SENATE BILL No. 1672

Introduced by Senator Steinberg
(Coauthor: Assembly Member Hancock)

February 22, 2008

An act to add Division 16.2 (commencing with Section 26200) to the Public Resources Code, relating to energy, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

LEGISLATIVE COUNSEL’S DIGEST


Existing law provides various funding sources for energy efficiency projects and related purposes.

This bill, subject to voter approval at the 2010, ____ election, would enact the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Bond Act of 2010 to authorize the issuance and sale of $2,250,000,000 in state general obligation bonds for specified purposes. Of the bond revenues generated, $1,250,000,000 would be deposited into the Renewable Energy, Climate
Change, Career Technical Education, and Clean Technology Job Creation Fund of 2010, which would be created by the bill in the State Treasury, and would be available, upon appropriation by the Legislature, for the purposes of the construction of new facilities or the reconfiguration of existing facilities to enhance the educational opportunities for program participants, as defined, to provide them with the skills and knowledge necessary for careers directly related to clean technology, renewable energy, or energy efficiency. The remaining $1,000,000,000 generated from the bond proceeds would be deposited into the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Revolving Loan Fund, which would be created by the bill in the State Treasury, and would be available, upon appropriation by the Legislature, for loans awarded for capital outlay projects undertaken by specified entities to provide job training and development for specified individuals. The bill would create the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Council comprised of 5 members. The council would be required to issue guidelines to implement the purposes of this act.


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

SECTION 1. Division 16.2 (commencing with Section 26200) is added to the Public Resources Code, to read:

DIVISION 16.2. RENEWABLE ENERGY, CLIMATE CHANGE, CAREER TECHNICAL EDUCATION, AND CLEAN TECHNOLOGY JOB CREATION BOND ACT OF 2010

CHAPTER 1. GENERAL PROVISIONS

26200. This division shall be known and may be cited as the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Bond Act of 2010.

26201. (a) The people of the State of California and the Legislature, in approving this measure, find and declare all of the following:
(1) California’s international leadership in renewable energy, energy conservation, clean technology, and climate change policies creates significant, but dramatically underfunded, opportunities to provide strategic capital investments in energy conservation, clean technologies, and renewable energy, including projects that contribute directly to workforce development and educational opportunities for high school pupils, young workers, community college students and graduates, youth who participate in community or state service organizations, college and university students and graduates, apprenticeship programs for building and construction trades and other technical and vocational careers, and training programs for unemployed, underemployed, or displaced workers and high school dropouts.

(2) California has an opportunity to combine the education and training of both its future college-educated workforce, the underemployment of recent high school graduates, and its highly skilled technical workforce with its effort to combat high school dropouts and the retraining of workers who have been displaced by the loss of high-wage jobs in California. Clean technology jobs and renewable energy jobs (green collar jobs) can provide underserved communities with a pathway out of poverty, a new and inspiring focus for educational institutions and nonprofit organizations, and significant statewide economic and environmental benefits.

(3) A 2006 poll of at-risk California 9th and 10th graders by Peter D. Hart Research Associates found that six in 10 students were not motivated to succeed in school. Of those students, more than 90 percent said they would be more engaged in their education if classes helped them acquire skills and knowledge relevant to future careers. Career technical education programs that create paths to further education, advanced training, or productive jobs in high opportunity careers can keep students engaged and on track toward a diploma.

(4) Investments in renewable energy, energy conservation, clean technologies, and climate change mitigation, and investments that develop the workforce for these industries will provide multiple benefits to California in all of the following ways:

(A) Helping to achieve the state’s climate change goals required by the California Global Warming Solutions Act of 2006, Division
(B) Creating employment opportunities for Californians that would otherwise not be fully realized.
(C) Creating opportunities for new businesses, and expanding and retrofitting existing businesses.
(D) Expanding the state’s utilization of renewable energy.
(E) Contributing to the growth of clean technology businesses in California.

(5) A failure to act by California will perpetuate the lack of an integrated education, job training, and business infrastructure that otherwise could take advantage of the projected growth in these industries and the corresponding increase in state and local taxes, other public revenues, and additional economic benefits associated with the likely surge in clean technology and renewable energy jobs.

(6) The American Solar Energy Association, for example, concluded that in 2006 approximately 3.6 million Americans were directly employed by renewable energy and energy efficiency firms and that another 5 million Americans held jobs indirectly attributable to these industries. The renewable energy and energy efficiency industries of America generated approximately nine hundred seventy-five million dollars ($975,000,000) in revenue in 2006. These industries could employ a workforce of up to 40 million Americans, and could generate four trillion five hundred billion dollars ($4,500,000,000,000) in annual revenue by 2030 if these industries were expanded aggressively.

(7) The Renewable and Appropriate Energy Laboratory at the University of California, Berkeley, found that renewable energy creates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel energy-based sector.

(8) A study by the Apollo Alliance, a coalition of business, labor, and environmental organizations, showed that a major national investment in renewable energy, alternative automobiles and fuels, high-performance buildings, and infrastructure would result in the creation of nearly 3.5 million green collar jobs for Americans over a 10-year period.

(9) Reducing high school dropout and joblessness rates among California’s young people who are preparing for and entering the
job market are important state priorities and it is especially important that high school and community college students who choose to do so are trained in careers that will help California achieve its greenhouse gas reduction goals and contribute to the development of California’s renewable energy resources.

(b) (1) It is the intent of the people of the State of California and the Legislature to stimulate the economy of the State of California, to create tens of thousands of good paying jobs in industries and businesses that are in compliance with the state’s environmental protection laws and regulations, to provide to entrepreneurs and employers the best-trained workforce in the United States, and to prepare young people and adults to work in clean, green industries and professions. These jobs would provide green pathways out of poverty for individuals in communities that suffer higher high school dropout rates, joblessness, and pollution. These jobs would help achieve California’s climate change mitigation obligations and conserve our state’s vital resources of water, air quality, land, and energy. These investments would enable California to offer opportunities for business leaders, communities, young people, and adults alike, all of which would benefit from California’s emerging new green economy.

(2) It is the intent of the people of the State of California and the Legislature that federally recognized California Indian tribes should be eligible to apply for and expend funds authorized in this division.

(3) It is the intent of the people of the State of California and the Legislature that the grants and loans authorized by this division should be expended on projects that will occur in California.

26202. As used in this division, the following terms have the following meanings:

(a) “Board” means the Resources Agency.

(b) “Capital outlay project” means the acquisition of land or other legal property, major construction, improvements, equipment, designs, working plans, specifications, repairs, and equipment necessary in connection with a construction or improvement project.

(c) “Clean technology projects” means the following:
(1) Energy audits that include a determination of the energy savings that could be achieved from projects funded under this division and that may be recovered through utility bill financing.

(2) Retrofitting and weatherization activities that increase energy efficiency and conservation.

(3) Energy- and water-efficient public buildings.

(4) Retrofitting and installing energy-efficient household appliances, windows, doors, insulation, and lighting.

(5) Retrofitting and installing water and energy conservation technologies in existing homes, industrial buildings, commercial and public buildings, and farms, forestlands, and ranches, to improve efficiency, including the use of energy and water management technologies and control systems.

(6) The manufacture, sale, assembly, installation, construction, and maintenance of energy-efficient technologies and renewable energy facilities or the component parts of renewable energy technologies.

(7) Projects related to energy-efficient technologies or practices and renewable energy production or the component parts of renewable energy plants and energy distribution, including energy storage, energy infrastructure (including transmission), transportation (including logistics), and water and wastewater (including water conservation).

(8) Natural resource conservation projects related to adapting to climate change such as fish and wildlife habitat restoration, reforestation, native species preservation, invasive species eradication, and other projects that address stressors on natural resources generated by climate change.

(e) “Committee” means the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Finance Committee created pursuant to Section 26208.

(d) “Council” means the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Council and shall be comprised of the following five individuals:

(1) The Secretary of the Resources Agency, who will serve as chair of the council.

(2) The Secretary of Labor and Workforce Development.

(3) The Secretary for Environmental Protection.
(4) The Superintendent of Public Instruction.
(5) The Chancellor of the California Community Colleges.
(e) “Disadvantaged community” means a community with a median household income that is less than 89 percent of the statewide average. “Severely disadvantaged community” means a community with a median household income that is less than 60 percent of the statewide average.
(f) “Eligible entity” means any of the following:
1. A public school that serves grades 7 to 12, inclusive.
2. A California community college.
3. Other public entity that is dedicated to career technical education.
4. A publicly or investor-owned utility.
5. A nonprofit organization that is qualified under Section 501(c)(3) of the Internal Revenue Code and that is registered to do business in California.
6. A labor organization.
7. A business entity.
8. A state-certified apprenticeship program.
9. A regional collaborative consisting of local educational agencies, higher education institutions, businesses, labor organizations, or community-based organizations, including workforce investment boards and regional workforce or economic development entities.
10. A state or local service organization, including, but not limited to, the California Conservation Corps or a certified local conservation corps.
11. A public postsecondary educational institution.
12. Any other entity approved by the council.
(g) “Fund” means the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Fund of 2010 created pursuant to subdivision (a) of Section 26203.
(h) “Program participant” means middle or high school pupils, community college students, job trainees, or incumbent workers served by eligible entities.
“(j) “Reconfiguration” means a modification of a structure of any age that will enhance the educational opportunities for program participants in order to provide them with the skills and knowledge necessary for their successful employment in careers directly related to clean technology, renewable energy, or energy efficiency that may also contribute to California’s goals to reduce greenhouse gas emissions. “Reconfiguration” may include new construction necessary to accommodate the reconfiguration.

(k) “Renewable energy projects” means research and development, manufacturing, generation, development, and maintenance of appropriately sited power line transmission, power storage, installation, repair, maintenance, and related activities necessary to produce energy from wind, photovoltaic, solar thermal, geothermal, biomass, including cellulosic ethanol, biodiesel, and biomass power, green waste, and fuel cells.

(l) “Revolving loan fund” means the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Revolving Loan Fund created pursuant to subdivision (b) of Section 26203.

CHAPTER 2. RENEWABLE ENERGY, CLIMATE CHANGE, CAREER TECHNICAL EDUCATION, AND CLEAN TECHNOLOGY JOB CREATION PROGRAM AND FUND OF 2010

26203. The proceeds of bonds issued and sold pursuant to this division shall be administered as follows:

(a) The sum of one billion two hundred fifty million dollars ($1,250,000,000) shall be deposited into the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Fund of 2010, which is hereby created in the State Treasury. Moneys in the fund shall be administered by the Resources Agency, State Allocation Board and be available, upon appropriation by the Legislature, to those entities specified in paragraphs (1), (2), and (3) of subdivision (f) (g) of Section 26202 for reconfiguration and used pursuant to Section 26203.2.

(b) The sum of one billion dollars ($1,000,000,000) shall be deposited into the Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation
Revolving Loan Fund, which is hereby created in the State Treasury. The moneys in the revolving loan fund shall be administered by the Resources Agency and shall be available upon appropriation by the Legislature, for revolving loans and may be awarded by the council for capital outlay projects undertaken by an eligible entity if the applicant does any of the following:

(1) Enters into agreements, including, but not limited to, partnerships, contracts, memoranda of understanding, or other mutually agreed upon arrangements with middle schools, high schools, or community colleges to support middle school career exploration activities; curriculum and professional development; high school pathway programs that integrate academic and technical learning to prepare students for both college and careers, including a sequence or cluster of three or more courses that align with the State Board of Education-approved career technical education standards and frameworks, and may be delivered through high schools, regional occupation centers or programs, adult education programs, partnership academies, or alternative education programs, including continuation schools and programs administered by county offices of education.

(2) Enters into agreements, including, but not limited to, partnerships, contracts, memoranda of understanding, or other mutually agreed upon arrangements with any other eligible entity to provide school dropouts or high school graduates with inadequate job skills the knowledge, skills, and credentials necessary for their successful employment in careers directly related to clean technology, renewable energy, or energy efficiency that may also contribute to California’s goals to reduce greenhouse gas emissions.

(3) Enters into agreements, including, but not limited to, partnerships, contracts, memoranda of understanding, or other mutually agreed upon arrangements with a state, local, regional, or county program, or qualified nonprofit organization that provides education, job training, or career opportunities for minors or adults on probation or parole or currently incarcerated, or a similar program or organization providing education, job training, or career opportunities to minors or adults as part of an alternative to incarceration or adjudication that is consistent with the Penal Code.
of 2010 is hereby established to provide funding to qualifying entities for the purpose of constructing new facilities or reconfiguring existing facilities, including, but not limited to, purchasing equipment with an average useful life expectancy of at least 10 years, to enhance educational opportunities for program participants in order to provide them with the skills and knowledge necessary for their successful employment in careers directly related to clean technology, renewable energy, or energy efficiency that may also contribute to California’s goal in reducing greenhouse gas emissions.

(b) The council shall develop criteria to evaluate the program. The criteria shall include measures of education, job readiness, and environmental outcomes and shall ensure equity, program relevance to industry needs, and articulation with more advanced coursework at partnering community colleges, public universities, or private institutions.

(c) The program shall be based on grant applications administered by the board State Allocation Board.

(d) Grants shall be allocated on a per-square-foot basis for the applicable type of construction proposed or deemed necessary by the board State Allocation Board consistent with the approved application for the project.

(e) New construction grants shall not exceed three million dollars ($3,000,000) per project per eligible entity, including equipment, and shall only be allocated to comprehensive high schools that have an active career technical advisory committee pursuant to Section 8070 of the Education Code, in be allocated to eligible entities pursuant to subdivision (a) of Section 26203, in either of the following methods:

(1) For a stand-alone project on a per-square-foot basis for the applicable type of construction proposed, based on the criteria established pursuant to subdivision (b), consistent with the approved application for the project.

(2) For new construction projects, as a supplement to the per pupil allocation pursuant to Section 17072.10 of the Education Code. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(f) Modernization grants shall not exceed one million five hundred thousand dollars ($1,500,000) per project per eligible
entity, inclusive of equipment and may be awarded to schools serving students in grades 7 to 12, inclusive, community colleges or joint power authorities currently operating career technical education programs that have an active career technical advisory committee pursuant to Section 8070 of the Education Code for the purpose of reconfiguration, or other eligible entities. For schools serving students in grades 7 to 12, inclusive, the grant shall be supplemental to the per pupil allocation pursuant to Section 17074.10 of the Education Code. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(g) (1) A school or community college district. An eligible entity shall contribute from local resources a dollar amount that is equal to the amount of the grant of state funds awarded under subdivisions (d), (e), and (f). The local contribution may be provided by private industry groups, the school district, or a joint powers authority.

(2) A school or community college district shall not be required to demonstrate that it has unhoused pupils or that a permanent school building is more than 25 years old in order to receive a grant under the program.

(h) The program shall allow the local contribution to be paid over time should sufficient local funds not be immediately available. The board State Allocation Board may provide for a repayment schedule consistent with subparagraphs (C) and (D) of paragraph (1) of subdivision (a) of Section 17078.57 of the Education Code. The board shall not waive the local contribution on the basis of financial hardship or on any other basis.

(i) Applications shall meet the criteria developed under subdivision (b) and shall require all of the following:

(1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space, that includes programs that focus on clean technology, renewable energy, or energy efficient systems.

(2) Projections of program participant enrollment.

(3) Identification of feeder schools and institutions, industry partners, community colleges, or other postsecondary schools participating in the development, articulation, and review of the educational program, or other appropriate collaborating entities.
Evidence of approval of the plan by the entities listed in paragraph (3).

(5) The method by which accountability for program participant enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, the successful employment of program participants in the applicable industry, and successful transition to postsecondary institutions for work in the applicable industry or other areas of study.

(6) Evidence of coordination with all feeder schools, middle schools, high schools, or other relevant entities within the area to ensure that the project and programs complement career technical education offerings in the area.

(7) Evidence that upon completion of the project that local educational agencies will meet all of their obligations under Section 51228 of the Education Code relating to career technical education.

(j) Applications shall give weight to the number of program participants expected to attend, the cost per program participant, financial participation by industry partners in the construction and equipping of the facility, commitment to accountability for outcomes and participation, the strength and relevance of the educational plans to the needs of industry for qualified technical employees applicable to the economic development and environmental needs of the region in which the project will be located, and coordination and articulation with feeder schools, other high schools, and community colleges.

(k) The Office of Public School Construction shall develop and the board shall approve regulations to implement this division on or before June 1, 2011, and the board may promulgate those regulations first on an emergency basis, which shall be effective for no more than 12 months, after which any permanent regulations shall be promulgated in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(k) The State Allocation Board shall implement this division pursuant to applicable regulations and guidelines established by the council.

26204. (a) The council shall develop guidelines for competitive grants and revolving loans for the purposes set forth in Section 26203. Priority shall be given to eligible entities that include significant matching funds, as determined by the council, as a part
of their application. A minimum of 15 percent of the funds granted shall benefit severely disadvantaged communities.

(b) The council may use appropriate state agency personnel in administering the public outreach, education, technical assistance, guideline development, and grant application review provisions if these efforts are otherwise consistent with this division.

(c) The council shall award grants and adopt guidelines for awarding competitive grants as set forth in this division.

(d) The council shall develop guidelines to implement programs, including, but not limited to, specifying terms and conditions for loans, including, but not limited to, the maximum loan amounts, conditions under which loan recipients may charge participants for education and training, and procedures in the event of a loan default.

(e) The council shall give priority for grants and loans to eligible programs serving pupils in grades 7 to 12, inclusive, or otherwise focusing on early workforce preparation and dropout prevention.

(f) The council shall determine the interest rate on a loan provided pursuant to this division based on the rate paid on moneys in the Pooled Money Investment Account as of the date of disbursement of the funding.


26205. (a) The Legislature may enact legislation necessary to implement this division.

(b) Every proposed activity or project to be financed pursuant to this division shall be in compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000).

(c) Acquisitions of real property pursuant to this division shall be from willing sellers.

(d) Up to 5 percent of the funds allocated to a program pursuant to this division may be used to pay the costs incurred in the administration of that program.

(e) The body awarding a contract for a public works project financed in part from funds made available pursuant to this division shall adopt and enforce, or contract with a third party to enforce, a labor compliance program pursuant to subdivision (b) of Section
1771.5 of the Labor Code that shall be applicable to that public
works project.
(f) The guidelines developed by the council shall establish a
preference or priority for projects that involve the California
Conservation Corps or a certified local conservation corps.
(g) The guidelines developed by the council shall establish
whether, and in what amount, an applicant must offer a matching
contribution.
(h) Chapter 3.5 (commencing with Section 11340) of Part 1 of
Division 3 of Title 2 of the Government Code does not apply to
the development and adoption of program guidelines and selection
criteria adopted pursuant to this division.
(i) The chair of the council shall provide for an annual
independent audit of expenditures pursuant to this division to
ensure that all moneys are expended in accordance with this
division.
26205.5. The provisions of this division are severable. If any
provision of this division or its application is held invalid, that
invalidity shall not affect other provisions or applications that can
be given effect without the invalid provision or application.

Chapter 4. Fiscal Provisions

26206. Bonds in the total of two billion two hundred fifty
million dollars ($2,250,000,000), or so much thereof as is
necessary, not including the amount of any refunding bonds, or so
much thereof as is necessary, may be issued and sold to provide
a fund to be used for carrying out the purposes expressed in this
division and to reimburse the General Obligation Bond Expense
Revolving Fund pursuant to Section 16724.5 of the Government
Code. The bonds, when sold, shall be and constitute a valid and
binding obligation of the State of California, and the full faith and
credit of the State of California is hereby pledged for the punctual
payment of both principal of, and interest on, the bonds as the
principal and interest become due and payable.
26207. The bonds authorized by this division shall be prepared,
executed, issued, sold, paid, and redeemed as provided in the State
General Obligation Bond Law (Chapter 4 (commencing with
Section 16720) of Part 3 of Division 4 of Title 2 of the Government
Code), except subdivision (a) of Section 16727 of the Government
Code to the extent that it is inconsistent with this division, and all
of the other provisions of that law as amended from time to time
apply to the bonds and to this division and are hereby incorporated
in this division as though set forth in full in this division.

26208. (a) Solely for the purpose of authorizing the issuance
and sale pursuant to the State General Obligation Bond Law of
the bonds authorized by this division, the Renewable Energy,
Climate Change, Career Technical Education, and Clean
Technology Job Creation Finance Committee is hereby created.
For the purposes of this division, the Renewable Energy, Climate
Change, Career Technical Education, and Clean Technology Job
Creation Finance Committee is “the committee” as that term is
used in the State General Obligation Bond Law. The committee
consists of the Treasurer, the Controller, and the Director of
Finance, or a designated representative of each of those officials.
The Treasurer shall serve as the chairperson of the committee. A
majority of the committee may act for the committee.

(b) For the purposes of the State General Obligation Bond Law,
the Resources Agency is designated to be the “board.”

26209. (a) Upon request of the board stating that funds are
needed for purposes of this division, the committee shall determine
whether or not it is necessary or desirable to issue bonds authorized
pursuant to this division in order to carry out the actions specified
in Chapter 2 (commencing with Section 26203), and, if so, the
amount of bonds to be issued and sold. Successive issues of bonds
may be authorized and sold to carry out those actions progressively,
and it is not necessary that all of the bonds authorized to be issued
be sold at any one time.

(b) Of the one billion two hundred fifty million dollars
($1,250,000,000) generated from the sale of the bond and deposited
into the fund for the purposes specified in subdivision (a) of Section
26203, the committee may establish the term of the bond, not to
exceed 30 years.

(c) Of the one billion dollars ($1,000,000,000) generated from
the sale of the bond and deposited into the revolving loan fund for
the purposes specified in subdivision (b) of Section 26203, the
committee may establish the terms of the bond, not to exceed 15
years.

26210. There shall be collected each year in the same manner
and at the same time as other state revenue is collected, in addition
to the ordinary revenues of the state, a sum in an amount required
to pay the principal of, and interest on, the bonds each year. It is
the duty of all officers charged by law with any duty in regard to
the collection of the revenue to do and perform each and every act
that is necessary to collect that additional sum.

26211. Notwithstanding Section 13340 of the Government
Code, there is hereby appropriated from the General Fund in the
State Treasury, for the purposes of this division, an amount that
will equal the total of the following:
(a) The sum annually necessary to pay the principal of, and
interest on, bonds issued and sold pursuant to this division, as the
principal and interest become due and payable.
(b) The sum necessary to carry out Section 26212, appropriated
without regard to fiscal years.

26212. For the purpose of carrying out this division, the
Director of Finance may authorize the withdrawal from the General
Fund of an amount not to exceed the amount of the unsold bonds
that have been authorized by the committee to be sold for the
purpose of carrying out this division. Any amounts withdrawn
shall be deposited in the fund. Any money made available under
this section shall be returned to the General Fund, plus the interest
the amounts would have earned in the Pooled Money Investment
Account, from proceeds received from the sale of bonds for the
purpose of carrying out this division.

26213. All money deposited in the fund that is derived from
premium and accrued interest on bonds sold shall be reserved in
the fund and shall be available for transfer to the General Fund as
a credit to expenditures for bond interest.

26214. Pursuant to Chapter 4 (commencing with Section
16720) of Part 3 of Division 4 of Title 2 of the Government Code,
the cost of bond issuance shall be paid out of the bond proceeds.
These costs shall be shared proportionally by each program funded
through this bond act.

26215. The board may request the Pooled Money Investment
Board to make a loan from the Pooled Money Investment Account,
including other authorized forms of interim financing that include,
but are not limited to, commercial paper, in accordance with
Section 16312 of the Government Code, for purposes of carrying
out this division. The amount of the request shall not exceed the
amount of the unsold bonds that the committee, by resolution, has
authorized to be sold for the purpose of carrying out this division.
The board shall execute any documents required by the Pooled
Money Investment Board to obtain and repay the loan. Any
amounts loaned shall be deposited in the fund to be allocated in
accordance with this division.

26216. The bonds may be refunded in accordance with Article
6 (commencing with Section 16780) of Chapter 4 of Part 3 of
Division 4 of Title 2 of the Government Code, which is a part of
the State General Obligation Bond Law. Approval by the voters
of the state for the issuance of the bonds described in this division
includes the approval of the issuance of any bonds issued to refund
any bonds originally issued under this division or any previously
issued refunding bonds.

26217. Notwithstanding any other provision of this division,
or of the State General Obligation Bond Law, if the Treasurer sells
bonds pursuant to this division that include a bond counsel opinion
to the effect that the interest on the bonds is excluded from gross
income for federal tax purposes, subject to designated conditions,
the Treasurer may maintain separate accounts for the investment
of bond proceeds and for the investment of earnings on those
proceeds. The Treasurer may use or direct the use of those proceeds
or earnings to pay any rebate, penalty, or other payment required
under federal law or take any other action with respect to the
investment and use of those bond proceeds required or desirable
under federal law to maintain the tax exempt status of those bonds
and to obtain any other advantage under federal law on behalf of
the funds of this state.

26218. The Legislature hereby finds and declares that,
inasmuch as the proceeds from the sale of bonds authorized by
this division are not “proceeds of taxes” as that term is used in
Article XIII B of the California Constitution, the disbursement of
these proceeds is not subject to the limitations imposed by that
article.

SEC. 2. Section 1 of this act shall take effect only upon the
approval by the voters of the Renewable Energy, Climate Change,
Career Technical Education, and Clean Technology Job Creation
Bond Act of 2010, as set forth in Section 1 of this act.

SEC. 3. Section 1 of this act shall be submitted to the voters
at the 2010, ____ election in accordance with provisions of the
Government Code and the Elections Code governing the submission of a statewide measure to the voters.

SEC. 4. (a) Notwithstanding any other provision of law, all ballots of the election shall have printed thereon and in a square thereof, the words: “Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Bond Act of 2010” and in the same square under those words, the following in 8-point type: “This act provides for bond issue of two billion two hundred fifty million dollars ($2,250,000,000) to provide funds for a Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Program.” Opposite the square, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act.

(b) Notwithstanding Sections 13247 and 13281 of the Elections Code, the language in subdivision (a) shall be the only language included in the ballot label for the condensed statement of the ballot title, and the Attorney General shall not supplement, subtract from, or revise that language, except that the Attorney General may include the financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code.

(c) Where the voting in the election is done by means of voting machines used pursuant to law in a manner that carries out the intent of this section, the use of the voting machines and the expression of the voters’ choice by means thereof are in compliance with this section.