

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 628

Introduced by Assembly Members Gorell and Hall

February 20, 2013

An act to add Section 63045.1 to the Government Code, ~~and to amend Section 21180 of~~, and to add Chapter 13 (commencing with Section 25990) to Division 15 of; the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 628, as amended, Gorell. Energy management plans for harbor and port districts.

(1) Existing law requires the California Infrastructure Development Bank, following consultation with appropriate state and local agencies, to establish criteria, priorities, and guidelines for the selection of projects to receive assistance from the bank, including those based on, among other things, the State Environmental Goals and Policy Report, or its successor, relating to implementation of state environmental goals and policies. Existing law further requires that projects that receive assistance from the bank, among other things, facilitate effective and efficient use of existing and future public resources so as to promote both economic development and conservation of natural resources.

This bill would ~~require~~ *authorize* the bank to fund projects ~~to finance projects~~ to promote economic development in harbor and port districts that are developed pursuant to *an* energy management plan, *and would require the bank to consider actions to remove barriers to financing these projects.*

(2) Existing law requires the State Energy Resources Conservation and Development Commission to adopt energy conservation standards

to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, and to implement various programs to provide financial assistance to specified entities for energy efficient improvements.

This bill would ~~require~~ *authorize* a harbor or port district, as defined, in collaboration with an electrical corporation, gas corporation, or publicly owned electric utility, ~~as defined,~~ serving the district, to prepare ~~an one or more~~ energy management ~~plan for the district that is intended~~ *plans* to reduce air emissions and promote economic development through the addition of new businesses and the retention of existing businesses in the ~~district, in accordance with~~ *district*. ~~The bill would require, if a district prepares an energy management plan pursuant to these provisions, that the plan include specified requirements provisions.~~

~~(3) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA establishes procedures for creating the administrative record judicial review procedure for any action or proceeding brought to challenge the lead agency's decision to certify the EIR or to grant project approvals.~~

~~Existing law, the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, until January 1, 2015, establishes specified judicial review procedures for the judicial review of the EIR and approvals granted for a leadership project related to the development of a residential, retail, commercial, sports, cultural, entertainment or recreational use project, or clean renewable energy or clean energy manufacturing project. The act authorizes the Governor to certify a leadership project for streamlining pursuant to the act if certain conditions are met.~~

~~This bill would include a project to develop or implement an energy management plan developed pursuant to provisions of the bill among those types of projects covered by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011. Because the lead agency would be required to use alternative procedures for creating the administrative record for projects to implement an energy management plan, the bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason:

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 63045.1 is added to the Government
2 Code, to read:

3 63045.1. Projects to promote economic development in harbor
4 and port districts implemented pursuant to an energy management
5 plan developed in accordance with Chapter 13 (commencing with
6 Section 25990) of Division 15 of the Public Resources Code shall
7 be eligible for funding under this article. The bank shall consider
8 appropriate action to remove unnecessary barriers for the financing
9 of those projects.

10 SEC. 2. ~~Section 21180 of the Public Resources Code is~~
11 ~~amended to read:~~

12 21180. ~~For the purposes of this chapter, the following terms~~
13 ~~shall have the following meanings:~~

14 (a) ~~“Applicant” means a public or private entity or its affiliates,~~
15 ~~or a person or entity that undertakes a public works project, that~~
16 ~~proposes a project and its successors, heirs, and assignees.~~

17 (b) ~~“Environmental leadership development project,” “leadership~~
18 ~~project,” or “project” means a project as described in Section 21065~~
19 ~~that is one the following:~~

20 (1) ~~A residential, retail, commercial, sports, cultural,~~
21 ~~entertainment, or recreational use project that is certified as LEED~~
22 ~~silver or better by the United States Green Building Council and,~~
23 ~~where applicable, that achieves a 10-percent greater standard for~~
24 ~~transportation efficiency than for comparable projects. These~~
25 ~~projects must be located on an infill site. For a project that is within~~
26 ~~a metropolitan planning organization for which a sustainable~~
27 ~~communities strategy or alternative planning strategy is in effect,~~
28 ~~the infill project shall be consistent with the general use~~
29 ~~designation, density, building intensity, and applicable policies~~
30 ~~specified for the project area in either a sustainable communities~~

1 strategy or an alternative planning strategy, for which the State
2 Air Resources Board, pursuant to subparagraph (H) of paragraph
3 (2) of subdivision (b) of Section 65080 of the Government Code,
4 has accepted a metropolitan planning organization’s determination
5 that the sustainable communities strategy or the alternative planning
6 strategy would, if implemented, achieve the greenhouse gas
7 emission reduction targets.

8 (2) A clean renewable energy project that generates electricity
9 exclusively through wind or solar, but not including waste
10 incineration or conversion.

11 (3) A clean energy manufacturing project that manufactures
12 products, equipment, or components used for renewable energy
13 generation, energy efficiency, or for the production of clean
14 alternative fuel vehicles.

15 (4) A project to develop or implement an energy management
16 plan developed pursuant to Chapter 13 (commencing with Section
17 25990) of Division 15.

18 (e) “Transportation efficiency” means the number of vehicle
19 trips by employees, visitors, or customers of the residential, retail,
20 commercial, sports, cultural, entertainment, or recreational use
21 project divided by the total number of employees, visitors, and
22 customers.

23 SEC. 3.

24 SEC. 2. Chapter 13 (commencing with Section 25990) is added
25 to Division 15 of the Public Resources Code, to read:

26
27 CHAPTER 13. ENERGY MANAGEMENT PLANS FOR HARBOR AND
28 PORT DISTRICTS
29

30 25990. The Legislature finds and declares all of the following:

31 (a) The state should promote the efficient use of low-cost,
32 low-emissions energy sources in the operations of its ports and
33 harbors.

34 (b) There is an opportunity in port and harbor district operations,
35 including the movement of commercial goods, to reduce vehicular
36 emissions of greenhouse gases and criteria pollutants.

37 (c) The state should encourage the development of new
38 businesses and the retention of existing businesses within port and
39 harbor district boundaries.

1 (d) Energy utility customers located within the state’s port and
2 harbor districts can benefit from the addition of new businesses
3 and the retention of existing businesses through increased energy
4 cost certainty.

5 (e) Businesses located within the state’s port and harbor districts
6 could benefit through greater stability and certainty in the cost of
7 energy services.

8 (f) Investor-owned and publicly owned utilities are in an optimal
9 position, and should be encouraged to engage in joint projects with
10 port and harbor districts to provide and administer energy-related
11 service alternatives and programs that can promote economic
12 development and retention in those districts.

13 25991. (a) For purposes of this chapter, the term “district”
14 shall mean a harbor or port district formed pursuant to Division 8
15 (commencing with Section 5000) of the Harbors and Navigation
16 Code. A district may prepare one or more energy management
17 plans, developed jointly with an electric corporation, as defined
18 in subdivision (a) of Section 218 of the Public Utilities Code, a
19 gas corporation, as defined in Section 222 of the Public Utilities
20 Code, or a public utility, as defined in subdivision (a) of Section
21 216 of the Public Utilities Code, that produces, generates, or
22 supplies electricity to the public and that serves the district in order
23 to reduce air emissions, promote economic development, and
24 encourage the development of new businesses and retain existing
25 businesses in that district.

26 (b) If a district prepares an energy management plan pursuant
27 to this chapter, it shall include, at a minimum, all of the following:

28 (1) An electric or natural gas load forecast, developed in
29 coordination with the serving electrical corporation, gas
30 corporation, or local publicly owned electric utility, and that
31 reflects anticipated load growth within the district.

32 (2) An assessment of the role that distributed generation,
33 combined with accurately priced utility services, could play in
34 providing greater rate stability and energy cost certainty to aid in
35 economic development, and proposed actions with respect to that
36 role. This assessment shall be developed jointly with the serving
37 electrical corporation, gas corporation, or local publicly owned
38 electric utility.

39 (3) A list of recommendations, developed jointly with the
40 serving electrical corporation, gas corporation, or local publicly

1 owned electric utility, for the enhanced use of cost-effective energy
2 efficiency and demand-side management in existing buildings and
3 the inclusion of energy efficiency measures as part of the
4 development of new buildings.

5 (4) A plan to reduce air emissions for vehicle use within district
6 boundaries, including vehicles used for movement of commercial
7 products. Proposed actions, developed jointly with the serving
8 electrical corporation, gas corporation, or local publicly owned
9 electric utility, may include replacement of vehicles with lower
10 emitting alternatives and development of infrastructure, in
11 appropriate areas, to aid in the refueling of alternative fuel vehicles,
12 and may provide for utility ownership or operation of those
13 facilities to provide services within the district.

14 (5) Other proposed actions and associated utility services that
15 may be implemented in connection with the jointly developed
16 energy management plan.

17 (6) Proposed methods to fund the activities included in the plan,
18 including funding through utility ratepayer-funded programs and
19 financing through the California Infrastructure and Economic
20 Developmental Bank established pursuant to Chapter 3
21 (commencing with Section 63050) of Division 1 of Title 6.7 of
22 the Government Code, the California Alternative Energy and
23 Advanced Transportation Financing Authority Act (Division 16
24 (commencing with Section 26000)), or other appropriate sources.

25 (c) If a district has jointly developed with an electric or gas
26 corporation one or more plan elements under a plan prepared
27 pursuant to subdivision (b) that involves special programs to be
28 offered in the district and administered by the electric or gas
29 corporation to facilitate emissions reductions, increase energy
30 efficiency, or promote economic development, including, but not
31 limited to, the use of biogas for direct injection into common carrier
32 pipelines, economic development rates, distributed generation,
33 energy storage, and alternative fuel vehicle infrastructure, the
34 Public Utilities Commission shall provide expedited review of the
35 proposed jointly developed elements of the plan. The Public
36 Utilities Commission shall encourage electric or gas corporations
37 to participate jointly with local agencies in developing,
38 implementing, and administering viable energy management plans
39 for districts, and shall not limit the role of the electric or gas
40 corporation that was cooperatively developed in the energy

1 management plan. The governing boards of local publicly owned
2 utilities and rural electric cooperatives shall encourage joint
3 participation with local agencies and gas corporations in
4 developing, implementing, and administering viable energy
5 management plans for districts.

6 (d) If an energy management plan is prepared pursuant to this
7 chapter, it shall also address the development of projects that
8 provide greater certainty of energy costs over a period of up to 15
9 years for businesses developing in the district and shall consider
10 applying to the California Infrastructure and Economic
11 Development Bank for financial support of these projects.

12 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
13 ~~Section 6 of Article XIII B of the California Constitution because~~
14 ~~a local agency or school district has the authority to levy service~~
15 ~~charges, fees, or assessments sufficient to pay for the program or~~
16 ~~level of service mandated by this act, within the meaning of Section~~
17 ~~17556 of the Government Code.~~