

**ASSEMBLY BILL**

**No. 361**

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**Introduced by Assembly Member Achadjian**

February 17, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as introduced, Achadjian. California Emergency Services Act: nuclear powerplants.

Existing law, the California Emergency Services Act, authorizes local government entities to create disaster councils by ordinance and in turn develop disaster plans specific to their jurisdictions. Existing law, the Radiation Protection Act of 1999, requires local governments to develop and maintain radiological emergency preparedness and response plans to safeguard the public in the emergency planning zone around a nuclear powerplant and generally makes the Office of Emergency Services responsible for the coordination and integration of all emergency planning programs and response plans created pursuant to the Radiation Protection Act of 1999. The California Emergency Services Act, until January 1, 2020, prescribes a method for funding state and local costs for carrying out these activities that are not reimbursed by federal funds, with the costs borne by utilities operating nuclear powerplants with a generating capacity of 50 megawatts or more.

This bill would make technical, nonsubstantive changes to the funding of state and local costs, described above.

Vote: majority. Appropriation: no. Fiscal committee: no.  
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) “Agency” or “office” means the Office of Emergency  
6 Services.

7 (2) “Previous fiscal year” means the fiscal year immediately  
8 prior to the current fiscal year.

9 (3) “Utility” means an “electrical corporation” as defined in  
10 Section 218 of the Public Utilities Code, and “utilities” means  
11 more than one electrical corporation.

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

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

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

24 (4) Upon each utility’s notification by the office, from time to  
25 time, of the amount of its share of the actual or anticipated state  
26 and local agency costs, the utility shall pay this amount to the  
27 Controller for deposit in the Nuclear Planning Assessment Special  
28 Account, which is continued in existence, for allocation by the  
29 Controller, upon appropriation by the Legislature, to carry out  
30 activities pursuant to this section and Chapter 4 (commencing with  
31 Section 114650) of Part 9 of Division 104 of the Health and Safety  
32 Code. The Controller shall pay from this account the state and  
33 local costs relative to carrying out this section and Chapter 4  
34 (commencing with Section 114650) of Part 9 of Division 104 of  
35 the Health and Safety Code, upon certification ~~thereof~~ *of the costs*  
36 by the office.

37 (5) Upon appropriation by the Legislature, the Controller may  
38 disburse up to 80 percent of a fiscal year allocation from the

1 Nuclear Planning Assessment Special Account, in advance, for  
2 anticipated local expenses, as certified by the agency pursuant to  
3 paragraph (4). The office shall review program expenditures related  
4 to the balance of funds in the account and the Controller shall pay  
5 the portion, or the entire balance, of the account, based upon those  
6 approved expenditures.

7 (c) (1) The total annual disbursement of state costs from the  
8 utilities operating the nuclear powerplants within the state for  
9 activities pursuant to this section and Chapter 4 (commencing with  
10 Section 114650) of Part 9 of Division 104 of the Health and Safety  
11 Code, shall not exceed the lesser of the actual costs or the  
12 maximum funding levels established in this section, subject to  
13 subdivisions (e) and (f), to be shared equally among the utilities.

14 (2) Of the annual amount of two million forty-seven thousand  
15 dollars (\$2,047,000) for the 2009–10 fiscal year, the sum of one  
16 million ninety-four thousand dollars (\$1,094,000) shall be for  
17 support of the office for activities pursuant to this section and  
18 Chapter 4 (commencing with Section 114650) of Part 9 of Division  
19 104 of the Health and Safety Code, and the sum of nine hundred  
20 fifty-three thousand dollars (\$953,000) shall be for support of the  
21 State Department of Public Health for activities pursuant to this  
22 section and Chapter 4 (commencing with Section 114650) of Part  
23 9 of Division 104 of the Health and Safety Code.

24 (d) (1) The total annual disbursement for each fiscal year,  
25 commencing July 1, 2009, of local costs from the utilities shall  
26 not exceed the lesser of the actual costs or the maximum funding  
27 levels established in this section, in support of activities pursuant  
28 to this section and Chapter 4 (commencing with Section 114650)  
29 of Part 9 of Division 104 of the Health and Safety Code. The  
30 maximum annual amount available for disbursement for local  
31 costs, subject to subdivisions (e) and (f), shall, for the fiscal year  
32 beginning July 1, 2009, be one million seven hundred thirty-two  
33 thousand dollars (\$1,732,000) for the Diablo Canyon site and one  
34 million six hundred thousand dollars (\$1,600,000) for the San  
35 Onofre site.

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

39 (e) (1) Except as provided in paragraph (2), the amounts  
40 available for disbursement for state and local costs as specified in

1 this section shall be adjusted and compounded each fiscal year by  
2 the percentage increase in the California Consumer Price Index of  
3 the previous fiscal year.

4 (2) For the Diablo Canyon site, the amounts available for  
5 disbursement for state and local costs as specified in this section  
6 shall be adjusted and compounded each fiscal year by the larger  
7 of the percentage change in the prevailing wage for San Luis  
8 Obispo County employees, not to exceed 5 percent, or the  
9 percentage increase in the California Consumer Price Index from  
10 the previous fiscal year.

11 (f) Through the inoperative date specified in subdivision (g),  
12 the amounts available for disbursement for state and local costs  
13 as specified in this section shall be cumulative biennially. Any  
14 unexpended funds from a year shall be carried over for one year.  
15 The funds carried over from the previous year may be expended  
16 when the current year's funding cap is exceeded.

17 (g) This section shall become inoperative on July 1, 2019, and,  
18 as of January 1, 2020, is repealed, unless a later enacted statute,  
19 which becomes effective on or before July 1, 2019, deletes or  
20 extends the dates on which it becomes inoperative and is repealed.

21 (h) Upon inoperation of this section, any amounts remaining in  
22 the special account shall be refunded pro rata to the utilities  
23 contributing ~~thereto~~, *to it*, to be credited to the utility's ratepayers.