

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 23, 2013

**SENATE BILL**

**No. 35**

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**Introduced by Senator Pavley**

December 4, 2012

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An act to add Article 10 (commencing with Section 66090) to Chapter 2 of Division 5 of Title 3 of the Education Code, relating to higher education; amend Section 629.98 of the Penal Code, relating to wiretapping.

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Pavley. ~~Higher education: energy conservation.~~  
*Wiretapping: authorization.*

*Existing law establishes a procedure required to be followed by a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Courts regarding these interceptions, as specified. Existing law makes a violation of these provisions punishable as a misdemeanor or as a felony. Existing law makes these provisions effective until January 1, 2015.*

*This bill would extend the operation of these provisions until January 1, 2020.*

*By extending the operation of provisions of law creating a crime, this 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.*

~~Existing law, until January 1, 2016, requires the State Energy Resources Conservation and Development Commission to enter into an agreement with the Regents of the University of California, the Board of Trustees of the California State University, and the Board of Governors of the California Community Colleges for the expenditure of the petroleum violation escrow funds to supplement other available funds to improve energy efficiency at the state-supported universities and colleges.~~

~~This bill would require the Board of Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to each develop and administer a Systemwide Energy Solutions Action Plan that provides a near- and long-term strategy for assessing, evaluating, contracting for, overseeing, auditing, measuring, and communicating publicly concerning energy savings projects, as defined. The bill would establish the Higher Education Energy Solutions Fund in the State Treasury and would require moneys in the fund, upon appropriation by the Legislature, be used for the development and implementation of the plans. The bill would require, before January 1, 2014, and January 1 of each year thereafter, each segment of public postsecondary education, if it receives moneys from the fund, to submit to the Legislature a report describing the disposition of the moneys received in the previous calendar year and the planned expenditures for the following calendar year.~~

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

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

1     *SECTION 1. Section 629.98 of the Penal Code is amended to*  
2     *read:*

3     629.98. This chapter shall remain in effect only until January  
4     1, 2015, 2020, and as of that date is repealed.

5     *SEC. 2. No reimbursement is required by this act pursuant to*  
6     *Section 6 of Article XIII B of the California Constitution because*  
7     *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*  
2 *infraction, eliminates a crime or infraction, or changes the penalty*  
3 *for a crime or infraction, within the meaning of Section 17556 of*  
4 *the Government Code, or changes the definition of a crime within*  
5 *the meaning of Section 6 of Article XIII B of the California*  
6 *Constitution.*

7 SECTION 1. ~~(a) The Legislature finds and declares all of the~~  
8 ~~following:~~

9 ~~(1) California's public colleges and universities are decades~~  
10 ~~old, inefficient, and in need of renovation, and as a result, a~~  
11 ~~constant strain on the fiscal health of California's higher education~~  
12 ~~system due to excessive energy-related expenditures.~~

13 ~~(A) Sixty percent of the buildings of the University of California~~  
14 ~~are more than 30 years old, with many having been constructed in~~  
15 ~~the 1950s and 1960s.~~

16 ~~(B) More than half of the existing facilities of the California~~  
17 ~~State University are over 28 years old.~~

18 ~~(C) Seventy-four percent of the existing facilities of the~~  
19 ~~California Community Colleges are over 25 years old and 60~~  
20 ~~percent are over 40 years old.~~

21 ~~(2) The University of California and the California State~~  
22 ~~University systems account for approximately 5 percent of all~~  
23 ~~commercial energy consumption in California, representing not~~  
24 ~~only a significant cost to the state's public universities, but also a~~  
25 ~~major greenhouse gas reduction opportunity.~~

26 ~~(3) The budgetary savings that could be achieved with~~  
27 ~~significant near-term investments in energy efficiency and clean~~  
28 ~~energy would provide long-term General Fund relief, reduce the~~  
29 ~~need for tuition fee increases, and further enhance the ability of~~  
30 ~~California's colleges and universities to provide quality, accessible,~~  
31 ~~and affordable higher education.~~

32 ~~(4) The Regents of the University of California, the Board of~~  
33 ~~Trustees of the California State University, and the Board of~~  
34 ~~Governors of the California Community Colleges have already~~  
35 ~~adopted energy, sustainability, and climate solutions policies that~~  
36 ~~establish usable institutional frameworks and guidelines for~~  
37 ~~implementing and administering greater investment in energy~~  
38 ~~efficiency and clean energy.~~

39 ~~(5) It is in the public interest of the state to reduce energy~~  
40 ~~consumption from colleges and universities, especially through~~

1 building retrofits that achieve deep levels of energy efficiency  
2 improvement, including those called for in the Long-Term  
3 Efficiency Strategic Plan adopted by the Public Utilities  
4 Commission.

5 (b) It is the intent of the Legislature to enhance access to, and  
6 the quality of, higher education in California, while also stimulating  
7 near-term job creation and reducing greenhouse gas emissions, by  
8 providing financial assistance to universities and colleges to invest  
9 in cost-reducing energy efficiency retrofits, clean energy  
10 installations, and other energy system improvements.

11 SEC. 2. Article 10 (commencing with Section 66090) is added  
12 to Chapter 2 of Division 5 of Title 3 of the Education Code, to  
13 read:

14  
15 Article 10. Systemwide Energy Solutions

16  
17 66090. For the purposes of this article, “energy savings project”  
18 means a measure, program, activity, or expenditure that results in  
19 energy savings, greenhouse gas emissions reduction, and budgetary  
20 savings, through investments in clean energy, as defined in Section  
21 26220 of the Public Resources Code.

22 66091. (a) The Board of Trustees of the California State  
23 University and the Board of Governors of the California  
24 Community Colleges shall, and the Regents of the University of  
25 California are requested to, each establish a special subcommittee,  
26 which shall each develop through a public process and administer  
27 a Systemwide Energy Solutions Action Plan that provides a near-  
28 and long-term strategy for assessing, evaluating, contracting for,  
29 overseeing, auditing, measuring, and communicating publicly  
30 concerning energy savings projects.

31 (b) Each special subcommittee shall include experts in energy  
32 efficiency, job creation, greenhouse gas management, and finance  
33 and accounting, and at least one student member.

34 (c) In developing their plans, the California State University  
35 and the California Community Colleges shall, and the University  
36 of California is requested to, consider all of the following:

- 37 (1) Energy savings plans and projects consistent with the state’s  
38 loading order, as described in the Energy Plan II jointly adopted  
39 by the Public Utilities Commission and the State Energy Resources  
40 Conservation and Development Commission, and that are cost

1 effective, reliable, and feasible, with total energy savings benefits  
2 exceeding project costs.

3 ~~(2) Consulting with electric and gas corporations and publicly  
4 owned utilities that serve the campuses in the development of all  
5 energy savings plans and projects.~~

6 ~~(3) Opportunities to further the purposes of the California Global  
7 Warming Solutions Act of 2006 (Division 25.5 (commencing with  
8 Section 38500) of the Health and Safety Code).~~

9 ~~(4) Opportunities to establish public-private partnerships in the  
10 development and implementation of the plan.~~

11 ~~(5) Relevant elements of the Long-Term Energy Efficiency Plan  
12 and the regulations adopted pursuant to Section 25943 of the Public  
13 Resources Code.~~

14 ~~(6) Opportunities to promote student involvement, job training,  
15 and workforce development in the development, design,  
16 deployment, evaluation, and measurement of energy savings  
17 projects.~~

18 ~~(d) Before January 1, 2014, and before January 1 of each year  
19 thereafter, the University of California, the California State  
20 University, and the California Community Colleges shall, if it  
21 receives funding from the Higher Education Energy Solutions  
22 Fund, submit to the Legislature, pursuant to Section 9795 of the  
23 Government Code, a report describing the disposition of funds  
24 received in the previous calendar year and the planned expenditures  
25 for the coming calendar year.~~

26 ~~66092. The Higher Education Energy Solutions Fund is hereby  
27 established in the State Treasury. Upon appropriation by the  
28 Legislature, moneys in the fund shall be used by the Regents of  
29 the University of California, the Board of Trustees of the California  
30 State University, and the Board of Governors of the California  
31 Community Colleges to implement this article and the Systemwide  
32 Energy Solutions Action Plans.~~