cask Truck shipments of greater  
26 than 250 miles in Illinois are subject to a surcharge of \$25  
27 per mile over 250 miles for each truck in the shipment ~~the~~  
28 ~~first--truck--in--each--shipment.~~ The amount of fees collected  
29 each fiscal year under this subparagraph shall be excluded  
30 from the calculation of credits under subparagraph (3) of  
31 this Section.

32 (12) In each of the State fiscal years 1988 through  
33 1991, in addition to the annual fee provided for in  
34 subparagraph (3), a fee of \$400,000 for each nuclear power

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

20 (Source: P.A. 90-34, eff. 6-27-97; 90-601, eff. 6-26-98;  
21 91-47, eff. 6-30-99; 91-857, eff. 6-22-00.)

22 (420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

23 Sec. 7. All monies received by the Department under this  
24 Act shall be deposited in the State Treasury and shall be set  
25 apart in a special fund to be known as the "Nuclear Safety  
26 Emergency Preparedness Fund". All monies within the Nuclear  
27 Safety Emergency Preparedness Fund shall be invested by the  
28 State Treasurer in accordance with established investment  
29 practices. Interest earned by such investment shall be  
30 returned to the Nuclear Safety Emergency Preparedness Fund.  
31 Monies deposited in this fund shall be expended by the  
32 Director only to support the activities of the Illinois  
33 Nuclear Safety Preparedness Program, including activities of

1 the Illinois State Police and the Illinois Commerce  
2 Commission under Section 8(a)(9), ~~as provided under rules of~~  
3 ~~the Department.~~

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.