

**HOUSE . . . . . No. 1970**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joan Meschino and Josh S. Cutler*

*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:
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>

**HOUSE . . . . . No. 1970**

By Representatives Meschino of Hull and Cutler of Duxbury, a petition (accompanied by bill, House, No. 1970) of Joan Meschino 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. 1133 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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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 1: Paragraph (E) of section 5K of chapter 111, as appearing in the 2016  
2 official edition, is hereby amended by adding the following paragraph:-

3           The department is hereby authorized to make assessments against 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 to defray costs incurred by the  
6 department’s radiation control program in the performance of its duties under this section. With  
7 respect to the fiscal year in which this section becomes effective, the department is authorized to  
8 make assessments in the amount of not less than \$500,000 with respect to each of such nuclear  
9 power plants. With respect to subsequent fiscal years, the department is authorized to make  
10 assessments in amounts that, in the aggregate, are equal to the costs incurred in the prior fiscal

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