

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 361**

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**Introduced by Assembly Member Achadjian**  
(Coauthor: Senator Monning)

February 17, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, 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~~, *July 1, 2019*, 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, *operative July 1, 2019*, would ~~make technical, nonsubstantive changes to the funding of state and local costs, described above.~~ *extend, until July 1, 2024, the method for funding state and local*

*costs for emergency service activities associated with a nuclear powerplant, as described above, with respect to a utility operating a nuclear powerplant with a generating capacity of 50 megawatts or more, thereby extending an amount, as specified, available for disbursement for local costs for the Diablo Canyon site.*

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

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

1     SECTION 1. Section 8610.5 is added to the Government Code,  
 2     to read:  
 3     8610.5. (a) For purposes of this section:  
 4     (1) “Office” means the Office of Emergency Services.  
 5     (2) “Previous fiscal year” means the fiscal year immediately  
 6     prior to the current fiscal year.  
 7     (3) “Utility” means an “electrical corporation” as defined in  
 8     Section 218 of the Public Utilities Code.  
 9     (b) (1) State and local costs to carry out activities pursuant to  
 10    this section and Chapter 4 (commencing with Section 114650) of  
 11    Part 9 of Division 104 of the Health and Safety Code that are not  
 12    reimbursed by federal funds shall be borne by a utility operating  
 13    a nuclear powerplant with a generating capacity of 50 megawatts  
 14    or more.  
 15    (2) The Public Utilities Commission shall develop and transmit  
 16    to the office an equitable method of assessing a utility operating  
 17    a powerplant for its reasonable share of state agency costs  
 18    specified in paragraph (1).  
 19    (3) Each local government involved shall submit a statement of  
 20    its costs specified in paragraph (1), as required, to the office.  
 21    (4) Upon notification by the office, from time to time, of the  
 22    amount of its share of the actual or anticipated state and local  
 23    agency costs, a utility shall pay this amount to the Controller for  
 24    deposit in the Nuclear Planning Assessment Special Account, which  
 25    is continued in existence, for allocation by the Controller, upon  
 26    appropriation by the Legislature, to carry out activities pursuant  
 27    to this section and Chapter 4 (commencing with Section 114650)  
 28    of Part 9 of Division 104 of the Health and Safety Code. The  
 29    Controller shall pay from this account the state and local costs  
 30    relative to carrying out this section and Chapter 4 (commencing

1 with Section 114650) of Part 9 of Division 104 of the Health and  
2 Safety Code, upon certification of the costs by the office.

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

11 (c) The total annual disbursement of state costs from a utility  
12 operating a nuclear powerplant within the state for activities  
13 pursuant to this section and Chapter 4 (commencing with Section  
14 114650) of Part 9 of Division 104 of the Health and Safety Code,  
15 shall not exceed the lesser of the actual costs or the maximum  
16 funding levels established in this section, subject to subdivisions  
17 (e) and (f).

18 (d) (1) The total annual disbursement for each fiscal year,  
19 commencing July 1, 2009, of local costs from a utility shall not  
20 exceed the lesser of the actual costs or the maximum funding levels  
21 established in this section, in support of 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. The maximum  
24 annual amount available for disbursement for local costs, subject  
25 to subdivisions (e) and (f), shall, for the fiscal year beginning July  
26 1, 2009, be one million seven hundred thirty-two thousand dollars  
27 (\$1,732,000) for the Diablo Canyon site.

28 (2) The amounts paid by a utility under this section shall be  
29 allowed for ratemaking purposes by the Public Utilities  
30 Commission.

31 (e) The amounts available for disbursement for state and local  
32 costs as specified in this section shall be adjusted and compounded  
33 each fiscal year by the larger of the percentage change in the  
34 prevailing wage for San Luis Obispo County employees, not to  
35 exceed 5 percent, or the percentage increase in the California  
36 Consumer Price Index from the previous fiscal year.

37 (f) Through the inoperative date specified in subdivision (h),  
38 the amounts available for disbursement for state and local costs  
39 as specified in this section shall be cumulative biennially. Any  
40 unexpended funds from a year shall be carried over for one year.

1 *The funds carried over from the previous year may be expended*  
2 *when the current year's funding cap is exceeded.*

3 *(g) This section shall become operative on July 1, 2019.*

4 *(h) This section shall become inoperative on July 1, 2024, and,*  
5 *as of January 1, 2025, is repealed.*

6 *(i) When this section becomes inoperative, any amounts*  
7 *remaining in the special account shall be refunded to a utility*  
8 *contributing to it, to be credited to the utility's ratepayers.*

9 ~~SECTION 1. Section 8610.5 of the Government Code is~~  
10 ~~amended to read:~~

11 ~~8610.5. (a) For purposes of this section, the following~~  
12 ~~definitions shall apply:~~

13 ~~(1) "Agency" or "office" means the Office of Emergency~~  
14 ~~Services:~~

15 ~~(2) "Previous fiscal year" means the fiscal year immediately~~  
16 ~~prior to the current fiscal year.~~

17 ~~(3) "Utility" means an "electrical corporation" as defined in~~  
18 ~~Section 218 of the Public Utilities Code, and "utilities" means~~  
19 ~~more than one electrical corporation.~~

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

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

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

32 ~~(4) Upon each utility's notification by the office, from time to~~  
33 ~~time, of the amount of its share of the actual or anticipated state~~  
34 ~~and local agency costs, the utility shall pay this amount to the~~  
35 ~~Controller for deposit in the Nuclear Planning Assessment Special~~  
36 ~~Account, which is continued in existence, for allocation by the~~  
37 ~~Controller, upon appropriation by the Legislature, to carry out~~  
38 ~~activities pursuant to this section and Chapter 4 (commencing with~~  
39 ~~Section 114650) of Part 9 of Division 104 of the Health and Safety~~  
40 ~~Code. The Controller shall pay from this account the state and~~

1 local costs relative to carrying out this section and Chapter 4  
2 (commencing with Section 114650) of Part 9 of Division 104 of  
3 the Health and Safety Code, upon certification of the costs by the  
4 office.

5 (5) Upon appropriation by the Legislature, the Controller may  
6 disburse up to 80 percent of a fiscal year allocation from the  
7 Nuclear Planning Assessment Special Account, in advance, for  
8 anticipated local expenses, as certified by the agency pursuant to  
9 paragraph (4). The office shall review program expenditures related  
10 to the balance of funds in the account and the Controller shall pay  
11 the portion, or the entire balance, of the account, based upon those  
12 approved expenditures.

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

20 (2) Of the annual amount of two million forty-seven thousand  
21 dollars (\$2,047,000) for the 2009-10 fiscal year, the sum of one  
22 million ninety-four thousand dollars (\$1,094,000) shall be for  
23 support of the office for activities pursuant to this section and  
24 Chapter 4 (commencing with Section 114650) of Part 9 of Division  
25 104 of the Health and Safety Code, and the sum of nine hundred  
26 fifty-three thousand dollars (\$953,000) shall be for support of the  
27 State Department of Public Health for activities pursuant to this  
28 section and Chapter 4 (commencing with Section 114650) of Part  
29 9 of Division 104 of the Health and Safety Code.

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

1 million six hundred thousand dollars (\$1,600,000) for the San  
2 Onofre site.

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

6 ~~(e) (1) Except as provided in paragraph (2), the amounts~~  
7 ~~available for disbursement for state and local costs as specified in~~  
8 ~~this section shall be adjusted and compounded each fiscal year by~~  
9 ~~the percentage increase in the California Consumer Price Index of~~  
10 ~~the previous fiscal year.~~

11 ~~(2) For the Diablo Canyon site, the amounts available for~~  
12 ~~disbursement for state and local costs as specified in this section~~  
13 ~~shall be adjusted and compounded each fiscal year by the larger~~  
14 ~~of the percentage change in the prevailing wage for San Luis~~  
15 ~~Obispo County employees, not to exceed 5 percent, or the~~  
16 ~~percentage increase in the California Consumer Price Index from~~  
17 ~~the previous fiscal year.~~

18 ~~(f) Through the inoperative date specified in subdivision (g),~~  
19 ~~the amounts available for disbursement for state and local costs~~  
20 ~~as specified in this section shall be cumulative biennially. Any~~  
21 ~~unexpended funds from a year shall be carried over for one year.~~  
22 ~~The funds carried over from the previous year may be expended~~  
23 ~~when the current year's funding cap is exceeded.~~

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

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