

AMENDED IN SENATE MAY 28, 2013
AMENDED IN SENATE APRIL 23, 2013
AMENDED IN SENATE APRIL 9, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 64

Introduced by Senator Corbett

January 10, 2013

An act to add Chapter ~~5 7~~ (commencing with Section ~~26230~~) 26250) to Division 16.3 of the Public Resources Code, relating to energy efficiency, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 64, as amended, Corbett. 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 the allocation of these funds for eligible projects at public school facilities, university and college facilities, and other public buildings and facilities, as well as job training and workforce development, and public-private partnerships, as specified.

This bill would require the State Energy Resources Conservation and Development Commission to develop and administer ~~programs, a competitive financial assistance program for energy efficiency and clean energy onsite generation projects that are consistent with the act,~~ to provide financial assistance to school districts, cities, and counties ~~to install energy efficiency or clean energy technology in public schools and municipal facilities specified provisions of the act and to develop and adopt certain guidelines for the program. The bill would provide that eligible facilities for the competitive financial assistance program include, but are not limited to, hospitals and wastewater treatment facilities, and would provide that schools are not eligible for the program.~~ The bill would appropriate for the 2013–14 fiscal year an unspecified sum from the Clean Energy Job Creation Fund to the commission for the above purpose, thereby making an appropriation.

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

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

1 SECTION 1. Chapter 57 (commencing with Section
 2 ~~26230~~26250) is added to Division 16.3 of the Public Resources
 3 Code, to read:

4
 5 CHAPTER 5:7. PROGRAMS FOR PUBLIC BUILDINGS

6
 7 ~~26230.~~

8 26250. (a) The State Energy Resources Conservation and
 9 Development Commission ~~shall, utilizing existing resources,~~
 10 ~~programs, and expertise, shall develop and adopt guidelines for,~~
 11 ~~and develop and administer programs, consistent with Section~~
 12 ~~26205, to provide financial assistance to school districts, cities,~~
 13 ~~and counties to install low risk, high-return energy efficiency or~~
 14 ~~clean energy technology in public schools with kindergarten or~~
 15 ~~grades 1 to 12, inclusive, or municipal facilities that will do all of~~
 16 ~~the following: a, competitive financial assistance program for~~
 17 ~~energy efficiency and clean energy onsite generation projects that~~
 18 ~~are consistent with paragraph (3) of subdivision (a) of Section~~
 19 ~~26205. Eligible facilities may include, but are not limited to,~~
 20 ~~hospitals and wastewater treatment facilities. Eligible facilities~~
 21 ~~shall not include school facilities.~~

- 1 ~~(1) Reduce fossil fuel emissions in a manner that is~~
2 ~~environmentally sustainable and, to the greatest extent practicable,~~
3 ~~to maximize benefits for local and regional communities.~~
4 ~~(2) Reduce the total energy use of the school district, city, or~~
5 ~~county.~~
6 ~~(3) Improve energy efficiency of the schools or municipal~~
7 ~~facilities.~~
8 ~~(b) Projects eligible for financial assistance pursuant to programs~~
9 ~~developed pursuant to subdivision (a) include, but are not limited~~
10 ~~to, the following:~~
11 ~~(1) Lighting retrofits and controls.~~
12 ~~(2) Street lighting and traffic signal retrofits.~~
13 ~~(3) Heating, ventilation, and air-conditioning modifications and~~
14 ~~controls.~~
15 ~~(4) Automated energy management systems, motors, and~~
16 ~~variable speed drives and pumps.~~
17 ~~(5) Water or wastewater system process and control retrofits.~~
18 ~~(6) Clean energy technology that is intended to primarily offset~~
19 ~~part or all of the facility's electrical requirements.~~
20 ~~(c) The programs developed pursuant to subdivision (a) shall~~
21 ~~ensure the projects receiving financial assistance are consistent~~
22 ~~with the state's loading order, as described in the Energy Action~~
23 ~~Plan II jointly adopted by the Public Utilities Commission and the~~
24 ~~State Energy Resources Conservation and Development~~
25 ~~Commission, and are cost effective, reliable, and feasible, with~~
26 ~~total energy savings benefits exceeding project costs.~~
27 ~~(d) The commission shall require a school district, city, or county~~
28 ~~applying for financial assistance pursuant to a program developed~~
29 ~~pursuant to subdivision (a) to submit a feasibility study that~~
30 ~~provides estimates of costs and energy savings resulting from a~~
31 ~~project.~~
32 ~~(e) The commission shall not provide financial assistance~~
33 ~~pursuant to a program developed pursuant to subdivision (a) of~~
34 ~~projects related to swimming pools, gambling establishments,~~
35 ~~aquariums, zoos, or golf courses.~~
36 ~~(f) (1) The commission may adopt guidelines governing the~~
37 ~~award, eligibility, and administration of the programs developed~~
38 ~~pursuant to subdivision (a).~~
39 ~~(2) The commission shall adopt guidelines at a publicly noticed~~
40 ~~meeting and provide an opportunity for the public to comment.~~

1 The commission shall provide a written public notice of meeting
2 at least 30 days prior to the meeting.

3 (3) For substantive revision of the guidelines, the commission
4 shall provide a written notice of meeting at least 15 days prior to
5 the meeting at which the revision is to be considered or adopted.

6 (4) The adoption or revision of guidelines pursuant to this
7 subdivision is exempt from the requirements of Chapter 3.5
8 (commencing with Section 11340) of Part 1 of Division 3 of Title
9 2 of the Government Code.

10 (b) In addition to the criteria specified in Section 26206, the
11 guidelines adopted pursuant to subdivision (a) shall do all of the
12 following:

13 (1) Establish audit standards and procedures.

14 (2) Ensure that the projects receiving financial assistance are
15 consistent with the state’s loading order, as described in the Energy
16 Plan II jointly adopted by the State Energy Resources Conservation
17 and Development Commission and the Public Utilities Commission.

18 (3) Ensure that the projects are reliable and feasible with total
19 energy savings benefits exceeding project costs.

20 (4) Establish energy savings measurement and verification
21 standards.

22 (5) If the project is for clean energy onsite generation, require
23 that the energy cost savings over 75 percent of the expected life
24 of the project will exceed the initial investment.

25 (6) Give priority to projects that have the highest energy savings
26 relative to the amount of public moneys used to finance the project.

27 (c) The State Energy Resources Conservation and Development
28 Commission may use its existing grant and financing programs to
29 minimize administrative costs associated with the program,
30 including the program developed pursuant to the Energy
31 Conservation Assistance Act of 1979 (Chapter 5.2 (commencing
32 with Section 25410) of Division 15).

33 ~~26231.~~

34 26251. The sum of ____ dollars (\$____) is hereby appropriated
35 for the 2013–14 fiscal year from the *Clean Energy Job Creation*
36 Fund to the State Energy Resources Conservation and Development
37 Commission for the purposes of this chapter.

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