

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 29

Introduced by Assembly Member Williams

December 3, 2012

An act to add Chapter 4 (commencing with Section 99170) to Part 65 of Division 14 of Title 3 of the Education Code, relating to energy efficiency, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as amended, Williams. Proposition 39: implementation.

The California Clean Energy Jobs Act, an initiative approved by the voters at the November 6, 2012, statewide general election as Proposition 39, made changes to corporate income taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Moneys in the Clean Energy Job Creation Fund are available, upon appropriation by the Legislature, for purposes of funding eligible projects that create jobs in California improving energy efficiency and expanding clean energy generation. Existing law provides for allocation of these funds to public school facilities, university and college facilities, other public buildings and facilities, as well as job training and workforce development, and public-private partnerships, for eligible projects, as specified.

This bill would require the California Energy Commission to administer, in coordination with the Public Utilities Commission, the Office of the President of the University of California, the Office of the

Chancellor of the California State University, and the Office of the Chancellor of the California Community Colleges, grants, loans, or other financial assistance to the University of California, the California State University, and the California Community Colleges for projects that create jobs in California by reducing energy demand and consumption at eligible institutions.

The bill would appropriate \$152,000,000 for each of the 2013–14 to 2017–18 fiscal years, inclusive, ~~from provide that, for each fiscal year that revenue is deposited into the Clean Energy Job Creation Fund to the California Energy Commission, in each fiscal year in which at least that amount is transferred to that fund, for allocation to the University of California, the California State University, and the California Community College for these projects, in accordance with a prescribed schedule and prioritized Fund, up to \$152,000,000 would be available, upon appropriation by the Legislature, for purposes of the bill, as specified.~~

Vote: majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California leads the nation in developing and implementing
- 4 successful energy efficiency efforts.
- 5 (b) California has identified energy efficiency as one of its top
- 6 priorities.
- 7 (c) California should continue to lead by example by ensuring
- 8 that its public higher educational institutions are achieving the
- 9 state's energy goals.
- 10 (d) School districts that have struggled with budget cuts have
- 11 utilized clean energy to achieve future cost savings, and, as a result,
- 12 have leveraged savings to support or save critical school programs.
- 13 (e) It is therefore the intent of the Legislature to ensure that the
- 14 revenue in the Clean Energy Job Creation Fund derived from
- 15 Proposition 39, approved by the voters at the November 6, 2012,
- 16 statewide general election, is appropriately distributed for the
- 17 purposes intended by the voters, namely to fund clean energy and
- 18 energy efficiency improvements at public schools, colleges and
- 19 universities, and other eligible facilities, while training an energy

1 efficiency and clean energy workforce, thereby reducing public
2 agency costs for energy and saving taxpayers money for years to
3 come.

4 SEC. 2. Chapter 4 (commencing with Section 99170) is added
5 to Part 65 of Division 14 of Title 3 of the Education Code, to read:

6

7 CHAPTER 4. CLEAN ENERGY JOB CREATION FUND PROJECTS

8

9 99170. (a) The California Energy Commission shall administer,
10 in coordination with the Public Utilities Commission, the Office
11 of the President of the University of California, the Office of the
12 Chancellor of the California State University, and the Office of
13 the Chancellor of the California Community Colleges, grants,
14 loans, or other financial assistance to the University of California,
15 the California State University, and the California Community
16 Colleges for projects that create jobs in California by reducing
17 energy demand and consumption at eligible institutions in
18 accordance with this section.

19 (b) ~~One~~ For each fiscal year that revenue is deposited into the
20 Clean Energy Job Creation Fund, up to one hundred fifty-two
21 million dollars (\$152,000,000) is appropriated for purposes of this
22 section for each of the 2013–14 to 2017–18 fiscal years, inclusive,
23 from the Clean Energy Job Creation Fund to the California Energy
24 Commission in each fiscal year when funds in at least that amount
25 are transferred to the Clean Energy Job Creation Fund pursuant to
26 Section 26205 of the Public Resources Code, shall be available,
27 upon appropriation by the Legislature, for purposes of this chapter,
28 in accordance with all of the following:

29 (1) Not more than seventy million dollars (\$70,000,000) shall
30 be allocated for the University of California.

31 (2) Not more than thirty-two million dollars (\$32,000,000) shall
32 be allocated for the California State University.

33 (3) Not more than fifty million dollars (\$50,000,000) shall be
34 allocated for the California Community Colleges.

35 (c) To implement this section, the California Energy
36 Commission shall do all of the following:

37 (1) Administer grants, loans, or other financial assistance to
38 projects that satisfy the criteria in Section 26206 of the Public
39 Resources Code.

40 (2) Ensure that both of the following occur:

- 1 (A) For each segment of public higher education, not more than
2 50 percent of funds appropriated pursuant to subdivision (b) shall
3 be used for grants. These grants shall support proposals for which
4 at least one dollar (\$1) of funding from other sources is provided
5 for every dollar granted pursuant to this chapter.
- 6 (B) For each segment of public higher education, not less than
7 50 percent of funds appropriated pursuant to subdivision (b) shall
8 be used for financing low-interest loans, loan loss reserves, and
9 revolving loan funds.
- 10 (3) Utilize existing resources, programs, and expertise to the
11 extent possible.
- 12 (4) (A) Establish a system to prioritize eligible institutions for
13 loans and other financial assistance through this section in
14 consultation with the Office of the President of the University of
15 California, the Office of the Chancellor of the California State
16 University, and the Office of the Chancellor of the California
17 Community Colleges.
- 18 (B) The process of prioritization under this subdivision shall
19 take into consideration, but not necessarily be limited to
20 consideration of, all of the following factors:
- 21 (i) The potential for demand reduction.
22 (ii) The duration of the payback period.
23 (iii) The amount of flexibility a project will create for local
24 budgets.
- 25 (C) The financing of loans under this section shall be prioritized
26 over matching grants.
- 27 (d) The California Energy Commission shall ensure that
28 adequate energy audit, measurement, and verification procedures
29 are employed to ensure that energy savings and greenhouse gas
30 emissions reductions occur as a result of any grants, loans, or other
31 financial assistance provided pursuant to this section.
- 32 (e) It is the intent of the Legislature that monetary savings at
33 eligible institutions from retrofit and installation projects pursuant
34 to this section be used to benefit students and learning at those
35 institutions.