

1 S.158

2 Introduced by Senators Campbell and Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; energy; storage of radioactive
6 material; charge

7 Statement of purpose: This bill proposes to establish a charge for the storage
8 of spent nuclear fuel in Vermont.

9 An act relating to a charge for storage of spent nuclear fuel

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. chapter 157, subchapter 3 is added to read:

12 Subchapter 3. Spent Nuclear Fuel; Storage Charge

13 § 6531. DEFINITIONS

14 In this subchapter:

15 (1) “Commissioner of public service” means the commissioner of public
16 service under 30 V.S.A. § 1.

17 (2) “Commissioner of taxes” means the commissioner of taxes under
18 32 V.S.A. § 3101.

1 (3) “Dry cask” means a container in which spent nuclear fuel is stored
2 and cooled by air, and all associated components and systems. It does not
3 include a spent nuclear fuel storage pool.

4 (4) “Person” shall be as defined under 1 V.S.A. § 128.

5 (5) “Spent nuclear fuel” means fuel that has been withdrawn from a
6 nuclear reactor following irradiation. “Spent nuclear fuel” includes the
7 byproduct material, source material, special nuclear material, and other
8 radioactive materials and wastes associated with fuel assemblies. For the
9 purpose of this definition, “byproduct material,” “source material,” and
10 “special nuclear material” are as defined in 10 C.F.R. § 72.3.

11 (6) “Spent nuclear fuel storage pool” means a facility in which spent
12 nuclear fuel is stored and cooled by liquid.

13 § 6532. CHARGE; ESTABLISHMENT

14 (a) There is established an annual charge on the storage of spent nuclear
15 fuel in Vermont.

16 (b) The annual charge for each dry cask located in the state shall be \$2
17 million.

18 (c) The annual charge for spent nuclear fuel in a spent nuclear fuel storage
19 pool located in the state shall be a volumetric charge by unit of spent nuclear
20 fuel determined each year by the commissioner of public service no later than
21 May 1. To determine the volumetric charge, the commissioner of public

1 service shall divide \$2 million by the average cubic capacity of the dry casks
2 located in Vermont and multiply the result by 50 percent.

3 § 6533. PAYMENT

4 (a) No later than June 1 of each year, each person that stores spent nuclear
5 fuel in Vermont shall pay to the commissioner of taxes the charge established
6 under this subchapter.

7 (b) In consultation with the commissioner of public service, the
8 commissioner of taxes shall prescribe the form to be used by an entity making
9 a payment under this section.

10 (c) The provisions of 32 V.S.A. §§ 3201 (administration of taxes), 3202
11 (interest and penalties), and 3203 (notice of deficiencies) shall apply to the
12 payment or nonpayment of a charge under this subchapter.

13 § 6534. USE OF FUNDS

14 Funds received under this subchapter shall be disbursed annually as
15 follows:

16 (1) 17 percent to the general fund created under 32 V.S.A. § 435.

17 (2) 11 percent to the education fund under 16 V.S.A. § 4025.

18 (3) six percent to the Town of Vernon, Vermont.

19 (4) 33 percent to the electric efficiency fund created under 30 V.S.A.

20 § 209(d)(3).

1 (5) The remainder shall be deposited in the clean energy development
2 fund created under 30 V.S.A. § 8015.

3 § 6535. INFLATION ADJUSTMENT

4 Dollar figures stated in this subchapter are in 2012 dollars and shall be
5 adjusted annually for inflation in accordance with a method prescribed by the
6 commissioner of taxes in the exercise of his or her reasonable discretion.

7 Sec. 2. 16 V.S.A. § 4025(a)(8) is added to read:

8 (8) Moneys directed to the education fund under 10 V.S.A. § 6534
9 (spent nuclear storage charge; use of funds).

10 Sec. 3. 30 V.S.A. § 209(d)(9) is amended to read:

11 (9) Revenues deposited into the electric efficiency fund under 10 V.S.A.
12 § 6534 (spent nuclear storage charge; use of funds) shall be used by an entity
13 appointed under subdivision 209(d)(2) of this title to deliver energy efficiency
14 services on a whole buildings basis to Vermont heating and process-fuel
15 consumers.

16 Sec. 4. 30 V.S.A. § 209(e) is amended to read:

17 (e) The board shall:

18 * * *

19 (15) Ensure that the energy efficiency programs implemented under this
20 section are designed to make continuous and proportional progress toward
21 attaining the overall state building efficiency goals established by 10 V.S.A.

1 § 581, by promoting all forms of energy end-use efficiency and comprehensive
2 sustainable building design. The funds made available under ~~subdivision~~
3 ~~(d)(7)~~ subdivisions (d)(7)–(9) of this section may be used by an efficiency
4 entity appointed under subdivision (2) of this section to deliver fossil fuel
5 energy efficiency services to Vermont heating and process-fuel consumers on a
6 whole-building basis.

7 Sec. 5. 30 V.S.A. § 8015 is amended to read:

8 § 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

9 (a) Creation of fund.

10 (1) There is established the Vermont clean energy development fund to
11 consist of each of the following:

12 (A) The proceeds due the state under the terms of the memorandum
13 of understanding between the department of public service and Entergy
14 Nuclear VY and Entergy Nuclear Operations, Inc. that was entered under
15 public service board docket 6812; together with the proceeds due the state
16 under the terms of any subsequent memoranda of understanding entered before
17 July 1, 2005 between the department of public service and Entergy Nuclear
18 VY and Entergy Nuclear Operations, Inc.

19 (B) Moneys directed to the fund under 10 V.S.A. § 6534 (spent
20 nuclear storage charge; use of funds).

1 (C) Any other monies that may be appropriated to or deposited into
2 the fund.

3 Sec. 6. 32 V.S.A. § 435 is amended to read:

4 § 435. GENERAL FUND

5 (a) There is established a general fund which shall be the basic operating
6 fund of the state. The general fund shall be used to finance all expenditures for
7 which no special revenues have otherwise been provided by law.

8 (b) The general fund shall be composed of revenues from the following
9 sources:

10 (1) Alcoholic beverage tax levied pursuant to 7 V.S.A. chapter 15 of
11 ~~Title 7~~;

12 (2) [Repealed.]

13 (3) Electrical energy tax levied pursuant to chapter 213 of this title;

14 (4) Corporate income and franchise taxes levied pursuant to chapter 151
15 of this title;

16 (5) Individual income taxes levied pursuant to chapter 151 of this title;

17 (6) All corporation taxes levied pursuant to chapter 211 of this title;

18 (7) Meals and rooms taxes levied pursuant to chapter 225 of this title;

19 (8) [Deleted.]

20 (9) Revenues from the racing fund consistent with ~~section~~ 31 V.S.A.
21 § 611 of Title 31;

1 (10) 33 percent of the revenue from the property transfer taxes levied
2 pursuant to chapter 231 of this title and the revenue from the gains taxes levied
3 each year pursuant to chapter 236 of this title;

4 (11) Two-thirds of the revenue from sales and use taxes levied pursuant
5 to chapter 233 of this title;

6 (12) Moneys directed to the general fund under 10 V.S.A. § 6534 (spent
7 nuclear storage charge; use of funds);

8 (13) All other revenues accruing to the state not otherwise required by
9 law to be deposited in any other designated fund or used for any other
10 designated purpose.

11 Sec. 7. EFFECTIVE DATE

12 This act shall take effect on July 1, 2012.