

AMENDED IN SENATE SEPTEMBER 1, 2009  
AMENDED IN SENATE JULY 15, 2009  
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**

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**Introduced by Assembly Member Blakeslee**

December 1, 2008

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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.

(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.

(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.

**Existing**

*This bill would extend the operation of the above provisions to January 1, 2012, and would thereby make an appropriation by extending the time during which funds in a continuously appropriated account are made.*

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

~~This bill would extend the operation of the above provisions program to January 1, 2016, and would thereby make an appropriation by extending the time during which the funds in a continuously appropriated account are made available.~~

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.

1 SEC. 2. Section 32320 of the Financial Code is amended to  
2 read:

3 32320. Except as provided in Sections 32325 and 32352.5, the  
4 board of directors of the corporation shall consist of five members,  
5 one official and four public directors.

6 SEC. 3. Section 32321 of the Financial Code is amended to  
7 read:

8 32321. (a) The official member of the board shall be a member  
9 of the Governor's cabinet, or his or her designee.

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

11 (1) One member selected and appointed by the Senate Rules  
12 Committee.

13 (2) One member selected and appointed by the Speaker of the  
14 Assembly.

15 (3) Two members selected and appointed by the Governor as  
16 follows:

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

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

22 SEC. 4. Section 32322 of the Financial Code is amended to  
23 read:

24 32322. (a) The term of the official member of the board shall  
25 coincide with his or her official term of office.

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

37 (c) A public director's tenure shall continue until his or her  
38 successor has been appointed and has taken his or her position on  
39 the board.

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

4 SEC. 5. Section 32324 of the Financial Code is amended to  
5 read:

6 32324. (a) The official director shall serve without  
7 compensation, except that he or she shall be reimbursed for his or  
8 her actual and necessary expenses incurred in the performance of  
9 his or her duties, or at the discretion of the board, may receive a  
10 reasonable per diem payment and mileage charge as reimbursement  
11 for living and traveling expenses incurred in the performance of  
12 duties away from his or her principal area of residence. The amount  
13 of that per diem payment shall not exceed the rate established by  
14 the state for any calendar day. No director shall receive per diem  
15 both in the course of his or her official duties and from the  
16 corporation for the same calendar day.

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

27 SEC. 6. Section 32942 of the Financial Code is amended to  
28 read:

29 32942. Loans shall be approved according to criteria established  
30 by a credit committee, chaired by the chief financial officer of the  
31 corporation or that officer's designee. The other members of the  
32 committee shall be the corporate president, or his or her designee,  
33 and one member from the loan committee described in Section  
34 32326 selected by the board.

35 SEC. 7. Section 25421 of the Public Resources Code is  
36 amended to read:

37 25421. (a) Except as provided in subdivision (b), this chapter  
38 shall remain in effect only until January 1, ~~2016~~ 2012, and as of  
39 that date is repealed, unless a later enacted statute, that is enacted  
40 before January 1, ~~2016~~ 2012, deletes or extends that date.

1 (b) All loans outstanding as of January 1, ~~2016~~ 2012, shall  
2 continue to be repaid on a semiannual basis, as specified in Section  
3 25415, until paid in full. All unexpended funds in the State Energy  
4 Conservation Assistance Account on January 1, ~~2016~~ 2012, and  
5 thereafter, except to the extent those funds are encumbered pursuant  
6 to Section 25417.5, shall revert to the General Fund.

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

9 25449.4. (a) Except as provided in subdivision (b), this chapter  
10 shall remain in effect only until January 1, 2016, and as of that  
11 date is repealed, unless a later enacted statute, that is enacted before  
12 January 1, 2016, deletes or extends that date.

13 (b) All loans outstanding as of January 1, 2016, shall continue  
14 to be repaid in accordance with a schedule established by the  
15 commission pursuant to Section 25442.7, until paid in full. All  
16 unexpended funds in the Local Jurisdiction Energy Assistance  
17 Account on January 1, 2016, and thereafter, except to the extent  
18 that those funds are encumbered pursuant to Section 25443.5, shall  
19 be deposited in the Federal Trust Fund and be available for the  
20 purposes for which federal oil overcharge funds are available  
21 pursuant to court judgment or federal agency order.