

26:2D-39 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:2D-39 et al (Emergency radiation response plans - costs)

LAWS OF: 1984

CHAPTER: 98

Bill No: A827

Sponsor(s): Pankok and Herman

Date Introduced: January 10, 1984

Committee: Assembly: /////

Senate: Transportation and Communications

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: January 23, 1984

Senate: May 17, 1984

Date of Approval: May 25, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ YES

Following were printed:

Reports: No

Hearings: No

5-25-84

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ASSEMBLY, No. 827**STATE OF NEW JERSEY**

INTRODUCED JANUARY 10, 1984

By Assemblymen PANKOK and HERMAN

AN ACT to amend "The Radiation Accident Response Act,"
approved October 27, 1981 (P. L. 1981, c. 302).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey*:

1 *1. Section 3 of P. L. 1981, c. 302 (C. 26:2D-39) is amended to
2 read as follows:

3 3. As used in this act:

4 a. "Department" means the Department of Environmental
5 Protection;

6 b. "Division" means the Division of State Police in the Depart-
7 ment of Law and Public Safety;

8 c. "Nuclear facility" means any facility which would pose a
9 threat to the health and welfare of the public in the event of a
10 radiation accident, including but not limited to, atomic fission or
11 fusion electric generating facilities, nuclear fuel fabrication plants,
12 nuclear fuel reprocessing plants, nuclear waste handling and dis-
13 posal facilities, and any other facility requiring a certificate of
14 handling pursuant to P. L. 1977, c. 233;

15 d. "Plan" means the State Radiation Emergency Response Plan
16 mandated by section 4 of this act;

17 e. "Radiation accident" means any occurrence or event during
18 the operation and maintenance of any nuclear facility or during
19 the transportation of radioactive material which results in the
20 release of unnecessary radiation as defined in section 1 of P. L.
21 1958, c. 116 (C. 26:2D-1);

22 f. "Operator" means the company or corporation operating a
23 nuclear electric generating facility when the company or corpora-

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted March 1, 1984.

24 *tion is a public electric utility authorized to petition the Board of*
 25 *Public Utilities to recover expenses directly related to the opera-*
 26 *tion of a nuclear electric generating facility in New Jersey; how-*
 27 *ever, when the facility is being operated by an affiliate or associated*
 28 *corporation of a public electric utility, "operator" means the*
 29 *public electric utility and not the affiliated or associated corpora-*
 30 *tion.**

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

3 12. a. In order to defray the expenses of local, county and State
 4 agencies in discharging their responsibilities under this act, in-
 5 cluding those costs associated with the development, testing and
 6 updating of the Emergency Radiation Response Plans and for the
 7 acquisition and maintenance of any equipment necessary to carry
 8 out their responsibilities, the State Treasurer shall annually make
 9 an assessment against each **[**electric utility which has an ownership
 10 or operating interest in**]** *operator of a nuclear electric generating*
 11 *facility located in New Jersey;*

12 b. The assessment **[**shall be equal to a percentage of the gross
 13 receipts reported pursuant to P. L. 1940, c. 5 (C. 54:30A-49 et seq.)
 14 of the public utilities derived from intrastate electric operations
 15 during the preceding calendar year at a rate to be**]** *to each opera-*
 16 *tor of a nuclear electric generating facility shall not exceed the*
 17 *greater of \$2,000,000.00 or 1/10 of 1% of the gross electric receipts*
 18 *of the operator reported pursuant to P. L. 1940, c. 5 (C. 54:30A-49*
 19 *et seq.) derived from intrastate electric operations during the pre-*
 20 *ceding calendar year and shall be assessed in an amount equal to*
 21 *the sum of the amounts in paragraphs (1) and (2) of this subsection*
 22 *and determined annually by the State Treasurer on or before*
 23 *June 30 in the following manner:*

24 (1) **[**The total amount appropriated to the various local, county
 25 and State agencies by law for the purpose of discharging their
 26 responsibilities under this act for the next fiscal year shall be
 27 divided by the total amount of the said gross electric receipts of
 28 all affected electric utilities derived from intrastate electric opera-
 29 tions during the preceding calendar year. The quotient resulting
 30 shall constitute the percentage rate of the assessment for the cal-
 31-32 endar year which such computation is made. The total amount
 33 so assessed to any particular utility shall not exceed 1/10 of 1% of
 34 the said gross electric receipts subject to assessment hereunder of
 35 that utility derived from its intrastate electric operations during
 36 the preceding calendar year**]** *The total amount appropriated to the*
 37 *various local, county and State agencies by law for the purpose of*

38 discharging their responsibilities under P. L. 1981, c. 302 (C.
39 26:2D-37 et seq.) for the State's next fiscal year for costs related
40 directly to a particular nuclear electric generating facility shall be
41 assessed against the operator of that particular nuclear electric
42 generating facility.

43 (2) All other amounts appropriated to the State agencies by law
44 for the purpose of discharging their responsibilities under P. L.
45 1981, c. 302 (C. 26:2D-37 et seq.) for the next fiscal year shall be
46 assessed equally against each operator of a nuclear electric gen-
47 erating facility.

48 The assessment prescribed above shall be levied by the State
49 Treasurer not later than July 1, and shall be paid within 30 days
50 after mailing by first class mail to the affected [electric utility]
51 operator of the nuclear electric generating facility notice thereof
52 and a statement of the amount;

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

56 d. Any costs of a local, county or State agency incurred in dis-
57 charging its responsibilities under P. L. 1981, c. 302 (C. 26:2D-37
58 et seq.), not reasonably required to carry out the purposes of P. L.
59 1981, c. 302 (C. 26:2D-37 et seq.) or not generally associated with or
60 related to the operation of nuclear *electric* generating facilities
61 located in New Jersey shall not be included in any such assessment
62 or appropriation* [;

63 e. For the purposes of this section, "operator" means the com-
64 pany or corporation operating a nuclear electric generating facility
65 when the company or corporation is a public electric utility autho-
66 rized to petition the Board of Public Utilities to recover expenses
67 directly related to the operation of a nuclear electric generating
68 facility in New Jersey; however, when the facility is being operated
69 by an affiliate or associated corporation of a public electric utility,
70 "operator" means the public electric utility and not the affiliated or
71 associated corporation]*.

1 * [2.] * 3. * Section 13 of P. L. 1981, c. 302 (C. 26:2D-49) is
2 amended to read as follows:

3 13. Within 15 days after the date of mailing a statement as
4 provided in this act, the [electric utility] operator of a nuclear
5 electric generating facility against which the statement is rendered
6 may file with the State Treasurer its objections thereto. Not less
7 than 30 nor more than 60 days after giving notice thereof to the
8 objecting utility, the State Treasurer shall hold a hearing on the
9 objections.

1 ***[3.]*** *4.* Section 14 of P. L. 1981, c. 302 (C. 26:2D-50) is
2 amended to read as follows:

3 14. If, after the hearing, the State Treasurer finds that any part
4 of the charge against the objecting **[utility]** *operator of a nuclear*
5 *electric generating facility* is excessive, erroneous, or invalid, he
6 shall transmit to the **[utility]** *operator of a nuclear electric gen-*
7 *erating facility*, by registered mail, an amended statement in accor-
8 dance with the findings, which shall have the same force and effect
9 as an original statement. If the State Treasurer finds the entire
10 statement invalid, he shall notify the objecting **[utility]** *operator*
11 *of a nuclear electric generating facility*, by registered mail, of the
12 determination, and the original statement shall be null and void.
13 If the State Treasurer finds that the statement as rendered is
14 neither excessive, erroneous, unlawful nor invalid, in whole or in
15 part, he shall transmit notice thereof to the objecting utility by
16 registered mail.

1 ***[4.]*** *5.* Section 15 of P. L. 1981, c. 302 (C. 26:2D-51) is
2 amended to read as follows:

3 15. No action or proceeding shall be maintained in any court
4 for the purpose of restraining or delaying the collection or payment
5 of a statement rendered in compliance with the provisions of this
6-7 act. **[A utility]** *An operator of a nuclear electric generating facility*
8 against which a statement is rendered shall pay the amount
9 thereof, and after the payment may, in the manner provided by
10 this act, at any time within two years from the date of the payment,
11 bring against the State an action at law to recover the amount
12 paid, with legal interest thereon from the date of payment, upon
12 the ground that the assessment was excessive, erroneous, or in-
13 valid in whole or in part.

1 ***[5.]*** *6.* Section 16 of P. L. 1981, c. 302 (C. 26:2D-52) is
2 amended to read as follows:

3 16. If any affected **[electric utility]** *operator of a nuclear elec-*
4 *tric generating facility*, to which a statement for the amount as-
5 sessed against it as provided in this act has been rendered, fails
6 to pay the amount within **[15]** 30 days, or fails to file with the State
7 Treasurer objections to the statement as provided herein, the State
8-9 Treasurer shall proceed to collect the amount stated to be due,
10 with legal interest, by seizure and sale of any goods or chattels,
11 including stocks, securities, bank accounts, evidences of debt and
12 accounts receivable belonging to the affected **[electric utility]**
13 *operator of a nuclear electric generating facility* anywhere within
14 the State.

1 ***[6.]*** *7.* Section 19 of P. L. 1981, c. 302 (C. 26:2D-55) is
2 amended to read as follows:

3 19. The existing State Radiation Emergency Plan, as contained
4 in the PIPAG Manual (Procedures for Implementing Protective
5 Action Guides), *or any other radiation emergency plan approved*
6 *pursuant to State or federal law* shall continue in full force and
7 effect until all emergency response plans required by this act are
8 adopted**[**, after which it shall expire**]**.

1 ***[7.]*** *8.* This act shall take effect on July 1, 1985.

3 16. If any affected **electric utility** operator of a nuclear elec-
 4 tric generating facility, to which a statement for the amount as-
 5 sessed against it as provided in this act has been rendered, fails
 6 to pay the amount within **15** 30 days, or fails to file with the State
 7 Treasurer objections to the statement as provided herein, the State
 8-9 Treasurer shall proceed to collect the amount stated to be due,
 10 with legal interest, by seizure and sale of any goods or chattels,
 11 including stocks, securities, bank accounts, evidences of debt and
 12 accounts receivable belonging to the affected **electric utility**
 13 operator of a nuclear electric generating facility anywhere within
 14 the State.

1 6. Section 19 of P. L. 1981, c. 302 (C. 26:2D-55) is amended to
 2 read as follows:

3 19. The existing State Radiation Emergency Plan, as contained
 4 in the PIPAG Manual (Procedures for Implementing Protective
 5 Action Guides), or any other radiation emergency plan approved
 6 pursuant to State or federal law shall continue in full force and
 7 effect until all emergency response plans required by this act are
 8 adopted**,** after which it shall expire**].**

1 7. This act shall take effect on July 1, 1985.

STATEMENT

The bill amends "The Radiation Accident Response Act," (P. L. 1981, c. 302; C. 26:2D-37 et seq.) by providing that the assessment of the costs of development, testing and updating of the Emergency Radiation Response Plans for New Jersey, including equipment costs, shall be assessed against the operators of nuclear electric generating facilities located in New Jersey rather than the electric utility owning or operating a nuclear facility.

In addition, the assessment shall not exceed the greater of \$2,000,000.00 or 1/10 of 1% of gross electric receipts derived from intrastate electric operations during the preceding calendar year.

The bill also provides that this assessment shall be equal to (1) costs related directly to a particularly nuclear electric generating facility and (2) costs other than those directly related. The former costs, which are borne by local and State agencies, are to be assessed against the operator of the facility, while the latter costs, which are borne by State agencies, are to be assessed equally against each operator of a facility.

The bill also provides that State or local costs incurred under the act which are not reasonably required to carry out the purposes of the act or not generally associated with or related to facilities in New Jersey shall not be included in this assessment.

A 827 (1984)

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 827
with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 1, 1984

The bill amends "The Radiation Accident Response Act," (P. L. 1981, c. 302; C. 26:2D-37) by providing that the assessment of the costs of development, testing and updating of the Emergency Radiation Response Plans for New Jersey, including equipment costs, shall be assessed against the operators of nuclear electric generating facilities located in New Jersey rather than the electric utility owning or operating a nuclear facility.

In addition, the assessment shall not exceed the greater of \$2,000,000.00 or 1/10 of 1% of gross electric receipts derived from intrastate electric operations during the preceding calendar year.

The assessment shall be equal to (1) costs related directly to a particular nuclear electric generating facility and (2) costs other than those directly related. The former costs, which are borne by local and State agencies, are to be assessed against the operator of the facility, while the latter costs, which are borne by State agencies, are to be assessed equally against each operator of a facility. Operator is defined to ensure that, if such an operator is merely a corporate shell without sufficient revenues to fund the programs required by "The Radiation Accident Response Act," any assessment made will be against the operator's parent company.

State or local costs incurred under the act which are not reasonably required to carry out the purposes of the act or not generally associated with or related to nuclear facilities in New Jersey shall not be included in such an assessment.

This bill conforms to the suggestions contained in the Governor's veto message of January 9, 1984, with reference to Assembly Bill No. 1620 (2nd OCR) of 1982.

Amendments adopted by the committee are technical and clarifying in nature.



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AUG 1 1984

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Governor Thomas H. Kean has signed legislation which brings New Jersey's celebration of Martin Luther King, Jr.'s birthday into line with the Federal holiday commemorating his birth.

The bill, A-603, is sponsored by Assemblyman Joseph Charles, Jr., D-Hudson.

New Jersey has celebrated the birthday of Martin Luther King, Jr. on January 15 since legislation was enacted in 1977. The Federal law enacted this year designates the third Monday in January as Martin Luther King, Jr. Day, and this bill changes New Jersey's observance to conform with the Nation's observance.

"I have always been proud that New Jersey was among the first states to mark the birthday of this great national leader," Kean said. "I am happy that the Federal Government has now chosen to follow our lead, lending even more significance to this important holiday."

The Governor also signed the following bills:

A-827, sponsored by Assemblyman Thomas A. Pankok, D-Salem, which amends the method by which assessments are levied against the operators of nuclear power facilities to defray the expenses of local, county and state agencies' responsibilities under the Radiation Accident Response Act.

Bill Signings

Wednesday, July 25, 1984

Page Two

Under the old system an assessment was made against any electric utility which had an ownership or operating interest in a nuclear generating plant. The assessment was made based on the intrastate receipts of the utility, with no correlation between the size of the utility's gross receipts and the expense incurred attributable to that company.

The new system provides for a more equitable distribution of costs. The bill requires that costs directly related to a particular facility be borne by the operator of the facility. All other expenses incurred under the act would be equally divided among the various operators.

The old assessment was limited to one tenth of one percent of gross receipts derived from intrastate operation of the utility. The new system changes this cap to not exceed either that formula or \$2 million, whichever is greater.

S-1541, sponsored by State Senator Gerald R. Stockman, D-Mercer, which amends the law pertaining to the Public Employees Retirement System and the Teachers Pension and Annuity Fund to provide that a member's retirement shall become effective if he or she dies 30 days or more after the date of filing an application for retirement with the system.