

# 26:2D-48.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2006      **CHAPTER:** 35

**NJSA:** 26:2D-48.1 (Clarifies fees under "The Radiation Accident Response Act" are assessments against facilities, not operators; assesses nuclear facility operators for costs of State provided supplemental security)

**BILL NO:** A4703 (Substituted for S1984)

**SPONSOR(S)** Quigley and others

**DATE INTRODUCED:** June 22, 2006

**COMMITTEE:**      **ASSEMBLY:** Budget

**SENATE:**

**AMENDED DURING PASSAGE:**      Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** June 26, 2006

**SENATE:** June 30, 2006

**DATE OF APPROVAL:** July 8, 2006

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**[FINAL TEXT OF BILL](#)** (1st reprint enacted)

**A4703**

**[SPONSOR'S STATEMENT](#)**: (Begins on page 3 of original bill)      Yes

**COMMITTEE STATEMENT:**      **[ASSEMBLY:](#)**      Yes

**SENATE:**      No

**FLOOR AMENDMENT STATEMENT:**      No

**[LEGISLATIVE FISCAL ESTIMATE:](#)**      Yes

**S1984**

**[SPONSOR'S STATEMENT](#)**: (Begins on page 4 of original bill)      Yes

**COMMITTEE STATEMENT:**      **ASSEMBLY:**      No

**SENATE:**      Yes

**FLOOR AMENDMENT STATEMENT:**      No

**[LEGISLATIVE FISCAL ESTIMATE:](#)**      Yes

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH 3/4/08

P.L. 2006, CHAPTER 35, *approved July 8, 2006*  
Assembly, No. 4703 (*First Reprint*)

1 AN ACT concerning the assessment of certain fees against operators  
2 of nuclear electric generating facilities, and amending <sup>1</sup>and  
3 supplementing<sup>1</sup> P.L.1981, c.302.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to  
9 read as follows:

10 12. a. In order to defray the expenses of local, county and State  
11 agencies in discharging their responsibilities under this act,  
12 including those costs associated with the development, testing and  
13 updating of the Emergency Radiation Response Plans and for the  
14 acquisition and maintenance of any equipment necessary to carry  
15 out their responsibilities, the State Treasurer shall annually make an  
16 assessment against **[each]** the operator of **[a]** each nuclear electric  
17 generating facility located in New Jersey;

18 b. The assessment **[to each]** against the operator of a single  
19 nuclear electric generating facility shall not exceed \$2,750,000 (in  
20 2003 dollars adjusted by the CPI) and, in the case of an operator of  
21 two or more nuclear electric generating facilities, the assessment  
22 shall not exceed \$5,500,000 (in 2003 dollars adjusted by the CPI),  
23 and shall be assessed in an amount equal to the sum of the amounts  
24 in paragraphs (1) and (2) of this subsection and determined  
25 annually by the State Treasurer on or before June 30 in the  
26 following manner:

27 (1) The total amount appropriated to the various local, county  
28 and State agencies by law for the purpose of discharging their  
29 responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the  
30 State's next fiscal year for costs related directly to a particular  
31 nuclear electric generating facility shall be assessed against the  
32 operator of that particular nuclear electric generating facility.

33 (2) All other amounts appropriated to the State agencies by law  
34 for the purpose of discharging their responsibilities under P.L.1981,  
35 c.302 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed  
36 equally against each operator of a nuclear electric generating  
37 facility.

38 The assessment prescribed above shall be levied by the State  
39 Treasurer not later than July 1, and shall be paid within 30 days  
40 after mailing by first class mail to the affected operator of the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ABU committee amendments adopted June 22, 2006.

1 nuclear electric generating facility notice thereof and a statement of  
2 the amount;

3 c. The assessments shall be appropriated through the regular  
4 appropriation process in accordance with a joint budget to be  
5 submitted by the division and the department;

6 d. Any costs of a local, county or State agency incurred in  
7 discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37  
8 et seq.), not reasonably required to carry out the purposes of  
9 P.L.1981, c.302 (C.26:2D-37 et seq.) or not generally associated  
10 with or related to the operation of nuclear electric generating  
11 facilities located in New Jersey, shall not be included in any such  
12 assessment or appropriation;

13 e. "CPI" means the annual Consumer Price Index for a calendar  
14 year as determined year to year using the decimal increase in the  
15 September through August, 12-month average for the previous year  
16 of the Consumer Price Index for All Urban Consumers (CPI-U), as  
17 published by the United States Department of Labor.  
18 (cf: P.L.2002, c.34, s.43)

19

20 <sup>1</sup>2. (New section) To defray the costs incurred by the State in  
21 providing supplemental security, the State Treasurer shall annually  
22 make an assessment against the operator of each nuclear electric  
23 generating facility located in New Jersey.

24 The amount of the assessment shall be determined by the State  
25 Treasurer. In making that determination, the State Treasurer shall  
26 include the salaries of the State Police and State National Guard  
27 personnel assigned supplemental security duties, the costs of all  
28 necessary specialized equipment and training, and all other  
29 expenditures directly related to having the State provide  
30 supplemental security at each nuclear electric generating facility.  
31 The amount of the assessment so determined shall not exceed the  
32 actual aggregate costs incurred by the State in providing  
33 supplemental security at these facilities.

34 To the greatest extent practicable, the State Treasurer shall  
35 apportion the assessment among the operators to reflect the actual  
36 costs incurred by the State in providing supplemental security at  
37 each particular nuclear electric generating facility.

38 The assessment apportioned each operator shall be due and  
39 payable at a time and in a manner prescribed by the State  
40 Treasurer.<sup>1</sup>

41

42 <sup>1</sup>3. (New section) Commencing with the Fiscal Year 2008, an  
43 operator of a nuclear electric generating facility shall not be liable  
44 for an assessment under section 2 of P.L. , c. (C. ) (now  
45 pending before the Legislature as this bill) if, prior to the  
46 commencement of any fiscal year, the Attorney General, after  
47 reviewing the findings and recommendations of the Director of the  
48 New Jersey Office of Homeland Security and Preparedness and the

1 Superintendent of State Police, determines that the operator has an  
2 approved, privately funded security program in operation at its  
3 facility.<sup>1</sup>

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5 <sup>1</sup>[2.] 4.<sup>1</sup> This act shall take effect immediately.

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10 Clarifies fees under “The Radiation Accident Response Act” are  
11 assessments against facilities, not operators; assesses nuclear  
12 facility operators for costs of State provided supplemental security.

# ASSEMBLY, No. 4703

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 22, 2006

**Sponsored by:**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Clarifies fees under “The Radiation Accident Response Act” are assessments against facilities, not operators.

**CURRENT VERSION OF TEXT**

As introduced.



A4703 QUIGLEY

2

1 AN ACT concerning the assessment of certain fees against operators  
2 of nuclear electric generating facilities, and amending P.L.1981,  
3 c.302.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to  
9 read as follows:

10 12. a. In order to defray the expenses of local, county and State  
11 agencies in discharging their responsibilities under this act,  
12 including those costs associated with the development, testing and  
13 updating of the Emergency Radiation Response Plans and for the  
14 acquisition and maintenance of any equipment necessary to carry  
15 out their responsibilities, the State Treasurer shall annually make an  
16 assessment against **[each]** the operator of **[a]** each nuclear electric  
17 generating facility located in New Jersey;

18 b. The assessment **[to each]** against the operator of a single  
19 nuclear electric generating facility shall not exceed \$2,750,000 (in  
20 2003 dollars adjusted by the CPI) and, in the case of an operator of  
21 two or more nuclear electric generating facilities, the assessment  
22 shall not exceed \$5,500,000 (in 2003 dollars adjusted by the CPI),  
23 and shall be assessed in an amount equal to the sum of the amounts  
24 in paragraphs (1) and (2) of this subsection and determined  
25 annually by the State Treasurer on or before June 30 in the  
26 following manner:

27 (1) The total amount appropriated to the various local, county  
28 and State agencies by law for the purpose of discharging their  
29 responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the  
30 State's next fiscal year for costs related directly to a particular  
31 nuclear electric generating facility shall be assessed against the  
32 operator of that particular nuclear electric generating facility.

33 (2) All other amounts appropriated to the State agencies by law  
34 for the purpose of discharging their responsibilities under P.L.1981,  
35 c.302 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed  
36 equally against each operator of a nuclear electric generating  
37 facility.

38 The assessment prescribed above shall be levied by the State  
39 Treasurer not later than July 1, and shall be paid within 30 days  
40 after mailing by first class mail to the affected operator of the  
41 nuclear electric generating facility notice thereof and a statement of  
42 the amount;

43 c. The assessments shall be appropriated through the regular  
44 appropriation process in accordance with a joint budget to be  
45 submitted by the division and the department;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A4703 QUIGLEY

1 d. Any costs of a local, county or State agency incurred in  
2 discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37  
3 et seq.), not reasonably required to carry out the purposes of  
4 P.L.1981, c.302 (C.26:2D-37 et seq.) or not generally associated  
5 with or related to the operation of nuclear electric generating  
6 facilities located in New Jersey, shall not be included in any such  
7 assessment or appropriation;

8 e. "CPI" means the annual Consumer Price Index for a calendar  
9 year as determined year to year using the decimal increase in the  
10 September through August, 12-month average for the previous year  
11 of the Consumer Price Index for All Urban Consumers (CPI-U), as  
12 published by the United States Department of Labor.  
13 (cf: P.L.2002, c.34, s.43)

14

15 2. This act shall take effect immediately.

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STATEMENT

19

20 Under "The Radiation Accident Response Act," P.L.1981, c.302  
21 (C.26:2D-37 et seq.), the operators of the State's nuclear electric  
22 generating facilities are assessed an annual fee to defray the costs  
23 incurred by State and local agencies in developing, testing and  
24 updating their State Radiation Emergency Response Plans and in  
25 acquiring and maintaining the equipment that is necessary to carry  
26 out their various responsibilities under those plans.

27 The purpose of this bill is to clarify that these fees are  
28 assessments against each individual nuclear electric generating  
29 facility, not a particular operator. The costs of developing, testing  
30 and updating Emergency Radiation Response Plans at both the State  
31 and local levels and the equipment each level of government must  
32 acquire and maintain to protect the citizens of this State from a  
33 nuclear emergency or radiation accident is a function of the number  
34 of facilities operating in New Jersey, not the number of corporate  
35 entities operating those facilities.



# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4703**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 23, 2006

The Assembly Budget Committee reports favorably Assembly Bill No. 4703, with committee amendments.

Under "The Radiation Accident Response Act," P.L.1981, c.302 (C.26:2D-37 et seq.), the operators of the State's nuclear electric generating facilities are assessed an annual fee to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans and in acquiring and maintaining the equipment that is necessary to carry out their various responsibilities under those plans.

Assembly Bill No. 4703, as amended, clarifies that these fees are assessments against each individual nuclear electric generating facility, not a particular operator. The costs of developing, testing and updating Emergency Radiation Response Plans at both the State and local levels and the equipment each level of government must acquire and maintain to protect the citizens of this State from a nuclear emergency or radiation accident is a function of the number of facilities operating in New Jersey, not the number of corporate entities operating those facilities.

In addition, the amended bill assesses the operators of each nuclear electric generating facility in New Jersey an annual fee to defray the costs incurred by the State in providing supplemental security at these facilities.

Under the bill, the State Treasurer annually assesses the operators of each nuclear electric generating facility in New Jersey an amount that reflects the actual costs incurred by the State in providing supplemental security services at each of their facilities. In determining the State's cost, the State Treasurer is to take into consideration the salaries of the State Police and State National Guard personnel assigned security duties at the facility, the costs of necessary specialized equipment and training, and all other expenditures directly related to having the State provide supplemental security at each nuclear electric generating facility.

The bill specifies that the assessments may not exceed the actual costs incurred by the State.

Finally, the bill includes a “sunset” provision, stipulating that an operator is no longer to be assessed for any supplemental security costs if the Director of the New Jersey Office of Homeland Security and Preparedness and the Superintendent of State Police determine that the operator has an approved, privately funded security program in operation at its facility.

FISCAL IMPACT:

This bill would hold the State harmless with constant revenue pertaining to the facilities and the emergency radiation response plans. Also, the Executive branch has estimated that the State would receive approximately \$4.4 million to defray costs of security.

COMMITTEE AMENDMENTS:

The amendments assess a fee on the operators of a plant to cover security by the State Police and NJ National Guard; and commencing in FY2008, provide for a facility with specialized security would not have to pay assessment pursuant to section 2, after review by the Attorney General.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 4703**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JULY 11, 2006

**SUMMARY**

**Synopsis:** Clarifies fees under “The Radiation Accident Response Act” are assessments against facilities, not operators.

**Type of Impact:** No impact on the General Fund.

**Agencies Affected:** Department of Environmental Protection

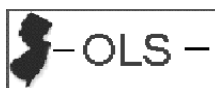
**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Revenue</b>	No Impact - See Comments Below		

- The bill amends P.L.1981, c.302 by clarifying that an operator of one nuclear facility cannot be assessed more than \$2,750,000 annually, and by stipulating that an operator of two or more facilities cannot be assessed more that \$5,500,000 in any one year.
- Under P.L.1981, c.302, the “Radiation Accident Response Act,” annual assessments are used to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans. In FY 2006, \$5.2 million is expected to be collected for this purpose.
- New Jersey currently has four nuclear electric generating plants, three of which are in full-time operation.
- The Office of Legislative Services estimates that the bill will have no fiscal impact on the level of assessment revenues, regardless of any future change in plant ownership.

**BILL DESCRIPTION**

Assembly Bill No. 4703 of 2006 under “The Radiation Accident Response Act,” P.L.1981, c.302 (C.26:2D-37 et seq.), the operators of the State’s four nuclear electric generating facilities are assessed an annual fee to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans. These assessments are



determined by the State Treasurer and cannot exceed \$2,750,000 for any single operator of a facility. The bill clarifies that these assessments are to be levied against each individual nuclear electric generating facility, not a particular operator. The bill amends P.L.1981, c.302 by clarifying that an operator of one nuclear facility cannot be assessed more than \$2,750,000 annually, and by stipulating that an operator of two or more facilities cannot be assessed more than \$5,500,000 in any one year.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates that the bill will have no fiscal impact on the amount of assessments levied and collected by the State from operators of nuclear generating facilities. The bill essentially amends existing law in order to “holds harmless” or maintain the current level of assessment revenue collected, in the event that the three functioning nuclear facilities come under the same ownership in the future.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Richard M. Handelman  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

# SENATE, No. 1984

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 22, 2006

**Sponsored by:**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Clarifies fees under “The Radiation Accident Response Act” are assessments against facilities, not operators; assesses nuclear facility operators for costs of State provided supplemental security.

**CURRENT VERSION OF TEXT**

As introduced.



S1984 BRYANT

2

1 AN ACT concerning the assessment of certain fees against operators  
2 of nuclear electric generating facilities, and amending and  
3 supplementing P.L.1981, c.302.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to  
9 read as follows:

10 12. a. In order to defray the expenses of local, county and State  
11 agencies in discharging their responsibilities under this act,  
12 including those costs associated with the development, testing and  
13 updating of the Emergency Radiation Response Plans and for the  
14 acquisition and maintenance of any equipment necessary to carry  
15 out their responsibilities, the State Treasurer shall annually make an  
16 assessment against **[each]** the operator of **[a]** each nuclear electric  
17 generating facility located in New Jersey;

18 b. The assessment **[to each]** against the operator of a single  
19 nuclear electric generating facility shall not exceed \$2,750,000 (in  
20 2003 dollars adjusted by the CPI) and, in the case of an operator of  
21 two or more nuclear electric generating facilities, the assessment  
22 shall not exceed \$5,500,000 (in 2003 dollars adjusted by the CPI),  
23 and shall be assessed in an amount equal to the sum of the amounts  
24 in paragraphs (1) and (2) of this subsection and determined  
25 annually by the State Treasurer on or before June 30 in the  
26 following manner:

27 (1) The total amount appropriated to the various local, county  
28 and State agencies by law for the purpose of discharging their  
29 responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the  
30 State's next fiscal year for costs related directly to a particular  
31 nuclear electric generating facility shall be assessed against the  
32 operator of that particular nuclear electric generating facility.

33 (2) All other amounts appropriated to the State agencies by law  
34 for the purpose of discharging their responsibilities under P.L.1981,  
35 c.302 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed  
36 equally against each operator of a nuclear electric generating  
37 facility.

38 The assessment prescribed above shall be levied by the State  
39 Treasurer not later than July 1, and shall be paid within 30 days  
40 after mailing by first class mail to the affected operator of the  
41 nuclear electric generating facility notice thereof and a statement of  
42 the amount;

43 c. The assessments shall be appropriated through the regular  
44 appropriation process in accordance with a joint budget to be  
45 submitted by the division and the department;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

**S1984 BRYANT**

1 d. Any costs of a local, county or State agency incurred in  
2 discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37  
3 et seq.), not reasonably required to carry out the purposes of  
4 P.L.1981, c.302 (C.26:2D-37 et seq.) or not generally associated  
5 with or related to the operation of nuclear electric generating  
6 facilities located in New Jersey, shall not be included in any such  
7 assessment or appropriation;

8 e. "CPI" means the annual Consumer Price Index for a calendar  
9 year as determined year to year using the decimal increase in the  
10 September through August, 12-month average for the previous year  
11 of the Consumer Price Index for All Urban Consumers (CPI-U), as  
12 published by the United States Department of Labor.  
13 (cf: P.L.2002, c.34, s.43)  
14

15 2. (New section) To defray the costs incurred by the State in  
16 providing supplemental security, the State Treasurer shall annually  
17 make an assessment against the operator of each nuclear electric  
18 generating facility located in New Jersey.

19 The amount of the assessment shall be determined by the State  
20 Treasurer. In making that determination, the State Treasurer shall  
21 include the salaries of the State Police and State National Guard  
22 personnel assigned supplemental security duties, the costs of all  
23 necessary specialized equipment and training, and all other  
24 expenditures directly related to having the State provide  
25 supplemental security at each nuclear electric generating facility.  
26 The amount of the assessment so determined shall not exceed the  
27 actual aggregate costs incurred by the State in providing  
28 supplemental security at these facilities.

29 To the greatest extent practicable, the State Treasurer shall  
30 apportion the assessment among the operators to reflect the actual  
31 costs incurred by the State in providing supplemental security at  
32 each particular nuclear electric generating facility.

33 The assessment apportioned each operator shall be due and  
34 payable at a time and in a manner prescribed by the State Treasurer.  
35

36 3. (New section) An operator of a nuclear electric generating  
37 facility shall not be liable for an assessment under section 2 of this  
38 act if, prior to the commencement of any fiscal year, the Director of  
39 the New Jersey Office of Homeland Security and Preparedness and  
40 the Superintendent of State Police determine that the operator has  
41 an approved, privately funded security program in operation at its  
42 facility.  
43

44 4. This act shall take effect immediately.

STATEMENT

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Under “The Radiation Accident Response Act,” P.L.1981, c.302 (C.26:2D-37 et seq.), the operators of the State’s nuclear electric generating facilities are assessed an annual fee to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans and in acquiring and maintaining the equipment that is necessary to carry out their various responsibilities under those plans.

The purpose of this bill is to clarify that these fees are assessments against each individual nuclear electric generating facility, not a particular operator. The costs of developing, testing and updating Emergency Radiation Response Plans at both the State and local levels and the equipment each level of government must acquire and maintain to protect the citizens of this State from a nuclear emergency or radiation accident is a function of the number of facilities operating in New Jersey, not the number of corporate entities operating those facilities.

In addition, the bill would assess the operators of each nuclear electric generating facility in New Jersey an annual fee to defray the costs incurred by the State in providing supplemental security at these facilities.

Under the provisions of the bill, the State Treasurer would annually assess the operators of each nuclear electric generating facility in New Jersey an amount that reflects the actual costs incurred by the State in providing supplemental security services at each of their facilities. In determining the State’s cost, the State Treasurer is to take into consideration the salaries of the State Police and State National Guard personnel assigned security duties at the facility, the costs of necessary specialized equipment and training, and all other expenditures directly related to having the State provide supplemental security at each nuclear electric generating facility.

The bill specifies that the assessments may not exceed the actual costs incurred by the State.

Finally, the bill includes a “sunset” provision, stipulating that an operator is no longer to be assessed for any supplemental security costs if the Director of the New Jersey Office of Homeland Security and Preparedness and the Superintendent of State Police determine that the operator has an approved, privately funded security program in operation at its facility.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1984**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 26, 2006

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1984, with committee amendments.

Under "The Radiation Accident Response Act," P.L.1981, c.302 (C.26:2D-37 et seq.), the operators of the State's nuclear electric generating facilities are assessed an annual fee to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans and in acquiring and maintaining the equipment that is necessary to carry out their various responsibilities under those plans.

The purpose of this bill, as amended, is to clarify that these fees are assessments against each individual nuclear electric generating facility, not a particular operator. The costs of developing, testing and updating Emergency Radiation Response Plans at both the State and local levels and the equipment each level of government must acquire and maintain to protect the citizens of this State from a nuclear emergency or radiation accident is a function of the number of facilities operating in New Jersey, not the number of corporate entities operating those facilities.

In addition, the bill would assess the operators of each nuclear electric generating facility in New Jersey an annual fee to defray the costs incurred by the State in providing supplemental security at these facilities.

Under the provisions of the bill, the State Treasurer would annually assess the operators of each nuclear electric generating facility in New Jersey an amount that reflects the actual costs incurred by the State in providing supplemental security services at each of their facilities. In determining the State's cost, the State Treasurer is to take into consideration the salaries of the State Police and State National Guard personnel assigned security duties at the facility, the costs of necessary specialized equipment and training, and all other expenditures directly related to having the State provide supplemental security at each nuclear electric generating facility.

The bill specifies that the assessments may not exceed the actual costs incurred by the State.

Finally, the as amended bill includes a “sunset” provision, stipulating that an operator is no longer to be assessed for any supplemental security costs if the Attorney General, after reviewing the findings and recommendations of the Director of the New Jersey Office of Homeland Security and Preparedness and the Superintendent of State Police determines that the operator has an approved, privately funded security program in operation at its facility.

As amended and reported, this bill is identical to Assembly Bill No. 4703 (1R).

COMMITTEE AMENDMENTS:

The amendments provide that, commencing in FY2008, a facility with specialized security would not have to pay assessment pursuant to section 2, after review by the Attorney General.

FISCAL IMPACT:

This bill would hold the State harmless with constant revenue pertaining to the facilities and the emergency radiation response plans. Also, the Executive branch has estimated that the State would receive approximately \$4.4 million to defray costs of security.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 1984

### STATE OF NEW JERSEY 212th LEGISLATURE

DATED: JULY 28, 2006

#### SUMMARY

- Synopsis:** Clarifies fees under “The Radiation Accident Response Act” are assessments against facilities, not operators.
- Type of Impact:** No impact on the General Fund.
- Agencies Affected:** Department of Environmental Protection

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Revenue</b>	No Impact - See Comments Below		

- The bill amends P.L.1981, c.302 by clarifying that an operator of one nuclear facility cannot be assessed more than \$2,750,000 annually, and by stipulating that an operator of two or more facilities cannot be assessed more than \$5,500,000 in any one year.
- Under P.L.1981, c.302, the “Radiation Accident Response Act,” annual assessments are used to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans. In FY 2006, \$5.2 million is expected to be collected for this purpose.
- The bill assesses the operators of each nuclear electric generating facility an annual fee to defray the costs incurred by the State in providing supplemental security at these facilities. This requirement may be rescinded in FY 2008 if approved, private security measures are instituted.
- The Office of Legislative Services (OLS) estimates that the bill will have no fiscal impact on the level of assessment revenues, regardless of any future change in plant ownership or security arrangements.

## **BILL DESCRIPTION**

Senate Bill No. 1984 (1R) of 2006 under “The Radiation Accident Response Act,” P.L.1981, c.302 (C.26:2D-37 et seq.), the operators of the State’s four nuclear electric generating facilities are assessed an annual fee to defray the costs incurred by State and local agencies in developing, testing and updating their State Radiation Emergency Response Plans. These assessments are determined by the State Treasurer and cannot exceed \$2,750,000 for any single operator of a facility. The bill clarifies that these assessments are to be levied against each individual nuclear electric generating facility, not a particular operator. The bill amends P.L.1981, c.302 by clarifying that an operator of one nuclear facility cannot be assessed more than \$2,750,000 annually, and by stipulating that an operator of two or more facilities cannot be assessed more than \$5,500,000 in any one year.

The bill also assesses the operators of each nuclear electric generating facility in New Jersey an annual fee to defray the costs incurred by the State in providing supplemental security at these facilities. Further, the bill includes a “sunset” provision stipulating that, by FY 2008, an operator may not be assessed for any supplemental security costs if it is determined that the operator has an approved, privately funded security program in operation at its facility.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will have no fiscal impact on the amount of response plan assessments levied and collected by the State from operators of nuclear generating facilities. The bill essentially amends existing law in order to “holds harmless” or maintain the current level of assessment revenue collected, in the event that the three functioning nuclear facilities come under the same ownership in the future. The OLS further estimates that any security costs incurred by the State should be covered by assessments provided under the bill.

*Section: Environment, Agriculture, Energy and Natural Resources*

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*Approved: David J. Rosen  
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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.