

AMENDED IN ASSEMBLY MAY 28, 2015
AMENDED IN ASSEMBLY APRIL 29, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Achadjian
(Coauthor: Senator Monning)

February 17, 2015

An act to add *and repeal* Section 8610.5 to of 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 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 extend, until ~~July 1~~, August 26, 2025, 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: 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 specified
18 in paragraph (1).
19 (3) Each local government involved shall submit a statement
20 of 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,
25 which is continued in existence, for allocation by the Controller,
26 upon appropriation by the Legislature, to carry out activities
27 pursuant to this section and Chapter 4 (commencing with Section
28 114650) of Part 9 of Division 104 of the Health and Safety Code.

1 The Controller shall pay from this account the state and local costs
2 relative to carrying out this section and Chapter 4 (commencing
3 with Section 114650) of Part 9 of Division 104 of the Health and
4 Safety Code, upon certification of the costs by the 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 office 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 (c) (1) The total annual disbursement of state costs from a utility
14 operating a nuclear powerplant within the state for activities
15 pursuant to this section and Chapter 4 (commencing with Section
16 114650) of Part 9 of Division 104 of the Health and Safety Code,
17 shall not exceed the lesser of the actual costs or the maximum
18 funding levels established in this section, subject to subdivisions
19 (e) and (f).

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

- 1 (2) The amounts paid by a utility under this section shall be
2 allowed for ratemaking purposes by the Public Utilities
3 Commission.
- 4 (e) The amounts available for disbursement for state and local
5 costs as specified in this section shall be adjusted and compounded
6 each fiscal year by the larger of the percentage change in the
7 prevailing wage for San Luis Obispo County employees, not to
8 exceed 5 percent, or the percentage increase in the California
9 Consumer Price Index from the previous fiscal year.
- 10 (f) Through the inoperative date specified in subdivision (h),
11 the amounts available for disbursement for state and local costs
12 as specified in this section shall be cumulative biennially. Any
13 unexpended funds from a year shall be carried over for one year.
14 The funds carried over from the previous year may be expended
15 when the current year's funding cap is exceeded.
- 16 (g) This section shall become operative on July 1, 2019.
- 17 (h) This section shall become inoperative on ~~July 1, August 26,~~
18 2025, and, as of January 1, 2026, is repealed.
- 19 (i) When this section becomes inoperative, any amounts
20 remaining in the special account shall be refunded to a utility
21 contributing to it, to be credited to the utility's ratepayers.