

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 628**

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**Introduced by Assembly Members Gorell and Hall**

February 20, 2013

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An act to add Section ~~63045.1~~ 63045.2 to the Government Code, 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 authorize the bank to fund 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 authorize a harbor or port district, in collaboration with an electrical corporation, gas corporation, or publicly owned electric utility serving the district, to prepare one or more energy management plans to reduce air emissions and promote economic development through the addition of new businesses and the retention of existing businesses in the district. The bill would require, if a district prepares an energy management plan pursuant to these provisions, that the plan include specified provisions.

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

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

1 SECTION 1. Section ~~63045.1~~ 63045.2 is added to the  
2 Government Code, to read:

3 ~~63045.1.~~

4 63045.2. Projects to promote economic development in harbor  
5 and port districts implemented pursuant to an energy management  
6 plan developed in accordance with Chapter 13 (commencing with  
7 Section 25990) of Division 15 of the Public Resources Code shall  
8 be eligible for funding under this article. The bank shall consider  
9 appropriate action to remove unnecessary barriers for the financing  
10 of those projects.

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

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14 CHAPTER 13. ENERGY MANAGEMENT PLANS FOR HARBOR AND  
15 PORT DISTRICTS

16

17 25990. The Legislature finds and declares all of the following:

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

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

4 (c) The state should encourage the development of new  
5 businesses and the retention of existing businesses within port and  
6 harbor district boundaries.

7 (d) Energy utility customers located within the state’s port and  
8 harbor districts can benefit from the addition of new businesses  
9 and the retention of existing businesses through increased energy  
10 cost certainty.

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

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

19 25991. (a) For purposes of this chapter, the term “district”  
20 shall mean a harbor or port district formed pursuant to Division 8  
21 (commencing with Section 5000) of the Harbors and Navigation  
22 Code. A district may prepare one or more energy management  
23 plans, developed jointly with an electric corporation, as defined  
24 in subdivision (a) of Section 218 of the Public Utilities Code, a  
25 gas corporation, as defined in Section 222 of the Public Utilities  
26 Code, or a public utility, as defined in subdivision (a) of Section  
27 216 of the Public Utilities Code, that produces, generates, or  
28 supplies electricity to the public and that serves the district in order  
29 to reduce air emissions, promote economic development, and  
30 encourage the development of new businesses and retain existing  
31 businesses in that district.

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

34 (1) An electric or natural gas load forecast, developed in  
35 coordination with the serving electrical corporation, gas  
36 corporation, or local publicly owned electric utility, and that  
37 reflects anticipated load growth within the district.

38 (2) An assessment of the role that distributed generation,  
39 combined with accurately priced utility services, could play in  
40 providing greater rate stability and energy cost certainty to aid in

1 economic development, and proposed actions with respect to that  
2 role. This assessment shall be developed jointly with the serving  
3 electrical corporation, gas corporation, or local publicly owned  
4 electric utility.

5 (3) A list of recommendations, developed jointly with the  
6 serving electrical corporation, gas corporation, or local publicly  
7 owned electric utility, for the enhanced use of cost-effective energy  
8 efficiency and demand-side management in existing buildings and  
9 the inclusion of energy efficiency measures as part of the  
10 development of new buildings.

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

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

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

31 (c) If a district has jointly developed with an electric or gas  
32 corporation one or more plan elements under a plan prepared  
33 pursuant to subdivision (b) that involves special programs to be  
34 offered in the district and administered by the electric or gas  
35 corporation to facilitate emissions reductions, increase energy  
36 efficiency, or promote economic development, including, but not  
37 limited to, the use of biogas for direct injection into common carrier  
38 pipelines, economic development rates, distributed generation,  
39 energy storage, and alternative fuel vehicle infrastructure, the  
40 Public Utilities Commission shall provide expedited review of the

1 proposed jointly developed elements of the plan. The Public  
2 Utilities Commission shall encourage electric or gas corporations  
3 to participate jointly with local agencies in developing,  
4 implementing, and administering viable energy management plans  
5 for districts, and shall not limit the role of the electric or gas  
6 corporation that was cooperatively developed in the energy  
7 management plan. The governing boards of local publicly owned  
8 utilities and rural electric cooperatives shall encourage joint  
9 participation with local agencies and gas corporations in  
10 developing, implementing, and administering viable energy  
11 management plans for districts.

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