

AMENDED IN ASSEMBLY MARCH 27, 2014

AMENDED IN ASSEMBLY JULY 3, 2013

AMENDED IN SENATE APRIL 4, 2013

**SENATE BILL**

**No. 767**

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**Introduced by Senator Lieu**

February 22, 2013

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An act to amend Section ~~399.12.6 of the Public Utilities Code, relating to public utilities~~ 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as amended, Lieu. ~~Public utilities: California Renewables Portfolio Standard Program: biomethane. Department of Motor Vehicles: records: confidentiality.~~

*Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in any records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities.*

*This bill would extend that prohibition, subject to those same exceptions, to the disclosure of the home addresses of code enforcement officers, as defined.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The existing California Renewables Portfolio Standard Program (RPS program) requires a retail seller of electricity, as defined, and a local publicly owned electric utility to purchase specified minimum quantities of electricity products from eligible renewable energy resources, as defined, for specified compliance periods. Existing law requires the procurement of biomethane delivered through a common carrier pipeline under a contract, as provided, to count toward the procurement requirements established by the RPS program, under rules in place at the time the contract was executed, provided that the rules apply only to sources that are producing biomethane and injecting it into a common carrier pipeline on or before April 1, 2014.~~

~~This bill would amend that date to January 31, 2015.~~

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. This act shall be known, and may be cited, as the*
- 2     *Cynthia Volpe Act.*
- 3     *SEC. 2. The Legislature finds and declares the following:*
- 4     *(a) Existing law provides security for residential information*
- 5     *of certain drivers, including sworn and nonsworn employees of*
- 6     *police departments, district attorneys, public defenders, child abuse*
- 7     *investigators or social workers working in child protective services*
- 8     *or a social services department, and a number of other persons*
- 9     *performing sensitive public service work.*
- 10    *(b) Code enforcement officers who are nonsworn employees of*
- 11    *a police agency are covered under existing law, but the residential*
- 12    *information of other code enforcement officers working in*
- 13    *free-standing code enforcement is not.*
- 14    *(c) In 1992, Cynthia Volpe, a code enforcement officer for the*
- 15    *City of Bakersfield, along with her husband and mother, were*
- 16    *murdered in their home by a person who had been issued a citation*
- 17    *for failure to abate slum housing conditions in apartment units*
- 18    *that were owned by the perpetrator. The perpetrator obtained*
- 19    *knowledge of Ms. Volpe's home address by acquiring her*
- 20    *Department of Motor Vehicle information.*
- 21    *SEC. 3. Section 1808.4 of the Vehicle Code is amended to read:*

- 1 1808.4. (a) For all of the following persons, his or her home  
2 address that appears in a record of the department is confidential  
3 if the person requests the confidentiality of that information:
- 4 (1) Attorney General.
  - 5 (2) State Public Defender.
  - 6 (3) A Member of the Legislature.
  - 7 (4) A judge or court commissioner.
  - 8 (5) A district attorney.
  - 9 (6) A public defender.
  - 10 (7) An attorney employed by the Department of Justice, the  
11 office of the State Public Defender, or a county office of the district  
12 attorney or public defender.
  - 13 (8) A city attorney and an attorney who submits verification  
14 from his or her public employer that the attorney represents the  
15 city in matters that routinely place the attorney in personal contact  
16 with persons under investigation for, charged with, or convicted  
17 of, committing criminal acts, if that attorney is employed by a city  
18 attorney.
  - 19 (9) A nonsworn police dispatcher.
  - 20 (10) A child abuse investigator or social worker, working in  
21 child protective services within a social services department.
  - 22 (11) An active or retired peace officer, as defined in Chapter  
23 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
24 Code.
  - 25 (12) An employee of the Department of Corrections and  
26 Rehabilitation, Division of Juvenile Facilities, or the Prison  
27 Industry Authority specified in Sections 20403 and 20405 of the  
28 Government Code.
  - 29 (13) A nonsworn employee of a city police department, a county  
30 sheriff's office, the Department of the California Highway Patrol,  
31 a federal, state, or local detention facility, or a local juvenile hall,  
32 camp, ranch, or home, who submits agency verification that, in  
33 the normal course of his or her employment, he or she controls or  
34 supervises inmates or is required to have a prisoner in his or her  
35 care or custody.
  - 36 (14) A county counsel assigned to child abuse cases.
  - 37 (15) An investigator employed by the Department of Justice, a  
38 county district attorney, or a county public defender.
  - 39 (16) A member of a city council.
  - 40 (17) A member of a board of supervisors.

1 (18) A federal prosecutor, criminal investigator, or National  
2 Park Service Ranger working in this state.

3 (19) An active or retired city enforcement officer engaged in  
4 the enforcement of the Vehicle Code or municipal parking  
5 ordinances.

6 (20) An employee of a trial court.

7 (21) A psychiatric social worker employed by a county.

8 (22) A police or sheriff department employee designated by the  
9 Chief of Police of the department or the sheriff of the county as  
10 being in a sensitive position. A designation pursuant to this  
11 paragraph shall, for purposes of this section, remain in effect for  
12 three years subject to additional designations that, for purposes of  
13 this section, shall remain in effect for additional three-year periods.

14 (23) A state employee in one of the following classifications:

15 (A) Licensing Registration Examiner, Department of Motor  
16 Vehicles.

17 (B) Motor Carrier Specialist 1, Department of the California  
18 Highway Patrol.

19 (C) Museum Security Officer and Supervising Museum Security  
20 Officer.

21 (24) *A code enforcement officer, as defined in Section 829.5 of*  
22 *the Penal Code.*

23 ~~(24)~~

24 (25) (A) The spouse or child of a person listed in paragraphs  
25 (1) to ~~(23)~~ (24), inclusive, regardless of the spouse's or child's  
26 place of residence.

27 (B) The surviving spouse or child of a peace officer, as defined  
28 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
29 2 of the Penal Code, if the peace officer died in the line of duty.

30 (C) (i) Subparagraphs (A) and (B) shall not apply if the person  
31 listed in those subparagraphs was convicted of a crime and is on  
32 active parole or probation.

33 (ii) For requests made on or after January 1, 2011, the person  
34 requesting confidentiality for their spouse or child listed in  
35 subparagraph (A) or (B) shall declare, at the time of the request  
36 for confidentiality, whether the spouse or child has been convicted  
37 of a crime and is on active parole, *mandatory supervision*,  
38 *postrelease community supervision*, or probation.

39 (iii) Neither the listed person's employer nor the department  
40 shall be required to verify, or be responsible for verifying, that a

1 person listed in subparagraph (A) or (B) was convicted of a crime  
2 and is on active parole, *mandatory supervision*, *postrelease*  
3 *community supervision*, or probation.

4 (b) The confidential home address of a person listed in  
5 subdivision (a) shall not be disclosed, except to any of the  
6 following:

7 (1) A court.

8 (2) A law enforcement agency.

9 (3) The State Board of Equalization.

10 (4) An attorney in a civil or criminal action that demonstrates  
11 to a court the need for the home address, if the disclosure is made  
12 pursuant to a subpoena.

13 (5) A governmental agency to which, under any provision of  
14 law, information is required to be furnished from records  
15 maintained by the department.

16 (c) (1) A record of the department containing a confidential  
17 home address shall be open to public inspection, as provided in  
18 Section 1808, if the address is completely obliterated or otherwise  
19 removed from the record.

20 (2) Following termination of office or employment, a  
21 confidential home address shall be withheld from public inspection  
22 for three years, unless the termination is the result of conviction  
23 of a criminal offense. If the termination or separation is the result  
24 of the filing of a criminal complaint, a confidential home address  
25 shall be withheld from public inspection during the time in which  
26 the terminated individual may file an appeal from termination,  
27 while an appeal from termination is ongoing, and until the appeal  
28 process is exhausted, after which confidentiality shall be at the  
29 discretion of the employing agency if the termination or separation  
30 is upheld. Upon reinstatement to an office or employment, the  
31 protections of this section are available.

32 (3) With respect to a retired peace officer, his or her home  
33 address shall be withheld from public inspection permanently upon  
34 request of confidentiality at the time the information would  
35 otherwise be opened. The home address of the surviving spouse  
36 or child listed in subparagraph (B) of paragraph ~~(24)~~ (25) of  
37 subdivision (a) shall be withheld from public inspection for three  
38 years following the death of the peace officer.

39 (4) The department shall inform a person who requests a  
40 confidential home address what agency the individual whose

1 address was requested is employed by or the court at which the  
2 judge or court commissioner presides.

3 (d) A violation of subdivision (a) by the disclosure of the  
4 confidential home address of a peace officer, as specified in  
5 paragraph (11) of subdivision (a), a nonsworn employee of the  
6 city police department or county sheriff’s office, or the spouses or  
7 children of these persons, including, but not limited to, the  
8 surviving spouse or child listed in subparagraph (B) of paragraph  
9 (24) (25) of subdivision (a), that results in bodily injury to the  
10 peace officer, employee of the city police department or county  
11 sheriff’s office, or the spouses or children of these persons is a  
12 felony.

13 SECTION 1. ~~Section 399.12.6 of the Public Utilities Code is~~  
14 ~~amended to read:~~

15 ~~399.12.6. (a) (1) Any procurement of biomethane delivered~~  
16 ~~through a common carrier pipeline under a contract executed by~~  
17 ~~a retail seller or local publicly owned electric utility and reported~~  
18 ~~to the Energy Commission prior to March 29, 2012, and otherwise~~  
19 ~~eligible under the rules in place as of the date of contract execution~~  
20 ~~shall count toward the procurement requirements established in~~  
21 ~~this article, under the rules in place at the time the contract was~~  
22 ~~executed, including the Fourth Edition of the Energy Commission’s~~  
23 ~~Renewables Portfolio Standard Eligibility Guidebook, provided~~  
24 ~~that those rules shall apply only to sources that are producing~~  
25 ~~biomethane and injecting it into a common carrier pipeline on or~~  
26 ~~before January 31, 2015.~~

27 (2) ~~The eligibility requirements of subdivision (b) shall apply~~  
28 ~~beginning March 29, 2012, to any quantities of biomethane~~  
29 ~~associated with any of the following:~~

- 30 (A) ~~An extension of the term of the original contract.~~
- 31 (B) ~~Any quantity of biomethane that exceeds the quantities of~~  
32 ~~biomethane specified in the original contract.~~
- 33 (C) ~~Any optional quantities of biomethane that can be exercised~~  
34 ~~at the discretion of the buyer.~~
- 35 (D) ~~Any change in the source or sources of biomethane~~  
36 ~~identified in the original contract or the original application for~~  
37 ~~certification submitted to the Energy Commission.~~
- 38 (E) ~~Any quantity of biomethane from a source not producing~~  
39 ~~and capturing biomethane and injecting it into a common carrier~~  
40 ~~pipeline on or before January 31, 2015.~~

1 ~~(F) The conditions of this paragraph shall apply beginning~~  
2 ~~March 29, 2012.~~

3 ~~(b) For contracts initially executed on or after March 29, 2012,~~  
4 ~~or for quantities of biomethane associated with contract~~  
5 ~~amendments executed on or after March 29, 2012, the use of~~  
6 ~~biomethane by a generating facility shall not qualify as an eligible~~  
7 ~~renewable energy resource unless it satisfies all applicable~~  
8 ~~requirements established by the Energy Commission and meets~~  
9 ~~any of the following requirements:~~

10 ~~(1) The biomethane is used by an onsite generating facility.~~

11 ~~(2) The biomethane is used by an offsite generating facility and~~  
12 ~~delivered to the generating facility through a dedicated pipeline.~~

13 ~~(3) The biomethane is delivered to a generating facility through~~  
14 ~~a common carrier pipeline and meets all of the following~~  
15 ~~requirements:~~

16 ~~(A) The source of biomethane injects the biomethane into a~~  
17 ~~common carrier pipeline that physically flows within California~~  
18 ~~or toward the generating facility for which the biomethane was~~  
19 ~~procured under the original contract.~~

20 ~~(B) The source of biomethane did not inject biomethane into a~~  
21 ~~common carrier pipeline prior to March 29, 2012, or the source~~  
22 ~~commenced injection of sufficient incremental quantities of~~  
23 ~~biomethane after March 29, 2012, to satisfy the contract~~  
24 ~~requirements.~~

25 ~~(C) The seller or purchaser of the biomethane demonstrates that~~  
26 ~~the capture and injection of biomethane into a common carrier~~  
27 ~~pipeline directly results in at least one of the following~~  
28 ~~environmental benefits to California:~~

29 ~~(i) The reduction or avoidance of the emission of any criteria~~  
30 ~~air pollutant in California.~~

31 ~~(ii) The reduction or avoidance of pollutants that could have an~~  
32 ~~adverse impact on waters of the state.~~

33 ~~(iii) The alleviation of a local nuisance within California that~~  
34 ~~is associated with the emission of odors.~~

35 ~~(e) For all electricity products generated using biomethane that~~  
36 ~~are credited toward the renewables portfolio standard procurement~~  
37 ~~obligations established pursuant to this article, sufficient renewable~~  
38 ~~and environmental attributes of biomethane production and capture~~  
39 ~~shall be transferred to the retail seller or local publicly owned~~  
40 ~~electric utility that uses that biomethane to ensure that there are~~

1 zero-net emissions associated with the production of electricity  
2 from the generating facility using the biomethane. The provisions  
3 of this subdivision shall be applied in a manner consistent with  
4 the definition of “green attributes” as specified by the commission  
5 in Decision 08-08-028, Decision on Definition and Attributes of  
6 Renewable Energy Credits for Compliance with the California  
7 Renewables Portfolio Standard (August 21, 2008), as may be  
8 modified by subsequent decision of the commission.

9 (d) All sellers and purchasers of biomethane shall comply with  
10 a system for tracking and verifying the use of biomethane, as  
11 established by the Energy Commission, that is equivalent to the  
12 system required by subdivision (c) of Section 399.25.

13 (e) For contracts initially executed on or after March 29, 2012,  
14 or for quantities of biomethane associated with contract  
15 amendments executed after March 29, 2012, the use of biomethane  
16 shall be assigned to the appropriate portfolio content category  
17 based on the application of the criteria in subdivision (b) of Section  
18 399.16 to the procurement of electricity by the retail seller or local  
19 publicly owned electric utility from the generating facility  
20 consuming the biomethane.

21 (f) A retail seller, local publicly owned electric utility, or an  
22 intermediary party to a biomethane procurement contract shall not  
23 make a marketing, regulatory, or retail claim that asserts that a  
24 biomethane procurement contract to which that entity was a party  
25 resulted, or will result, in greenhouse gas reductions related to the  
26 destruction of methane if the capture and destruction is required  
27 by law. If the capture and destruction of the biomethane is not  
28 required by law, a retail seller, local publicly owned electric utility,  
29 or an intermediary party to a biomethane procurement contract  
30 shall not make a marketing, regulatory, or retail claim that asserts  
31 that a biomethane procurement contract to which that entity was  
32 a party resulted, or will result, in greenhouse gas reductions related  
33 to the destruction of methane, unless the environmental attributes  
34 associated with the capture and destruction of the biomethane  
35 pursuant to that contract are transferred to the retail seller or  
36 publicly owned electric utility that purchased that biomethane and  
37 retired on behalf of the retail customers consuming the electricity  
38 associated with the use of that biomethane, or unless the  
39 biomethane procurement contract prohibits the source of  
40 biomethane from separately marketing the environmental attributes

1 associated with the capture and destruction of the biomethane sold  
2 pursuant to that contract. These attributes shall be retired and may  
3 not be resold.

4 (g) For the purposes of this section, “biomethane” means landfill  
5 gas or digester gas, consistent with Section 25741 of the Public  
6 Resources Code.

7 (h) If any provision of this section or the application of any  
8 provision of this section is held invalid, biomethane delivered  
9 through a common carrier pipeline pursuant to a contract executed  
10 within 180 days of, or at any time subsequent to, the invalidation  
11 of that provision shall not qualify as an eligible renewable energy  
12 resource.