

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1530

Introduced by Assembly Member Skinner

February 27, 2009

~~An act to amend Section 8670.40 of the Government Code, relating to oil spills.~~ *An act to add Section 38562.5 to the Health and Safety Code, relating to greenhouse gas emissions.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1530, as amended, Skinner. ~~Oil spills: prevention and response: fees.~~ *Greenhouse gas emission reduction measures.*

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt greenhouse gas emissions limits and emission reduction measures by regulation. Existing law requires that any regulation adopted by the state board regarding greenhouse gas emission reductions ensure that the greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.

This bill would require the state board to adopt protocols for the evaluation, quantification, and verification of any greenhouse gas emission reduction measure that relies on electrical energy efficiency to ensure that the reductions comply with existing requirements. The bill would require the state board, in adopting these protocols, to consult with the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, and experts in the field of energy efficiency.

~~Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, generally requires the administrator for oil spill response,~~

acting at the direction of the Governor, to implement activities relating to oil spill response.

The act requires the State Board of Equalization to collect a fee in an amount determined by the administrator sufficient to carry out specified oil spill prevention and response purposes, excluding response to an oil spill. The annual fee is prohibited from exceeding \$0.05 per barrel of crude oil or petroleum products and is required to be deposited in the Oil Spill Prevention and Administration Fund. Moneys in the fund are available for appropriation by the Legislature for specified purposes.

This bill would raise the upper limits of the fee to \$0.08 per barrel.

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 38562.5 is added to the Health and Safety
2 Code, to read:

3 38562.5. The state board shall adopt protocols for the
4 evaluation, quantification, and verification of any greenhouse gas
5 emission reduction measure that relies on electrical energy
6 efficiency to ensure that the reductions comply with the
7 requirements of Section 38562. In adopting these protocols, the
8 state board shall consult with the Public Utilities Commission, the
9 Energy Resources Conservation and Development Commission,
10 and experts in the field of energy efficiency. The protocols shall
11 apply to any energy efficiency measure claimed as a greenhouse
12 gas emission reduction measure.

13 SECTION 1. Section 8670.40 of the Government Code is
14 amended to read:

15 8670.40. (a) The State Board of Equalization shall collect a
16 fee in an amount determined by the administrator to be sufficient
17 to carry out the purposes set forth in subdivision (e), and a
18 reasonable reserve for contingencies. The annual assessment may
19 not exceed eight cents (\$0.08) per barrel of crude oil or petroleum
20 products.

21 (b) (1) The oil spill prevention and administration fee shall be
22 imposed upon a person owning crude oil at the time that the crude
23 oil is received at a marine terminal from within or outside the state,
24 and upon a person owning petroleum products at the time that
25 those petroleum products are received at a marine terminal from

1 outside this state. The fee shall be collected by the marine terminal
2 operator from the owner of the crude oil or petroleum products
3 based on each barrel of crude oil or petroleum products so received
4 by means of a vessel operating in, through, or across the marine
5 waters of the state. In addition, an operator of a pipeline shall pay
6 the oil spill prevention and administration fee for each barrel of
7 crude oil originating from a production facility in marine waters
8 and transported in the state by means of a pipeline operating across,
9 under, or through the marine waters of the state. The fees shall be
10 remitted to the board by the terminal or pipeline operator on the
11 25th day of the month based upon the number of barrels of crude
12 oil or petroleum products received at a marine terminal or
13 transported by pipeline during the preceding month. A fee shall
14 not be imposed pursuant to this section with respect to crude oil
15 or petroleum products if the person who would be liable for that
16 fee, or responsible for its collection, establishes that the fee has
17 been collected by a terminal operator registered under this chapter
18 or paid to the board with respect to the crude oil or petroleum
19 product.

20 (2) An owner of crude oil or petroleum products is liable for
21 the fee until it has been paid to the board, except that payment to
22 a marine terminal operator registered under this chapter is sufficient
23 to relieve the owner from further liability for the fee.

24 (3) On or before January 20, the administrator shall annually
25 prepare a plan that projects revenues and expenses over three fiscal
26 years, including the current year. Based on the plan, the
27 administrator shall set the fee so that projected revenues, including
28 interest, are equivalent to expenses as reflected in the current
29 Budget Act and in the proposed budget submitted by the Governor.
30 In setting the fee, the administrator may allow for a surplus if the
31 administrator finds that revenues will be exhausted during the
32 period covered by the plan or that the surplus is necessary to cover
33 possible contingencies.

34 (e) The moneys collected pursuant to subdivision (a) shall be
35 deposited into the fund.

36 (d) The board shall collect the fee and adopt regulations for
37 implementing the fee collection program.

38 (e) The fee described in this section shall be collected solely
39 for all of the following purposes:

- 1 ~~(1) To implement oil spill prevention programs through rules,~~
2 ~~regulations, leasing policies, guidelines, and inspections and to~~
3 ~~implement research into prevention and control technology.~~
4 ~~(2) To carry out studies that may lead to improved oil spill~~
5 ~~prevention and response.~~
6 ~~(3) To finance environmental and economic studies relating to~~
7 ~~the effects of oil spills.~~
8 ~~(4) To reimburse the member agencies of the State Interagency~~
9 ~~Oil Spill Committee for costs arising from implementation of this~~
10 ~~chapter, Article 3.5 (commencing with Section 8574.1) of Chapter~~
11 ~~7 of this code, and Division 7.8 (commencing with Section 8750)~~
12 ~~of the Public Resources Code.~~
13 ~~(5) To implement, install, and maintain emergency programs,~~
14 ~~equipment, and facilities to respond to, contain, and clean up oil~~
15 ~~spills and to ensure that those operations will be carried out as~~
16 ~~intended.~~
17 ~~(6) To respond to an imminent threat of a spill in accordance~~
18 ~~with the provisions of Section 8670.62 pertaining to threatened~~
19 ~~discharges. The cumulative amount of an expenditure for this~~
20 ~~purpose shall not exceed the amount of one hundred thousand~~
21 ~~dollars (\$100,000) in a fiscal year unless the administrator receives~~
22 ~~the approval of the Director of Finance and notification is given~~
23 ~~to the Joint Legislative Budget Committee. Commencing with the~~
24 ~~1993-94 fiscal year, and each fiscal year thereafter, it is the intent~~
25 ~~of the Legislature that the annual Budget Act contain an~~
26 ~~appropriation of one hundred thousand dollars (\$100,000) from~~
27 ~~the fund for the purpose of allowing the administrator to respond~~
28 ~~to threatened oil spills.~~
29 ~~(7) To reimburse the board for costs incurred to implement this~~
30 ~~chapter and to carry out Part 24 (commencing with Section 46001)~~
31 ~~of Division 2 of the Revenue and Taxation Code.~~
32 ~~(8) To reimburse the costs incurred by the State Lands~~
33 ~~Commission in implementing the Oil Transfer and Transportation~~
34 ~~Emission and Risk Reduction Act of 2002 (Division 7.9~~
35 ~~(commencing with Section 8780) of the Public Resources Code).~~
36 ~~(9) To cover costs incurred by the Oiled Wildlife Care Network~~
37 ~~established by Section 8670.37.5 for training and field collection,~~
38 ~~and search and rescue activities, pursuant to subdivision (g) of~~
39 ~~Section 8670.37.5.~~

1 ~~(f) The moneys deposited in the fund shall not be used for~~
2 ~~responding to an oil spill.~~

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