

AMENDED IN ASSEMBLY APRIL 4, 2016

AMENDED IN ASSEMBLY FEBRUARY 22, 2016

SENATE BILL

No. 93

Introduced by Senators De León and Lara

(Principal coauthors: Assembly Members Cristina Garcia, Gomez, Rendon, and Santiago)

January 9, 2015

An act to amend the Budget Act of 2015 (*Chapters 10 and 11 of the Statutes of 2015*), by ~~amending Item 3960-001-0557 of~~ adding Item 3960-011-0001 to Section 2.00 ~~of of, and amending Section 39.00 of,~~ that act, relating to the state budget, ~~and making an appropriation therefor,~~ to take effect immediately, budget bill.

LEGISLATIVE COUNSEL'S DIGEST

SB 93, as amended, De León. Budget Act of 2015.

The Budget Act of 2015 appropriated ~~\$55,136,000 from the Toxic Substances Control Account to~~ *specified amounts for support of the Department of Toxic Substances Control for support of the department. Control.*

~~This bill would increase this appropriation by \$176,600,000 to \$231,736,000. The bill would require this increase to be used for costs related to the cleanup and testing of contaminated properties in the communities surrounding the Exide Technologies facility in the City of Vernon. The bill would require the Director of Finance to make a loan of \$176,600,000 from the General Fund to the account and would require all funds received through cost recovery efforts from responsible parties associated with the hazardous substance contamination in communities surrounding the Exide Technologies facility in the City of Vernon to be used to repay the loan.~~

This bill would require the Director of Finance to transfer up to \$176,600,000 as a loan from the General Fund to the Toxic Substances Control Account for the Department of Toxic Substances Control to use for activities related to the lead contamination in the communities surrounding the Exide Technologies facility in the City of Vernon. This bill would require the department to repay these funds, as specified, and would authorize the Director of Finance to forgive any unpaid balance of the loan under specified circumstances.

This bill would declare that it is to take effect immediately as a Budget Bill.

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

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

1 SECTION 1. *Item 3960-011-0001 is added to Section 2.00 of*
2 *the Budget Act of 2015, to read:*

3
4 3960-011-0001—*For transfer by the Controller, upon order*
5 *of the Director of Finance, from the General Fund to the*
6 *Toxic Substances Control Account (176,600,000)*
7 *Provisions:*

8 1. *The Director of Finance shall transfer up to*
9 *\$176,600,000 as a loan from the General Fund to the*
10 *Toxic Substances Control Account for the Department*
11 *of Toxic Substances Control to use for any of the fol-*
12 *lowing purposes:*

13 (a) *Activities related to the cleanup and investigation*
14 *of properties contaminated with lead in the com-*
15 *munities surrounding the Exide Technologies fa-*
16 *ility in the City of Vernon, California.*

17 (b) *Notwithstanding Section 25173.6 of the Health*
18 *and Safety Code, job training activities related to*
19 *the cleanup and investigation of the properties*
20 *contaminated with lead in the communities sur-*
21 *rounding the Exide Technologies facility in the*
22 *City of Vernon, California.*

23 (c) *Actions taken to pursue all available remedies*
24 *against potentially responsible parties, including,*
25 *but not limited to, cost recovery actions against*

1 *entities that are potentially responsible, for the*
2 *costs related to the cleanup and investigation of*
3 *properties contaminated with lead in the commu-*
4 *nities surrounding the Exide Technologies facility*
5 *in the City of Vernon, California.*

- 6 2. *All funds recovered from the potentially responsible*
7 *parties shall be used to repay the loan made pursuant*
8 *to this item. If the amount of moneys received from the*
9 *cost recovery efforts is insufficient to fully repay the*
10 *loan made pursuant to this item, the Director of Fi-*
11 *nance may forgive any remaining balance if, at least*
12 *90 days before forgiving any balance, the Director of*
13 *Finance submits a notification to the Joint Legislative*
14 *Budget Committee.*

15
16 *SEC. 2. Section 39.00 of the Budget Act of 2015 is amended*
17 *to read:*

18 *Sec. 39.00. The Legislature hereby finds and declares that the*
19 *following bills are other bills providing for appropriations related*
20 *to the Budget Bill within the meaning of subdivision (e) of Section*
21 *12 of Article IV of the California Constitution: AB 94, AB 95, AB*
22 *104, AB 105, AB 106, AB 107, AB 108, AB 109, AB 110, AB*
23 *111, AB 112, AB 113, AB 114, AB 115, AB 116, AB 117, AB*
24 *118, AB 119, AB 120, AB 121, AB 122, AB 123, AB 124, AB*
25 *125, AB 127, AB 128, AB 129, AB 130, AB 131, AB 132, AB*
26 *134, AB 135, AB 136, AB 137, AB 138, SB 70, SB 71, SB 72,*
27 *SB 73, SB 74, SB 75, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81,*
28 *SB 82, SB 83, SB 84, SB 85, SB 86, SB 87, SB 88, SB 89, SB 90,*
29 *SB 91, SB 92, ~~SB 93~~, SB 94, SB 95, SB 96, SB 98, SB 99, SB*
30 *100, SB 102, SB 103, SB 104, SB 105, SB 106, SB 107, SB 108,*
31 *and SB 109, in the form that these bills existed at the time that the*
32 *act amending this section of the Budget Act of 2015 took effect.*

33 *SEC. 3. This act is a Budget Bill within the meaning of*
34 *subdivision (c) of Section 12 of Article IV of the California*
35 *Constitution and shall take effect immediately.*

36 ~~SECTION 1. Item 3960-001-0557 of Section 2.00 of the Budget~~
37 ~~Act of 2015 is amended to read:~~

1	3960-001-0557—For support of Department of Toxic Substances	
2	Control, payable from the Toxic Substances Control Ac-	
3	count.....	231,736,000
4	Schedule:	
5	(1) 3620011-Other Site Mitigation Activi-	
6	ties.....	49,441,000
7	(2) 3630-Safer Consumer Products.....	13,946,000
8	(2.1) 3625-Hazardous Waste Manage-	
9	ment.....	3,326,000
10	(2.5) 9900100-Administration.....	204,000
11	(2.6) 9900200-Administration—Distribut-	
12	ed.....	-204,000
13	(3) Reimbursements to 3620011-Other Site	
14	Mitigation Activities.....	-11,433,000
15	(4) Reimbursements to 3630-Safer Con-	
16	sumer Products.....	-144,000
17	(5) Exide Technologies facility contamina-	
18	tion cleanup.....	176,600,000
19	Provisions:	
20	1. The amount appropriated in this item includes revenues	
21	derived from the assessment of fines and penalties	
22	imposed as specified in Section 13332.18 of the Gov-	
23	ernment Code:	
24	2. The amount appropriated in this item includes state	
25	oversight costs at military installations. The expendi-	
26	ture of these funds shall not relieve the federal govern-	
27	ment of the responsibility to pay for all state oversight	
28	costs. The Department of Toxic Substances Control	
29	shall take all steps necessary to recover these costs	
30	from the federal government, including, but not limited	
31	to, filing civil actions authorized by state and federal	
32	law:	
33	3. The funds appropriated in Schedule (5) shall be used	
34	for costs related to the cleanup and testing of contam-	
35	inated properties in the communities surrounding the	
36	Exide Technologies facility in the City of Vernon:	
37	4. The Director of Finance shall make a loan of	
38	\$176,600,000 from the General Fund to the Toxic	
39	Substances Control Account, consistent with the fol-	
40	lowing:	

- 1 (a) ~~All funds received through cost recovery efforts~~
- 2 ~~from responsible parties associated with the haz-~~
- 3 ~~ardous substance contamination in communities~~
- 4 ~~surrounding the Exide Technologies facility in~~
- 5 ~~the City of Vernon shall be used to repay the loan.~~
- 6 (b) ~~To the extent the amount of moneys received from~~
- 7 ~~the cost recovery efforts is insufficient to fully~~
- 8 ~~repay the loan, the Director of Finance may for-~~
- 9 ~~give any remaining balance, if, at least 90 days~~
- 10 ~~before forgiving any balance, the Director of Fi-~~
- 11 ~~nance submits a notice and report of that action~~
- 12 ~~to the Joint Legislative Budget Committee.~~

13 -

14 ~~SEC. 2. This act is a Budget Bill within the meaning of~~

15 ~~subdivision (c) of Section 12 of Article IV of the California~~

16 ~~Constitution and shall take effect immediately.~~