

AMENDED IN ASSEMBLY JUNE 14, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 849

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

~~An act relating to the Budget Act of 2016.~~ *An act to amend Section 8670.67.5 of the Government Code, relating to oil spills, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 849, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2016.~~ *Oil spills.*

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act makes a person who causes or permits a spill or inland spill strictly liable for specified penalties for the spill on a per-gallon-released basis.

This bill would reduce the amount of penalty by the amount of released oil that is recovered and properly disposed of. The bill would require the administrator for oil spill response to adopt regulations governing the method for determining the amount of oil that is recovered and properly disposed of.

The bill would appropriate \$1,000 from the General Fund to the administrator for administrative purposes.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

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

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

1 *SECTION 1. Section 8670.67.5 of the Government Code is*
2 *amended to read:*

3 8670.67.5. (a) ~~Regardless of intent or negligence, any~~ *Any*
4 *person who without regard to intent or negligence causes or*
5 *permits a spill shall be strictly liable civilly in accordance with*
6 *subdivision (b) or (c).*

7 (b) A penalty may be administratively imposed by the
8 administrator in accordance with Section 8670.68 in an amount
9 not to exceed twenty dollars (\$20) per gallon for a spill. *The*
10 *amount of penalty shall be reduced for every gallon of released*
11 *oil that is recovered and properly disposed of in accordance with*
12 *applicable law.*

13 (c) Whenever the release of oil resulted from gross negligence
14 or reckless conduct, the administrator shall, in accordance with
15 Section 8670.68, impose a penalty in an amount not to exceed
16 sixty dollars (\$60) per gallon for a spill. *The amount of penalty*
17 *shall be reduced for every gallon of released oil that is recovered*
18 *and properly disposed of in accordance with applicable law.*

19 (d) *The administrator shall adopt regulations governing the*
20 *method for determining the amount of oil that is recovered and*
21 *properly disposed of.*

22 SEC. 2. *The amount of one thousand dollars (\$1,000) is hereby*
23 *appropriated from the General Fund to the administrator for oil*
24 *spill response for administrative purposes.*

25 SEC. 3. *This act is a bill providing for appropriations related*
26 *to the Budget Bill within the meaning of subdivision (e) of Section*
27 *12 of Article IV of the California Constitution, has been identified*
28 *as related to the budget in the Budget Bill, and shall take effect*
29 *immediately.*

30 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
31 ~~changes, relating to the Budget Act of 2016.~~