



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2641

Introduced 1/20/2006, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

420 ILCS 35/0.5 new	
420 ILCS 35/1	from Ch. 111 1/2, par. 230.1
420 ILCS 35/2	from Ch. 111 1/2, par. 230.2
420 ILCS 35/3	from Ch. 111 1/2, par. 230.3
420 ILCS 35/4	from Ch. 111 1/2, par. 230.4
420 ILCS 35/5	from Ch. 111 1/2, par. 230.5
420 ILCS 35/6	from Ch. 111 1/2, par. 230.6

Amends the Radioactive Waste Storage Act to reflect the Illinois Emergency Management Agency's assumption of duties assigned to the Agency's predecessor, the Department of Nuclear Safety. Effective immediately.

LRB094 14568 RSP 49511 b

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 Radioactive Waste Storage Act is amended by
5 adding Section 0.5 and by changing Sections 1, 2, 3, 4, 5, and
6 6 as follows:

7 (420 ILCS 35/0.5 new)

8 Sec. 0.5. Definitions. In this Act:

9 "Agency" means the Illinois Emergency Management Agency.

10 "Director" means the Director of the Agency.

11 (420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

12 Sec. 1. The Director ~~of Nuclear Safety~~ is authorized to
13 acquire by private purchase, acceptance, or by condemnation in
14 the manner provided for the exercise of the power of eminent
15 domain under Article VII of the Code of Civil Procedure, any
16 and all lands, buildings and grounds where radioactive
17 by-products and wastes produced by industrial, medical,
18 agricultural, scientific or other organizations can be
19 concentrated, stored or otherwise disposed in a manner
20 consistent with the public health and safety. Whenever, in the
21 judgment of the Director ~~of Nuclear Safety~~, it is necessary to
22 relocate existing facilities for the construction, operation,
23 closure or long-term care of a facility for the safe and secure
24 disposal of low-level radioactive waste, the cost of relocating
25 such existing facilities may be deemed a part of the disposal
26 facility land acquisition and the Agency ~~Department of Nuclear~~
27 ~~Safety~~ may, on behalf of the State, pay such costs. Existing
28 facilities include public utilities, commercial or industrial
29 facilities, residential buildings, and such other public or
30 privately owned buildings as the Director ~~of Nuclear Safety~~
31 deems necessary for relocation. The Agency ~~Department of~~

1 ~~Nuclear Safety~~ is authorized to operate a relocation program,
2 and to pay such costs of relocation as are provided in the
3 federal "Uniform Relocation Assistance and Real Property
4 Acquisition Policies Act", Public Law 91-646. The Director ~~of~~
5 ~~Nuclear Safety~~ is authorized to exceed the maximum payments
6 provided pursuant to the federal "Uniform Relocation
7 Assistance and Real Property Acquisition Policies Act" 2f
8 necessary to assure the provision of decent, safe, and sanitary
9 housing, or to secure a suitable alternate location. Payments
10 issued under this Section shall be made from the Low-level
11 Radioactive Waste Facility Development and Operation Fund
12 established by the Illinois Low-Level Radioactive Waste
13 Management Act.

14 (Source: P.A. 85-1407.)

15 (420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

16 Sec. 2. The Director ~~of Nuclear Safety~~ may accept, receive,
17 and receipt for moneys or lands, buildings and grounds for and
18 in behalf of the State, given by the Federal Government under
19 any federal law to the State or by any other public or private
20 agency, for the acquisition or operation of a site or sites for
21 the concentration and storage of radioactive wastes. Such funds
22 received by the Director pursuant to this Section shall be
23 deposited with the State Treasurer and held and disbursed by
24 him in accordance with "An Act in relation to the receipt,
25 custody, and disbursement of money allotted by the United
26 States of America or any agency thereof for use in this State",
27 approved July 3, 1939, as amended. Provided that such moneys or
28 lands, buildings and grounds shall be used only for the
29 purposes for which they are contributed.

30 (Source: P.A. 81-1516.)

31 (420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

32 Sec. 3. The Director ~~of Nuclear Safety~~ may lease such
33 lands, buildings and grounds as it may acquire under the
34 provisions of this Act to a private firm or firms for the

1 purpose of operating a site or sites for the concentration and
2 storage of radioactive wastes or for such other purpose not
3 contrary to the public interests.

4 (Source: P.A. 81-1516.)

5 (420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

6 Sec. 4. The operation of any and all sites acquired for the
7 concentration and storage of radioactive wastes shall be under
8 the direct supervision of the Agency ~~Department of Nuclear~~
9 ~~Safety~~ and shall be in accordance with regulations promulgated
10 and enforced by the Agency ~~Department~~ to protect the public
11 health and safety.

12 (Source: P.A. 81-1516.)

13 (420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

14 Sec. 5. The Director ~~of Nuclear Safety~~ is authorized to
15 enter into contracts as he or she may deem necessary for
16 carrying out the provisions of this Act. Such contracts may
17 include the assessment of fees by the Agency ~~Director~~. The fees
18 required shall be established at a rate which provides an
19 annual amount equal to the anticipated reasonable cost
20 necessary to maintain, monitor, and otherwise supervise and
21 care for lands and facilities as required in the interest of
22 public health and safety.

23 (Source: P.A. 81-1516.)

24 (420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

25 Sec. 6. It is recognized by the General Assembly that any
26 site used for the concentration and storage of radioactive
27 waste material will represent a continuing and perpetual
28 responsibility in the interests of the public health, safety
29 and general welfare, and that the same must ultimately be
30 reposed in a sovereign government without regard for the
31 existence or nonexistence of any particular agency,
32 instrumentality, department, division or officer thereof. In
33 all instances lands, buildings and grounds which are to be

1 designated as sites for the concentration and storage of
2 radioactive waste materials shall be acquired in fee simple
3 absolute and dedicated in perpetuity to such purpose. All
4 rights, title and interest in, of and to any radioactive waste
5 materials accepted by the Agency ~~Department of Nuclear Safety~~
6 for permanent storage at such facilities, shall upon acceptance
7 become the property of the State and shall be in all respects
8 administered, controlled, and disposed of, including transfer
9 by sale, lease, loan or otherwise, by the Department of Nuclear
10 Safety in the name of the State. All fees received pursuant to
11 contracts entered into by the Agency ~~Director~~ shall be
12 deposited in the State treasury and shall be set apart in a
13 special fund to be known as the "Radioactive Waste Site
14 Perpetual Care Fund". Monies deposited in the fund shall be
15 expended by the Agency ~~Director~~ to monitor and maintain the
16 site as required to protect the public health and safety on a
17 continuing and perpetual basis. All payments received by the
18 Department of Nuclear Safety or its successor agency, the
19 Illinois Emergency Management Agency, pursuant to the
20 settlement agreement entered May 25, 1988, in the matter of the
21 People of the State of Illinois, et al. v. Teledyne, Inc., et
22 al. (No. 78 MR 25, Circuit Court, Bureau County, Illinois)
23 shall be held by the State Treasurer separate and apart from
24 all public moneys or funds of the State, and shall be used only
25 as provided in such settlement agreement.

26 (Source: P.A. 86-257.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.