

AMENDED IN SENATE JUNE 22, 2009
AMENDED IN ASSEMBLY MARCH 31, 2009
AMENDED IN ASSEMBLY FEBRUARY 19, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 46

Introduced by Assembly Member Blakeslee

December 1, 2008

An act to *amend Sections 32320, 32321, 32322, 32324, and 32942 of, and to repeal Section 32208 of, the Financial Code, and to amend Sections 25421 and 25449.4 of the Public Resources Code, relating to energy, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, Blakeslee. ~~Energy: energy conservation assistance.~~ *Energy.*

(1) Existing law creates the nonprofit State Assistance Fund for Enterprise Business and Industrial Development Corporation (SAFE-BIDCO). Existing law provides that the board of directors of SAFE-BIDCO shall consist of 2 official members and 4 public members. Existing law provides that the 2 official members of the board of directors shall be a member of the Governor's cabinet, or his or her designee, and a member of the State Energy Resources Conservation and Development Commission, selected and appointed by the members of the commission.

This bill would decrease the membership of the board of directors of SAFE-BIDCO by eliminating the official member selected by the members of the State Energy Resources Conservation and Development

Commission. The bill would make conforming changes, including changes to a provision related to a specified loan committee.

(1)

(2) 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, 2020, and would thereby make an appropriation by extending the time during which the funds in a continuously appropriated account are made available.

(2)

(3) Existing law establishes, until January 1, 2011, a financial assistance program that provides loans to local jurisdictions for energy projects, including to purchase, maintain, and evaluate energy efficient equipment for existing or new facilities. Existing law establishes, until January 1, 2020, the Local Jurisdiction Energy Assistance Account in the General Fund for the purposes of the program and requires the funds to be disbursed by the Controller as authorized by the commission.

This bill would extend the financial assistance program and the Local Jurisdiction Energy Assistance Account to January 1, 2020.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 32208 of the Financial Code is repealed.
- 2 32208. ~~“Energy Commission” means the California Energy~~
- 3 ~~Resources Conservation and Development Commission.~~
- 4 SEC. 2. Section 32320 of the Financial Code is amended to
- 5 read:
- 6 32320. Except as provided in Sections 32325 and 32352.5, the
- 7 board of directors of the corporation shall consist of ~~six~~ five
- 8 members, ~~two~~ one official and four public directors.

1 SEC. 3. Section 32321 of the Financial Code is amended to
2 read:

3 32321. (a) The official ~~members~~ member of the board shall
4 be: ~~be a member of the Governor's cabinet, or his or her designee.~~

5 ~~(1) A member of the Governor's cabinet, or his or her designee.~~

6 ~~(2) One member of the Energy Commission, selected and~~
7 ~~appointed by the members of the Energy Commission.~~

8 (b) The public members of the board shall be:

9 (1) One member selected and appointed by the Senate Rules
10 Committee.

11 (2) One member selected and appointed by the Speaker of the
12 Assembly.

13 (3) Two members selected and appointed by the Governor as
14 follows:

15 (A) One member with a minimum three years' experience as
16 an owner, partner, officer, or employee of a California-based small
17 business.

18 (B) One member with a minimum three years' experience as
19 an officer or employee of a financial institution.

20 SEC. 4. Section 32322 of the Financial Code is amended to
21 read:

22 32322. (a) The ~~terms~~ term of the official ~~members~~ member of
23 the board shall coincide with ~~their~~ his or her official ~~terms~~ term
24 of office, ~~except in the case of the member selected and appointed~~
25 ~~by the members of the Energy Commission, who shall serve on~~
26 ~~the board until he or she is no longer a member of the Energy~~
27 ~~Commission or until he or she is replaced by a vote of the Energy~~
28 ~~Commission.~~

29 (b) The public members of the board shall be appointed by the
30 Rules Committee, Speaker, and Governor in such a manner that
31 they shall hold office for overlapping terms. At the time of the
32 appointment of first directors, the first term of the directors
33 appointed by the Rules Committee and Speaker shall be
34 approximately two years. At the time of the appointment of first
35 directors, the first term of the directors appointed by the Governor
36 shall be approximately one year for one director and approximately
37 three years for two directors. Thereafter, the terms of all public
38 directors shall be three years. Directors shall be eligible for
39 reappointment for an unlimited number of terms.

1 (c) A public director's tenure shall continue until his *or her*
2 successor has been appointed and has taken his *or her* position on
3 the board.

4 (d) In the case of public members, vacancies shall be filled by
5 appointment of the respective appointing authority for the
6 unexpired remainder of the term.

7 *SEC. 5. Section 32324 of the Financial Code is amended to*
8 *read:*

9 32324. (a) The official ~~directors~~ *director* shall serve without
10 compensation, except that ~~they~~ *he or she* shall be reimbursed for
11 ~~their~~ *his or her* actual and necessary expenses incurred in the
12 performance of ~~their~~ *his or her* duties, or at the discretion of the
13 board, may receive a reasonable per diem payment and mileage
14 charge as reimbursement for living and traveling expenses incurred
15 in the performance of duties away from ~~their~~ *his or her* principal
16 ~~areas~~ *area* of residence. The amount of ~~such~~ *that* per diem payment
17 shall not exceed the rate established by the state for any calendar
18 day. No director shall receive per diem both in the course of his
19 *or her* official duties and from the corporation for the same calendar
20 day.

21 (b) All other directors may, at the discretion of the board, be
22 paid a stipend in addition to reimbursement for their actual and
23 necessary expenses incurred in the performance of their duties or
24 reasonable per diem payment and mileage charge. The amount of
25 any per diem payment shall not exceed the rate established by the
26 state for any calendar day. The board shall determine the amount
27 of the stipend received by public directors, provided, however,
28 that such stipend shall not exceed one hundred dollars (\$100) for
29 any calendar day. Additionally, public directors may not receive
30 stipends for more than 25 days in any calendar year.

31 *SEC. 6. Section 32942 of the Financial Code is amended to*
32 *read:*

33 32942. Loans shall be approved according to criteria established
34 by a credit committee, chaired by the chief financial officer of the
35 corporation or that officer's designee. The other members of the
36 committee shall be ~~the member of the board appointed by the~~
37 ~~Energy Commission and the corporate president, or his or her~~
38 ~~designee, and one member from the loan committee described in~~
39 ~~Section 32326 selected by the board.~~

1 SECTION 1.

2 SEC. 7. Section 25421 of the Public Resources Code is
3 amended to read:

4 25421. (a) Except as provided in subdivision (b), this chapter
5 shall remain in effect only until January 1, 2020, and as of that
6 date is repealed, unless a later enacted statute, ~~which~~ *that* is enacted
7 before January 1, 2020, deletes or extends that date.

8 (b) All loans outstanding as of January 1, 2020, shall continue
9 to be repaid on a semiannual basis, as specified in Section 25415,
10 until paid in full. All unexpended funds in the State Energy
11 Conservation Assistance Account on January 1, 2020, and
12 thereafter, except to the extent those funds are encumbered pursuant
13 to Section 25417.5, shall revert to the General Fund.

14 ~~SEC. 2.~~

15 SEC. 8. Section 25449.4 of the Public Resources Code is
16 amended to read:

17 25449.4. (a) Except as provided in subdivision (b), this chapter
18 shall remain in effect *only* until January 1, 2020, and as of that
19 date is repealed, unless a later enacted statute ~~which~~ *that* is enacted
20 before January 1, 2020, deletes or extends that date.

21 (b) All loans outstanding as of January 1, 2020, shall continue
22 to be repaid in accordance with a schedule established by the
23 commission pursuant to Section 25442.7, until paid in full. All
24 unexpended funds in the Local Jurisdiction Energy Assistance
25 Account on January 1, 2020, and thereafter, except to the extent
26 that those funds are encumbered pursuant to Section 25443.5, shall
27 be deposited in the Federal Trust Fund and be available for the
28 purposes for which federal oil overcharge funds are available
29 pursuant to court judgment or federal agency order.