

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 9, 2007

AMENDED IN SENATE JUNE 27, 2007

AMENDED IN ASSEMBLY MAY 16, 2007

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 746**

**Introduced by Assembly Member Krekorian**

February 22, 2007

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*An act to repeal the heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of, and to add and repeal Chapter 6.5 (commencing with Section 25550) of Division 15 of, the Public An act to amend Sections 25421 and 25449.4 of the Public Resources Code, relating to public resources, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 746, as amended, Krekorian. Public resources: ~~expediting siting of electrical generation.~~ *energy conservation assistance: local governments and public institutions.*

*(1) Existing law requires the State Energy Resources Conservation and Development Commission to administer the State Energy Conservation Assistance Account, a continuously appropriated account, in the General Fund until January 1, 2011, to provide grants and loans to local governments and public institutions to maximize energy use savings. All loans outstanding as of that date are required to continue*

*to be repaid as specified until paid in full, and all unexpended funds in the account on and after that date, except as specified, are required to revert to the General Fund.*

*This bill would extend the operation of those provisions to January 1, 2021, and would thereby make an appropriation by extending the time during which the funds in a continuously appropriated account are made available.*

*(2) Existing law, until January 1, 2011, requires the commission to enter into agreements with the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the State Department of Education to expend specified funds for certain purposes relating to energy conservation. Existing law creates the Local Jurisdiction Energy Assistance Account in the General Fund for the purposes of these provisions and requires the funds in the account to be disbursed by the Controller as authorized by the commission. All loans outstanding as of January 1, 2011, are required to continue to be repaid as specified until paid in full, and all unexpended funds in the account on and after that date, except as specified, are required to be deposited in the Federal Trust Fund and expended for the purposes for which federal oil overcharge funds are available.*

*This bill would extend the operation of those provisions to January 1, 2021, and would thereby make an appropriation by extending the time during which the specified funds are available for disbursement.*

~~Existing law provides for the restructuring of California's electric power industry so that the price for the generation of electricity is determined by a competitive market. Existing law, until January 1, 2007, required the State Energy Resources Conservation and Development Commission (Energy Commission) to establish a process for the expedited review of applications to construct and operate thermal powerplants and related facilities and for the expedited review of repowering projects:~~

~~This bill would, until January 1, 2012, establish a process for the expedited review of applications to construct and operate thermal powerplants that primarily utilize an eligible renewable energy resource, as defined, and related facilities.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: no.

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

1     SECTION 1. *Section 25421 of the Public Resources Code is*  
2 *amended to read:*

3     25421. (a) Except as provided in subdivision (b), this chapter  
4 shall remain in effect only until January 1, ~~2011~~, 2021, and as of  
5 that date is repealed, unless a later enacted statute, which is enacted  
6 before January 1, ~~2011~~, 2021, deletes or extends that date.

7     (b) All loans outstanding as of January 1, ~~2011~~, 2021 shall  
8 continue to be repaid on a semiannual basis, as specified in Section  
9 25415, until paid in full. All unexpended funds in the State Energy  
10 Conservation Assistance Account on January 1, ~~2011~~, 2021, and  
11 thereafter, except to the extent those funds are encumbered pursuant  
12 to Section 25417.5, shall revert to the General Fund.

13     SEC. 2. *Section 25449.4 of the Public Resources Code is*  
14 *amended to read:*

15     25449.4. (a) Except as provided in subdivision (b), this chapter  
16 shall remain in effect until January 1, ~~2011~~, 2021, and as of that  
17 date is repealed, unless a later enacted statute which is enacted  
18 before January 1, ~~2011~~, 2021, deletes or extends that date.

19     (b) All loans outstanding as of January 1, ~~2011~~, 2021, shall  
20 continue to be repaid in accordance with a schedule established  
21 by the commission pursuant to Section 25442.7, until paid in full.  
22 All unexpended funds in the Local Jurisdiction Energy Assistance  
23 Account on January 1, ~~2011~~, 2021, and thereafter, except to the  
24 extent that those funds are encumbered pursuant to Section  
25 25443.5, shall be deposited in the Federal Trust Fund and be  
26 available for the purposes for which federal oil overcharge funds  
27 are available pursuant to court judgment or federal agency order.

28     ~~SECTION 1. The heading of Chapter 6.5 (commencing with~~  
29 ~~Section 25550) of Division 15 of the Public Resources Code is~~  
30 ~~repealed.~~

31     ~~SEC. 2. Chapter 6.5 (commencing with Section 25550) is added~~  
32 ~~to Division 15 of the Public Resources Code, to read:~~

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34     ~~CHAPTER 6.5. EXPEDITED SITING OF ELECTRICAL GENERATION~~

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36     ~~25550. For purposes of this chapter, the following terms have~~  
37 ~~the following meanings:~~

1 (a) “Eligible renewable energy resource” has the same meaning  
2 as provided in subdivision (b) of Section 399.12 of the Public  
3 Utilities Code.

4 (b) “Powerplant” means a thermal powerplant that primarily  
5 utilizes an eligible renewable energy resource.

6 25551. (a) Notwithstanding subdivision (a) of Section 25522  
7 and Section 25540.6, the commission shall establish a process to  
8 issue its final certification for any powerplant that primarily utilizes  
9 eligible renewable energy resources and related facilities, within  
10 six months after the filing of the application for certification that,  
11 on the basis of an initial review, shows that there is substantial  
12 evidence that the project will not cause a significant adverse impact  
13 on the environment or electrical system and will comply with all  
14 applicable standards, ordinances, or laws. For purposes of this  
15 section, filing has the same meaning as in Section 25522.

16 (b) Powerplants and related facilities reviewed under this process  
17 shall satisfy the requirements of Section 25520 and other necessary  
18 information required by the commission, by regulation, including  
19 the information required for permitting by a local, state, and  
20 regional agency that would have jurisdiction over the proposed  
21 powerplant and related facilities, but for the exclusive jurisdiction  
22 of the commission, and the information required for permitting by  
23 each federal agency that has jurisdiction over the proposed  
24 powerplant and related facilities.

25 (c) After acceptance of an application under this section, the  
26 commission shall not be required to issue a six-month final decision  
27 on the application if it determines there is substantial evidence in  
28 the record that the powerplant and related facilities may result in  
29 a significant adverse impact on the environment or electrical system  
30 or do not comply with an applicable standard, ordinance, or law.  
31 Under this circumstance, the commission shall make its decision  
32 in accordance with subdivision (a) of Section 25522 and Section  
33 25540.6, and a new application shall not be required.

34 (d) For an application that the commission accepts under this  
35 section, all local, state, and regional agencies that would have had  
36 jurisdiction over the proposed powerplant and related facilities,  
37 but for the exclusive jurisdiction of the commission, shall provide  
38 their final comments, determinations, or opinions within 100 days  
39 after the filing of the application. The regional water quality control  
40 boards, as established pursuant to Chapter 4 (commencing with

1 ~~Section 13200) of Division 7 of the Water Code, shall retain~~  
2 ~~jurisdiction over any applicable water quality standard that is~~  
3 ~~incorporated into any final certification issued pursuant to this~~  
4 ~~chapter.~~

5 ~~(e) Powerplants and related facilities that demonstrate superior~~  
6 ~~environmental or efficiency performance shall receive priority in~~  
7 ~~review.~~

8 ~~(f) With respect to a powerplant and related facilities reviewed~~  
9 ~~under the process established by this chapter, it shall be shown~~  
10 ~~that the applicant has a contract with a general contractor and has~~  
11 ~~contracted for an adequate supply of skilled labor to construct,~~  
12 ~~operate, and maintain the plant.~~

13 ~~(g) With respect to a powerplant and related facilities, including~~  
14 ~~transmission facilities, reviewed under the process established by~~  
15 ~~this chapter, it shall be shown that the powerplant and related~~  
16 ~~facilities comply with all regulations adopted by the commission~~  
17 ~~that ensure that an application addresses disproportionate impacts~~  
18 ~~in a manner consistent with Section 65040.12 of the Government~~  
19 ~~Code.~~

20 ~~(h) To implement this section, the commission may adopt~~  
21 ~~emergency regulations in accordance with Chapter 3.5~~  
22 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~  
23 ~~2 of the Government Code. For purposes of that chapter, including~~  
24 ~~without limitation, Section 11349.6 of the Government Code, the~~  
25 ~~adoption of the regulations shall be considered by the Office of~~  
26 ~~Administrative Law to be necessary for the immediate preservation~~  
27 ~~of the public peace, health, safety, and general welfare.~~

28 ~~25552. This chapter shall remain in effect only until January~~  
29 ~~1, 2012, and as of that date is repealed, unless a later enacted~~  
30 ~~statute, that is enacted before January 1, 2012, deletes or extends~~  
31 ~~that date.~~