

**HOUSE . . . . . No. 1133**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James M. Cantwell*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to amend Section 5K(E) of Chapter 111.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:           | DATE ADDED:      |
|----------------------------|-----------------------------|------------------|
| <i>James M. Cantwell</i>   | <i>4th Plymouth</i>         | <i>1/17/2017</i> |
| <i>Mathew Muratore</i>     | <i>1st Plymouth</i>         |                  |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> |                  |
| <i>Thomas J. Calter</i>    | <i>12th Plymouth</i>        |                  |

**HOUSE . . . . . No. 1133**

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 1133) of James M. Cantwell and others for legislation to authorize the Department of Public Health to make assessments against power plants. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1899 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to amend Section 5K(E) of Chapter 111.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 4: Said section 5K(E) of said chapter 111, as appearing in the 2014 official  
2 edition, is hereby amended by adding the following paragraph:

3           The department is hereby authorized to make assessments against (i) the operator of each  
4 existing and proposed nuclear power plant in the commonwealth, that is in operation and during  
5 post-closure until NRC terminates the operating license and (ii) electric companies in the  
6 commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear  
7 power plant and/or Vermont Yankee nuclear power plant to defray costs incurred by the  
8 department’s radiation control program in the performance of its duties under this section. With  
9 respect to the fiscal year in which this section becomes effective, the department is authorized to  
10 make assessments in the amount of not less than \$500,000 with respect to each of such nuclear

11 power plants. With respect to subsequent fiscal years, the department is authorized to make  
12 assessments in amounts that, in the aggregate, are equal to the costs incurred in the prior fiscal  
13 year by the department's radiation control program in the performance of its duties under this  
14 section. The department is hereby further authorized to make a collection, based on such  
15 assessments, of monies from said operators of nuclear power plants to defray the cost of such  
16 activities. The decommissioning trust fund shall not be used to pay all or any portion of the  
17 annual fee. The department shall send notice of its assessment to the individual company against  
18 which an assessment is made, and said company shall pay such assessment within 30 days of the  
19 notice of the assessment; provided, however, that such company shall have a reasonable  
20 opportunity to submit objections concerning said assessment to the department for review. If,  
21 after completion of such review, the department determines the assessment is valid, the  
22 department shall issue a demand for such assessment, and the company against which such  
23 assessment is made shall pay such assessment immediately. If a company subject to assessment  
24 under this section fails to pay the assessment within 30 days of the notice of the assessment, or  
25 fails to pay the demand for assessment upon completion of the final review, whichever occurs  
26 later, the department may refer such matter to the department of revenue for the collection of the  
27 assessment in accordance with applicable enforcement provisions pursuant to chapter 62C. The  
28 amount so collected shall be deposited into the General Fund and credited to the department.