



1999 SENATE BILL 12

January 26, 1999 - Introduced by Senators COWLES, BAUMGART, CLAUSING, WIRCH, RUDE, FARROW, SCHULTZ, HUELSMAN, PLACHE, A. LASEE, ROESSLER and DRZEWIECKI, cosponsored by Representatives DUFF, F. LASEE, HUTCHISON, RYBA, KRUG, PLALE, POWERS, ALBERS, HAHN, KELSO, KEDZIE and BOYLE. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT** *to create* 20.155 (1) (r), 25.17 (1) (k), 25.17 (3) (dt), 25.469 and 196.497
2 (11s) of the statutes; **relating to:** escrowing certain payments to the federal
3 government for the disposal of radioactive waste and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current federal law, the secretary of the federal department of energy is authorized to enter into contracts with persons who generate, or hold title to, high-level radioactive waste or spent nuclear fuel. The contracts govern the acceptance of title, subsequent transportation and disposal of the waste or spent fuel by the federal department of energy, in return for the payment of certain specified fees to the federal department of energy. The obligation of the federal department of energy to dispose of the waste or spent fuel is required under federal law to begin not later than January 31, 1998.

Under this bill, if the public service commission (commission) determines that the federal department of energy is not meeting its obligations under these contracts with state agencies or persons in this state, the commission may direct the state agencies or persons to pay to the commission, instead of the federal department of energy, the fees that are due under the contracts for the period during which the contractual obligations are not met. The bill requires the commission to deposit any funds received under the bill in a state segregated fund, the nuclear waste escrow fund, established by the bill. Upon a showing by the secretary of the federal department of energy that the federal department of energy is meeting its obligations under the contract, the commission shall pay, to the secretary of the

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federal department of energy, all funds contained in the nuclear waste escrow fund and shall cease accepting additional funds under the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.155 (1) (r) of the statutes is created to read:

2 20.155 (1) (r) *Nuclear waste escrow fund.* From the nuclear waste escrow fund,
3 a sum sufficient to make the payments under s. 196.497 (11s) (b).

4 **SECTION 2.** 25.17 (1) (k) of the statutes is created to read:

5 25.17 (1) (k) Nuclear waste escrow fund (s. 25.469);

6 **SECTION 3.** 25.17 (3) (dt) of the statutes is created to read:

7 25.17 (3) (dt) Invest the funds of the nuclear waste escrow fund only in
8 investments appropriate for an escrow fund, such as interest-bearing accounts at
9 federally insured banking institutions or short-term direct obligations of the U. S.
10 government.

11 **SECTION 4.** 25.469 of the statutes is created to read:

12 **25.469 Nuclear waste escrow fund.** There is established a separate
13 nonlapsible trust fund designated as the nuclear waste escrow fund, to consist of all
14 moneys received by the public service commission under s. 196.497 (11s) (a).

15 **SECTION 5.** 196.497 (11s) of the statutes is created to read:

16 196.497 (11s) **ESCROWING OF CERTAIN PAYMENTS TO THE FEDERAL GOVERNMENT.** (a)
17 If the commission determines that the federal department of energy is not meeting
18 its obligations under contracts entered into under 42 USC 10222 with state agencies
19 or with persons in this state, the commission may direct the state agencies or persons
20 to pay to the commission, instead of the federal department of energy the fees due

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1 under 42 USC 10222 for the period during which those contractual obligations are
2 not met. The commission shall deposit any funds received under this paragraph in
3 the nuclear waste escrow fund.

4 (b) Upon a showing by the secretary of the federal department of energy that
5 the federal department of energy is meeting its obligations under contracts entered
6 into under 42 USC 10222, the commission shall pay to the secretary of the federal
7 department of energy all funds contained in the nuclear waste escrow fund and shall
8 cease accepting additional funds under par. (a).

9 (END)