

AMENDED IN ASSEMBLY MAY 1, 2013
AMENDED IN ASSEMBLY MARCH 20, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 650

Introduced by Assembly Member Nazarian

February 21, 2013

An act to add Section 10299.1 to the Public Contract Code, relating to state government, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Nazarian. State government: general services: ~~the~~ Natural Gas Services Program.

Existing law authorizes the Department of General Services to contract with suppliers to obtain materials, supplies, equipment, and services.

This bill would require the director to operate the Natural Gas Services Program, pursuant to which the Director of General Services shall make the services of the department with respect to the acquisition of natural gas and related services available, under agreed upon terms and conditions, to any city, county, city and county, district, *or* other local governmental body, ~~or corporation empowered to expend and to nonprofit hospitals and educational institutions that expend public~~ funds, and shall enter into interagency agreements for acquisition of natural gas and related services, as defined.

The bill would require agencies that are in the executive branch of state government to use the department's natural gas program for noncore gas purchases of natural gas. The bill would authorize the department to hire employees as required for this program. The bill would create the Department of General Services Natural Gas Services

Program Account which would be continuously appropriated *Fund*, and would continuously appropriate that fund to the department for purposes of operating the Natural Gas Services Program.

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 10299.1 is added to the Public Contract
2 Code, to read:

3 10299.1. (a) Notwithstanding any other law, the director shall
4 operate the Natural Gas Services Program to consolidate and
5 address the needs of multiple state agencies for the procurement
6 of natural gas and related services.

7 (b) Procurement of natural gas and related services is vital to
8 public sector facilities in California and, due to the volumes and
9 costs involved, this section authorizes the following:

10 (1) The director shall make the services of the department with
11 respect to the acquisition of natural gas and related services
12 available, under agreed upon terms and conditions, to any city,
13 county, city and county, district, or other local governmental body,
14 ~~or any corporation empowered to expend~~ and to any nonprofit
15 *hospital or educational institution that expends* public funds.

16 (2) The department is authorized to enter into interagency
17 agreements with the entities listed in paragraph (1) for the
18 acquisition of natural gas and related services. The department
19 may enter into contracts, master agreements, multiple award
20 schedules, cooperative agreements, agreements with entities outside
21 the state, and other types of agreements that leverage the state's
22 buying power through the use of a competitive bidding process.
23 The state shall not incur financial responsibility in connection with
24 the contracting of nonstate agencies under this section.

25 (3) The department may buy, sell, exchange, transfer, or
26 otherwise dispose of natural gas acquired by the department
27 pursuant to this section, and may recover the department's
28 acquisition and other costs to operate the program through customer
29 charges or fees.

30 (4) The department may enter into gas purchase transactions
31 for a term longer than five years, if specifically approved by the
32 director.

1 (5) The program shall adjust to changes in customer
2 requirements and market conditions and create and manage an
3 ongoing pool of gas suppliers.

4 (6) The department is authorized to provide additional services
5 to customers related to the environmental aspects of energy use
6 and the requirements related to greenhouse gas regulations,
7 renewable energy requirements, and similar programs and
8 requirements.

9 (7) Notwithstanding any other law, the department is not
10 required to include in contracts or other agreements for the
11 purchase of natural gas and related services entered into pursuant
12 to this section disabled veteran business enterprise requirements,
13 unless the department determines that the application of those
14 provisions is necessary to accomplish the purposes of this section.

15 (c) Agencies that are in the executive branch of the state
16 government shall use the department's natural gas program for
17 noncore gas purchases of natural gas to ensure maximum
18 participation resulting in the best discounts and prices for the
19 commodity. The Director of General Services may allow
20 exemptions to this requirement.

21 (d) The department may hire and appoint employees as required
22 for this program, at salary levels determined by the director to be
23 competitive to attract and retain persons with the necessary
24 expertise and skills. Prior to hiring or appointing an employee at
25 a salary in excess of a salary approved by the Department of
26 Human Resources (CalHR), the director shall submit a proposed
27 salary to the Director of Finance who shall submit it to the
28 Legislature in accordance with the annual Budget Act.

29 (e) For purposes of this section, "natural gas" includes, but is
30 not limited to, natural gas, methane, biomethane, compressed
31 natural gas, liquefied natural gas, and other energy commodity
32 that is similar to natural gas, and related services, including, but
33 not limited to, gas storage, gas transportation, and forward
34 purchases of natural gas.

35 (f) During any period in which a Budget Act has not been
36 approved, the department shall continue to receive payment
37 transfers from agencies that are not in the executive branch of the
38 state government and agencies that are in the executive branch of
39 state government that are able to pay because they operate with
40 funds that are continuously appropriated. ~~The department is~~

1 specifically authorized to pay program vendors when the Budget
2 Act is delayed.

3 (g) The department is authorized to charge, collect, and hold
4 funds from a customer that voluntarily requests prepaid long-term
5 natural gas supplies, for a period not to exceed 20 years.

6 (h) The Department of General Services Natural Gas Services
7 Program ~~Account~~ *Fund* is hereby established in the State Treasury;
8 ~~funds from which are to be.~~ *Notwithstanding Section 13340 of the*
9 *Government Code, the fund is hereby* continuously appropriated
10 to the department without regard to fiscal year, for the purposes
11 of operating the Natural Gas Services Program.

12 (1) All revenues payable to the department for natural gas and
13 related services shall be deposited in this ~~account~~ *fund*. Any
14 payments from this ~~account~~ *fund* shall only be made for those
15 purposes described in and consistent with this section.

16 (2) The Natural Gas Services Program’s customer fee revenues
17 cannot be shifted or borrowed from the ~~account~~ *fund*.

18 (3) If at the end of any fiscal year, there are unexpended
19 revenues, those revenues shall be retained in the ~~account~~ *fund* and
20 reserved for future Natural Gas Services Program expenses.