

**HOUSE . . . . . No. 1899**

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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:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>

**HOUSE . . . . . No. 1899**

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By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 1899) of James M. Cantwell and others for legislation to authorize the Department of Public Health to make assessments against power plants. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1907 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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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 4: Said section 5K(E) of said chapter 111, as so appearing, hereby amended by  
2 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 and (ii) electric companies in  
5 the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear  
6 power plant and/or Vermont Yankee nuclear power plant to defray costs incurred by the  
7 department’s radiation control program in the performance of its duties under this section. With  
8 respect to the fiscal year in which this section becomes effective, the department is authorized to  
9 make assessments in the amount of not less than \$400,000 with respect to each of such nuclear  
10 power plants. With respect to subsequent fiscal years, the department is authorized to make

11 assessments in amounts that, in the aggregate, are equal to the costs incurred in the prior fiscal  
12 year by the department's radiation control program in the performance of its duties under this  
13 section. The department is hereby further authorized to make a collection, based on such  
14 assessments, of monies from said operators of nuclear power plants to defray the cost of such  
15 activities. 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.