

AMENDED IN ASSEMBLY JANUARY 8, 2014

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN ASSEMBLY AUGUST 12, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

**SENATE BILL**

**No. 445**

---

---

**Introduced by Senator Hill**

(Principal coauthor: Assembly Member Mullin)

February 21, 2013

---

---

An act to ~~add Section 15820.927 to the Government Code, relating to prisons~~ amend Section 25299.43 of the Health and Safety Code, relating to underground storage tanks.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as amended, Hill. ~~Revenue bond financing of prison construction.~~ *Underground storage tanks: petroleum: charges.*

*Under existing law, the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, every owner of an underground storage tank is required to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund and the State Water Resources Control Board is authorized to expend the moneys in the fund, upon appropriation by the Legislature, for various purposes, including the payment of claims to aid owners and operators of petroleum underground storage tanks who take corrective action to clean up unauthorized releases from those tanks, corrective actions undertaken by the board, a California regional water quality board, or a local agency, the cleanup and oversight of unauthorized releases at abandoned tank sites, and grants to small businesses to retrofit certain*

*hazardous substance underground storage tanks. Existing law imposes a \$0.001 charge per gallon of a petroleum placed in an underground storage tank until January 1, 2016, and repeals the act on that date. Existing law also specifies that certain associated rights, obligations, and authorities that apply prior to the January 1, 2016, repeal date do not terminate until the moneys in the fund are exhausted.*

*This bill would require payment of an additional \$0.006 per gallon of petroleum until January 1, 2016. This bill would constitute a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2 /3 of the membership of each house of the Legislature.*

~~Existing law authorizes the Board of State and Community Corrections, the State Public Works Board, and a participating county to acquire, design, and construct an adult local criminal justice facility approved by the Board of State and Community Corrections, or to acquire a site or sites owned by, or subject to a lease option to purchase held by, a participating county. Existing law authorizes the State Public Works Board to issue up to \$500,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities, and continuously appropriates the funds for those purposes.~~

~~This bill would authorize the State Public Works Board to approve a project under either of the above programs after commencement of working drawings or construction phase activities and would authorize reimbursement of expenses incurred after the board approves the project.~~

Vote: ~~majority~~<sup>2/3</sup>. 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 25299.43 of the Health and Safety Code
- 2     is amended to read:
- 3     25299.43. (a) To implement the changes to this chapter made
- 4     by Chapter 1191 of the Statutes of 1994, and consistent with
- 5     Section 25299.40, effective January 1, 1995, every owner subject
- 6     to Section 25299.41 shall pay a storage fee of one mill (\$0.001)
- 7     for each gallon of petroleum placed in an underground storage
- 8     tank that the person owns, in addition to the fee required by Section
- 9     25299.41.

1 (b) On and after January 1, 1996, the storage fee imposed under  
2 subdivision (a) shall be increased by two mills (\$0.002) for each  
3 gallon of petroleum placed in an underground storage tank.

4 (c) On and after January 1, 1997, the storage fee increased under  
5 subdivision (b) shall be increased by an additional three mills  
6 (\$0.003) for each gallon of petroleum placed in an underground  
7 storage tank.

8 (d) On and after January 1, 2005, the storage fee increased under  
9 subdivision (c) shall be increased by an additional one mill (\$0.001)  
10 for each gallon of petroleum placed in an underground storage  
11 tank.

12 (e) On and after January 1, 2006, the storage fee increased under  
13 subdivision (d) shall be increased by an additional one mill  
14 (\$0.001) for each gallon of petroleum placed in an underground  
15 storage tank.

16 (f) On and after January 1, 2010, the storage fee increased under  
17 subdivision (e) shall be increased by an additional six mills  
18 (\$0.006) for each gallon of petroleum placed in an underground  
19 storage tank. The increase provided for in this subdivision shall  
20 be effective until January 1, ~~2014~~ 2016, at which time, the fee shall  
21 revert back to the fee pursuant to subdivision (e).

22 (g) The fee imposed under this section shall be paid to the State  
23 Board of Equalization under Part 26 (commencing with Section  
24 50101) of Division 2 of the Revenue and Taxation Code in the  
25 same manner as, and consistent with, the fees imposed under  
26 Section 25299.41.

27 (h) The State Board of Equalization shall amend the regulations  
28 adopted under Section 25299.41 to carry out this section.

29 ~~SECTION 1. Section 15820.927 is added to the Government~~  
30 ~~Code, immediately after Section 15820.926, to read:~~

31 ~~15820.927. Notwithstanding Section 13332.11 and 13332.19,~~  
32 ~~the State Public Works Board may approve a project to be funded~~  
33 ~~pursuant to this chapter after commencement of working drawings~~  
34 ~~or construction phase activities. Funds may be allocated to~~  
35 ~~reimburse expenses that are incurred after the board approves the~~  
36 ~~project pursuant to this section.~~