

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Blakeslee

February 9, 2007

An act to amend Section 8610.5 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as introduced, Blakeslee. California Emergency Services Act: Nuclear Planning Assessment Special Account.

The California Emergency Services Act provides for the assessment of certain state agency costs on utilities operating certain nuclear powerplants, and the deposit of those moneys into, and the appropriation and allocation of moneys from, the Nuclear Planning Assessment Special Account. These provisions become inoperative on July 1, 2009, and are repealed on January 1, 2010.

This bill would extend the inoperative date of these provisions to July 1, 2019, and the repeal date to January 1, 2020.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8610.5 of the Government Code is
- 2 amended to read:
- 3 8610.5. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) "Department" means the State Department of *Public Health*
- 6 *Services*.

1 (2) "Office" means the Office of Emergency Services.

2 (b) (1) State and local costs to carry out activities pursuant to
3 this section and Chapter 4 (commencing with Section 114650) of
4 Part 9 of Division 104 of the Health and Safety Code that are not
5 reimbursed by federal funds shall be borne by utilities operating
6 nuclear powerplants with a generating capacity of 50 megawatts
7 or more.

8 (2) The Public Utilities Commission shall develop and transmit
9 to the office an equitable method of assessing the utilities operating
10 the powerplants for their reasonable pro rata share of state agency
11 costs specified in paragraph (1).

12 (3) Each local government involved shall submit a statement
13 of its costs specified in paragraph (1), as required, to the office.

14 (4) Upon each utility's notification by the office, from time to
15 time, of the amount of its share of the actual or anticipated state
16 and local agency costs, the utility shall pay this amount to the
17 Controller for deposit in the Nuclear Planning Assessment Special
18 Account, which is continued in existence, for allocation by the
19 Controller, upon appropriation by the Legislature, to carry out
20 activities pursuant to this section and Chapter 4 (commencing with
21 Section 114650) of Part 9 of Division 104 of the Health and Safety
22 Code. The Controller shall pay from this account the state and
23 local costs relative to carrying out this section and Chapter 4
24 (commencing with Section 114650) of Part 9 of Division 104 of
25 the Health and Safety Code, upon certification thereof by the office.

26 (5) Upon appropriation by the Legislature, the Controller may
27 disburse up to 80 percent of a fiscal year allocation from the
28 Nuclear Planning Assessment Special Account, in advance, for
29 anticipated local expenses, as certified by the office pursuant to
30 paragraph (4). The office shall review program expenditures related
31 to the balance of funds in the account and the Controller shall pay
32 the portion, or the entire balance, of the account, based upon those
33 approved expenditures.

34 (c) (1) The total annual disbursement of state costs from the
35 utilities operating the nuclear powerplants within the state for
36 activities pursuant to this section and Chapter 4 (commencing with
37 Section 114650) of Part 9 of Division 104 of the Health and Safety
38 Code, shall not exceed the lesser of the actual costs or the
39 maximum funding levels previously established by Chapter 4
40 (commencing with Section 114650) of Part 9 of Division 104 of

the Health and Safety Code, as that chapter read on January 1, 1998, subject to subdivisions (e) and (f), to be shared equally among the utilities.

(2) Of the initial annual amount of one million three hundred forty thousand dollars (\$1,340,000) for the 1999–2000 fiscal year, the sum of eight hundred three thousand dollars (\$803,000) shall be for support of the office for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, and the sum of five hundred thirty-seven thousand dollars (\$537,000) shall be for support of the department for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code.

(d) (1) The total annual disbursement for each fiscal year, commencing July 1, 1999, of local costs from the utilities shall not exceed the lesser of the actual costs or the maximum funding levels, on a site basis, previously established on a per reactor basis by Section 1 of Chapter 1607 of the Statutes of 1988, in support of activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The maximum initial annual amount available for disbursement for local costs, subject to subdivisions (e) and (f), shall be eight hundred fifty-one thousand dollars (\$851,000) for the Diablo Canyon site and one million seventy-three thousand dollars (\$1,073,000) for the San Onofre site.

(2) The amounts paid by the utilities under this section shall be allowed for ratemaking purposes by the Public Utilities Commission.

(e) The amounts available for disbursement for state and local costs as specified in this section shall be adjusted and compounded each fiscal year by the percentage increase in the California Consumer Price Index of the previous calendar year.

(f) Through the date specified in subdivision (g), the amounts available for disbursement for state and local costs as specified in this section shall be cumulative biennially. Any unexpended funds from a year when the state and local governments conduct a full participation exercise, as defined in Section 350.2 of Title 44 of the Code of Federal Regulations, that is not evaluated by the Federal Emergency Management Agency, shall be carried over to the year when the state and local governments conduct such an

1 exercise that is evaluated by the Federal Emergency Management
2 Agency.

3 (g) This section shall become inoperative on July 1, ~~2009~~ 2019,
4 and, as of January 1, ~~2010~~ 2020, is repealed, unless a later enacted
5 statute, which becomes effective on or before July 1, ~~2009~~ 2019,
6 deletes or extends the dates on which it becomes inoperative and
7 is repealed.

8 (h) Upon inoperation of this section, any amounts remaining in
9 the special account shall be refunded pro rata to the utilities
10 contributing thereto.