

AMENDED IN SENATE SEPTEMBER 4, 2009
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

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.

(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~~ *authorize the member of the State Energy Resources Conservation and Development Commission to appoint a designee to serve on the board of directors of SAFE-BIDCO on his or her behalf.* 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.

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 program to January 1, 2016.

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 SEC. 2. ~~Section 32320 of the Financial Code is amended to~~
- 3 read:

1 ~~32320. Except as provided in Sections 32325 and 32352.5, the~~
2 ~~board of directors of the corporation shall consist of five members;~~
3 ~~one official and four public directors.~~

4 ~~SEC. 3. Section 32321 of the Financial Code is amended to~~
5 ~~read:~~

6 ~~32321. (a) The official member of the board shall be a member~~
7 ~~of the Governor's cabinet, or his or her designee.~~

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 term of the official member of the board shall~~
23 ~~coincide with his or her official term of office.~~

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

35 ~~(c) A public director's tenure shall continue until his or her~~
36 ~~succcessor has been appointed and has taken his or her position on~~
37 ~~the board.~~

38 ~~(d) In the case of public members, vacancies shall be filled by~~
39 ~~appointment of the respective appointing authority for the~~
40 ~~unexpired remainder of the term.~~

1 ~~SEC. 5. Section 32324 of the Financial Code is amended to~~
2 ~~read:~~

3 ~~32324. (a) The official director shall serve without~~
4 ~~compensation, except that he or she shall be reimbursed for his or~~
5 ~~her actual and necessary expenses incurred in the performance of~~
6 ~~his or her duties, or at the discretion of the board, may receive a~~
7 ~~reasonable per diem payment and mileage charge as reimbursement~~
8 ~~for living and traveling expenses incurred in the performance of~~
9 ~~duties away from his or her principal area of residence. The amount~~
10 ~~of that per diem payment shall not exceed the rate established by~~
11 ~~the state for any calendar day. No director shall receive per diem~~
12 ~~both in the course of his or her official duties and from the~~
13 ~~corporation for the same calendar day.~~

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

24 ~~SEC. 6. Section 32942 of the Financial Code is amended to~~
25 ~~read:~~

26 ~~32942. Loans shall be approved according to criteria established~~
27 ~~by a credit committee, chaired by the chief financial officer of the~~
28 ~~corporation or that officer's designee. The other members of the~~
29 ~~committee shall be the corporate president, or his or her designee,~~
30 ~~and one member from the loan committee described in Section~~
31 ~~32326 selected by the board.~~

32 ~~SEC. 2. Section 32321 of the Financial Code is amended to~~
33 ~~read:~~

34 ~~32321. (a) The official members of the board shall be:~~

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

36 ~~(2) One member of the *State Energy Resources Conservation*~~
37 ~~*and Development* Commission, or his or her designee, selected~~
38 ~~and appointed by the members of the *State Energy Resources*~~
39 ~~*Conservation and Development* Commission.~~

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

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

3 (2) One member selected and appointed by the Speaker of the
4 Assembly.

5 (3) Two members selected and appointed by the Governor as
6 follows:

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

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

12 *SEC. 3. Section 32322 of the Financial Code is amended to*
13 *read:*

14 32322. (a) The terms of official members of the board shall
15 coincide with their official terms of office, except in the case of
16 the member selected and appointed by the members of the *State*
17 *Energy Resources Conservation and Development* Commission,
18 *or his or her designee*, who shall serve on the board until he or
19 she is no longer a member of the *State Energy Resources*
20 *Conservation and Development* Commission, or until he or she is
21 replaced by a vote of the *State Energy Resources Conservation*
22 *and Development* Commission, *or until his or her designation is*
23 *revoked*.

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

35 (c) A public director's tenure shall continue until his successor
36 has been appointed and has taken his position on the board.

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

1 SEC. 4. Section 32942 of the Financial Code is amended to
2 read:

3 32942. Loans shall be approved according to criteria established
4 by a credit committee, chaired by the chief financial officer of the
5 corporation or that officer’s designee. The other members of the
6 committee shall be the member of the board appointed by the *State*
7 *Energy Resources Conservation and Development* Commission,
8 or his or her designee, and the corporate president.

9 ~~SEC. 7.~~

10 SEC. 5. Section 25421 of the Public Resources Code is
11 amended to read:

12 25421. (a) Except as provided in subdivision (b), this chapter
13 shall remain in effect only until January 1, 2012, and as of that
14 date is repealed, unless a later enacted statute, that is enacted before
15 January 1, 2012, deletes or extends that date.

16 (b) All loans outstanding as of January 1, 2012, shall continue
17 to be repaid on a semiannual basis, as specified in Section 25415,
18 until paid in full. All unexpended funds in the State Energy
19 Conservation Assistance Account on January 1, 2012, and
20 thereafter, except to the extent those funds are encumbered pursuant
21 to Section 25417.5, shall revert to the General Fund.

22 ~~SEC. 8.~~

23 SEC. 6. Section 25449.4 of the Public Resources Code is
24 amended to read:

25 25449.4. (a) Except as provided in subdivision (b), this chapter
26 shall remain in effect only until January 1, 2016, and as of that
27 date is repealed, unless a later enacted statute, that is enacted before
28 January 1, 2016, deletes or extends that date.

29 (b) All loans outstanding as of January 1, 2016, shall continue
30 to be repaid in accordance with a schedule established by the
31 commission pursuant to Section 25442.7, until paid in full. All
32 unexpended funds in the Local Jurisdiction Energy Assistance
33 Account on January 1, 2016, and thereafter, except to the extent
34 that those funds are encumbered pursuant to Section 25443.5, shall
35 be deposited in the Federal Trust Fund and be available for the
36 purposes for which federal oil overcharge funds are available
37 pursuant to court judgment or federal agency order.

O