

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE APRIL 8, 2013

AMENDED IN SENATE MARCH 13, 2013

**SENATE BILL**

**No. 115**

---

---

**Introduced by Senator Hill**

January 16, 2013

---

---

An act to amend Section ~~7630~~ of the Family ~~25711.5~~ of the Public Resources Code, relating to ~~parent and child relationship~~ energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 115, as amended, Hill. ~~Parent and child relationship~~. *Electric Program Investment Charge Fund.*

*Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The Reliable Electric Service Investments Act required the commission to require the state's 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the public goods charge, to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits. Existing decisions of the commission institute an Electric Program Investment Charge, referred to as EPIC, to fund research, development, and demonstration programs.*

*Existing law creates in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and Development Commission and requires moneys received by the Public Utilities Commission for those programs*

*the Public Utilities Commission has determined should be administered by the State Energy Resources Conservation and Development Commission to be forwarded by the Public Utilities Commission to the State Energy Resources Conservation and Development Commission at least quarterly for deposit in the fund. Existing law requires the State Energy Resources Conservation and Development Commission, in administering moneys in the fund for research, development, and demonstration programs, to develop and administer the EPIC program for the purpose of awarding funds to projects that will benefit ratepayers and lead to technological advancement and breakthroughs to overcome the barriers that prevent the achievement of the state's statutory energy goals and that result in a portfolio of projects that is strategically focused and sufficiently narrow to make advancement on the most significant technological challenges, including: (1) energy storage, (2) renewable energy resources and their integration into the grid, (3) energy efficiency, (4) integration of electric vehicles into the electrical grid, and (5) accurately forecasting the availability of renewable energy resources for integration into the electrical grid. Existing law provides that the chapter creating the fund does not authorize the levy of a charge or any increase in the amount collected pursuant to any existing charge, nor add to or detract from, any existing authority of the Public Utilities Commission to levy or increase charges.*

*This bill would require the portfolio of projects funded through the EPIC program to additionally include projects pertaining to safety of the electrical grid.*

~~Existing law, the Uniform Parentage Act, sets forth the circumstances under which a man may be presumed to be the natural father of a child. Under existing law, those circumstances include if he receives the child into his home and openly holds out the child as his natural child and if the child is in utero after the father's death and specified conditions applicable with respect to determining rights to the property to be distributed upon the death of the decedent are satisfied. Existing law authorizes any interested party to bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship that is presumed under those circumstances. The Uniform Parentage Act also provides that the donor of semen provided to a licensed physician and surgeon or to a licensed sperm bank for use in artificial insemination or in vitro fertilization of a woman other than the donor's wife is treated in law as if he were not the natural father of~~

a child thereby conceived, unless otherwise agreed to in a writing signed by the donor and the woman prior to the conception of the child.

This bill would instead provide that notwithstanding the treatment in law of the sperm donor under those circumstances, any interested party may bring an action at any time for the purpose of determining the parentage of a man presumed to be the father because he receives the child into his home and openly holds out the child as his natural child.

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

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

1 SECTION 1. Section 25711.5 of the Public Resources Code is  
2 amended to read:

3 25711.5. In administering moneys in the fund for research,  
4 development, and demonstration programs under this chapter, the  
5 commission shall develop and implement the Electric Program  
6 Investment Charge (EPIC) program to do all of the following:

7 (a) Award funds for projects that will benefit electricity  
8 ratepayers and lead to technological advancement and  
9 breakthroughs to overcome the barriers that prevent the  
10 achievement of the state's statutory energy goals and that result  
11 in a portfolio of projects that is strategically focused and  
12 sufficiently narrow to make advancement on the most significant  
13 technological challenges that shall include, but not be limited to,  
14 *safety of the electrical grid*, energy storage, renewable energy and  
15 its integration into the electrical grid, energy efficiency, integration  
16 of electric vehicles into the electrical grid, and accurately  
17 forecasting the availability of renewable energy for integration  
18 into the grid.

19 (b) In consultation with the Treasurer, establish terms that shall  
20 be imposed as a condition to receipt of funding for the state to  
21 accrue any intellectual property interest or royalties that may derive  
22 from projects funded by the EPIC program. The commission, when  
23 determining if imposition of the proposed terms is appropriate,  
24 shall balance the potential benefit to the state from those terms  
25 and the effect those terms may have on the state achieving its  
26 statutory energy goals. The commission shall require each reward  
27 recipient, as a condition of receiving moneys pursuant to this  
28 chapter, to agree to any terms the commission determines are

1 appropriate for the state to accrue any intellectual property interest  
2 or royalties that may derive from projects funded by the EPIC  
3 program.

4 (c) Require each applicant to report how the proposed project  
5 may lead to technological advancement and potential breakthroughs  
6 to overcome barriers to achieving the state's statutory energy goals.

7 (d) Establish a process for tracking the progress and outcomes  
8 of each funded project, including an accounting of the amount of  
9 funds spent by program administrators and individual grant  
10 recipients on administrative and overhead costs and whether the  
11 project resulted in any technological advancement or breakthrough  
12 to overcome barriers to achieving the state's statutory energy goals.

13 (e) Notwithstanding Section 10231.5 of the Government Code,  
14 prepare and submit to the Legislature no later than April 30 of  
15 each year an annual report in compliance with Section 9795 of the  
16 Government Code that shall include all of the following:

17 (1) A brief description of each project for which funding was  
18 awarded in the immediately prior calendar year, including the  
19 name of the recipient and the amount of the award, a description  
20 of how the project is thought to lead to technological advancement  
21 or breakthroughs to overcome barriers to achieving the state's  
22 statutory energy goals, and a description of why the project was  
23 selected.

24 (2) A brief description of each project funded by the EPIC  
25 program that was completed in the immediately prior calendar  
26 year, including the name of the recipient, the amount of the award,  
27 and the outcomes of the funded project.

28 (3) A brief description of each project funded by the EPIC  
29 program for which an award was made in the previous years but  
30 that is not completed, including the name of the recipient and the  
31 amount of the award, and a description of how the project will  
32 lead to technological advancement or breakthroughs to overcome  
33 barriers to achieving the state's statutory energy goals.

34 (4) Identification of the award recipients that are  
35 California-based entities, small businesses, or businesses owned  
36 by women, minorities, or disabled veterans.

37 (5) Identification of which awards were made through a  
38 competitive bid, interagency agreement, or sole source method,  
39 and the action of the Joint Legislative Budget Committee pursuant

1 to paragraph (2) of subdivision (g) for each award made through  
2 an interagency agreement or sole source method.

3 (6) Identification of the total amount of administrative and  
4 overhead costs incurred for each project.

5 (f) Establish requirements to minimize program administration  
6 and overhead costs, including costs incurred by program  
7 administrators and individual grant recipients. Each program  
8 administrator and grant recipient, including a public entity, shall  
9 be required to justify actual administration and overhead costs  
10 incurred, even if the total costs incurred do not exceed a cap on  
11 those costs that the commission may adopt.

12 (g) (1) The commission shall use a sealed competitive bid as  
13 the preferred method to solicit project applications and award funds  
14 pursuant to the EPIC program.

15 (2) (A) The commission may use a sole source or interagency  
16 agreement method if the project cannot be described with sufficient  
17 specificity so that bids can be evaluated against specifications and  
18 criteria set forth in a solicitation for bid and if both of the following  
19 conditions are met:

20 (i) The commission, at least 60 days prior to making an award  
21 pursuant to this subdivision, notifies the Joint Legislative Budget  
22 Committee and the relevant policy committees in both houses of  
23 the Legislature, in writing, of its intent to take the proposed action.

24 (ii) The Joint Legislative Budget Committee either approves or  
25 does not disapprove the proposed action within 60 days from the  
26 date of notification required by clause (i).

27 (B) It is the intent of the Legislature to enact this paragraph to  
28 ensure legislative oversight for awards made on a sole source basis,  
29 or through an interagency agreement.

30 (3) Notwithstanding any other law, standard terms and  
31 conditions that generally apply to contracts between the  
32 commission and any entities, including state entities, do not  
33 automatically preclude the award of moneys from the fund through  
34 the sealed competitive bid method.

35 ~~SECTION 1. Section 7630 of the Family Code is amended to~~  
36 ~~read:~~

37 ~~7630. (a) A child, the child's natural mother, a man presumed~~  
38 ~~to be the child's father under subdivision (a), (b), or (c) of Section~~  
39 ~~7611, an adoption agency to whom the child has been relinquished,~~

1 or a prospective adoptive parent of the child may bring an action  
2 as follows:

3 (1) ~~At any time for the purpose of declaring the existence of the~~  
4 ~~father and child relationship presumed under subdivision (a), (b),~~  
5 ~~or (c) of Section 7611.~~

6 (2) ~~For the purpose of declaring the nonexistence of the father~~  
7 ~~and child relationship presumed under subdivision (a), (b), or (c)~~  
8 ~~of Section 7611 only if the action is brought within a reasonable~~  
9 ~~time after obtaining knowledge of relevant facts. After the~~  
10 ~~presumption has been rebutted, paternity of the child by another~~  
11 ~~man may be determined in the same action, if he has been made~~  
12 ~~a party.~~

13 (b) (1) ~~Notwithstanding subdivision (b) of Section 7613, any~~  
14 ~~interested party may bring an action at any time for the purpose~~  
15 ~~of determining the existence or nonexistence of the father and child~~  
16 ~~relationship presumed under subdivision (d) of Section 7611.~~

17 (2) ~~Any interested party may bring an action at any time for the~~  
18 ~~purpose of determining the existence or nonexistence of the father~~  
19 ~~and child relationship presumed under subdivision (f) of Section~~  
20 ~~7611.~~

21 (e) ~~Except as to cases coming within Chapter 1 (commencing~~  
22 ~~with Section 7540) of Part 2, an action to determine the existence~~  
23 ~~of the father and child relationship may be brought by the child or~~  
24 ~~personal representative of the child, the Department of Child~~  
25 ~~Support Services, the mother or the personal representative or a~~  
26 ~~parent of the mother if the mother has died or is a minor, a man~~  
27 ~~alleged or alleging himself to be the father, or the personal~~  
28 ~~representative or a parent of the alleged father if the alleged father~~  
29 ~~has died or is a minor.~~

30 (d) (1) ~~If a proceeding has been filed under Chapter 2~~  
31 ~~(commencing with Section 7820) of Part 4, an action under~~  
32 ~~subdivision (a) or (b) shall be consolidated with that proceeding.~~  
33 ~~The parental rights of the presumed father shall be determined as~~  
34 ~~set forth in Sections 7820 to 7829, inclusive.~~

35 (2) ~~If a proceeding pursuant to Section 7662 has been filed under~~  
36 ~~Chapter 5 (commencing with Section 7660), an action under~~  
37 ~~subdivision (c) shall be consolidated with that proceeding. The~~  
38 ~~parental rights of the alleged natural father shall be determined as~~  
39 ~~set forth in Section 7664.~~

1 ~~(3) The consolidated action under paragraph (1) or (2) shall be~~  
2 ~~heard in the court in which the proceeding under Section 7662 or~~  
3 ~~Chapter 2 (commencing with Section 7820) of Part 4 is filed, unless~~  
4 ~~the court finds, by clear and convincing evidence, that transferring~~  
5 ~~the action to the other court poses a substantial hardship to the~~  
6 ~~petitioner. Mere inconvenience does not constitute a sufficient~~  
7 ~~basis for a finding of substantial hardship. If the court determines~~  
8 ~~there is a substantial hardship, the consolidated action shall be~~  
9 ~~heard in the court in which the paternity action is filed.~~

10 ~~(e) (1) If any prospective adoptive parent who has physical~~  
11 ~~custody of the child, or any licensed California adoption agency~~  
12 ~~that has legal custody of the child, has not been joined as a party~~  
13 ~~to an action to determine the existence of a father and child~~  
14 ~~relationship under subdivision (a), (b), or (c), or an action for~~  
15 ~~custody by the alleged natural father, the court shall join the~~  
16 ~~prospective adoptive parent or licensed California adoption agency~~  
17 ~~as a party upon application or on its own motion, without the~~  
18 ~~necessity of a motion for joinder. A joined party shall not be~~  
19 ~~required to pay a fee in connection with this action.~~

20 ~~(2) If a man brings an action to determine paternity and custody~~  
21 ~~of a child who he has reason to believe is in the physical or legal~~  
22 ~~custody of an adoption agency, or of one or more persons other~~  
23 ~~than the child's mother who are prospective adoptive parents, he~~  
24 ~~shall serve his entire pleading on, and give notice of all proceedings~~  
25 ~~to, the adoption agency or the prospective adoptive parents, or~~  
26 ~~both.~~

27 ~~(f) A party to an assisted reproduction agreement may bring an~~  
28 ~~action at any time to establish a parent and child relationship~~  
29 ~~consistent with the intent expressed in that assisted reproduction~~  
30 ~~agreement.~~

31 ~~(g) (1) In an action to determine the existence of the father and~~  
32 ~~child relationship brought pursuant to subdivision (b), if the child's~~  
33 ~~other parent has died and there are no existing court orders or~~  
34 ~~pending court actions involving custody or guardianship of the~~  
35 ~~child, then the persons having physical custody of the child shall~~  
36 ~~be served with notice of the proceeding at least 15 days prior to~~  
37 ~~the hearing, either by mail or in any manner authorized by the~~  
38 ~~court. If any person identified as having physical custody of the~~  
39 ~~child cannot be located, the court shall prescribe the manner of~~  
40 ~~giving notice.~~

1     ~~(2) If known to the person bringing the parentage action,~~  
2 ~~relatives within the second degree of the child shall be given notice~~  
3 ~~of the proceeding at least 15 days prior to the hearing, either by~~  
4 ~~mail or in any manner authorized by the court. If a person identified~~  
5 ~~as a relative of the second degree of the child cannot be located,~~  
6 ~~or his or her whereabouts are unknown or cannot be ascertained,~~  
7 ~~the court shall prescribe the manner of giving notice, or shall~~  
8 ~~dispense with giving notice to that person.~~  
9     ~~(3) Proof of notice pursuant to this subdivision shall be filed~~  
10 ~~with the court before the proceeding to determine the existence of~~  
11 ~~the father and child relationship is heard.~~