

AMENDED IN SENATE JUNE 1, 2009
AMENDED IN SENATE MAY 21, 2009
AMENDED IN SENATE MAY 12, 2009
AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 400

Introduced by Senator Corbett

February 26, 2009

An act to amend Section 26003 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 400, as amended, Corbett. Energy: California green vehicles.

The California Alternative Energy and Advanced Transportation Financing Authority Act provides industries in the state with alternative methods of financing in providing and promoting the establishment of facilities needed for the development and commercialization of advanced transportation technologies, and other facilities. The act defines "advanced transportation technologies" to include, among other things, electric vehicles and ultralow emission vehicles.

This bill, ~~instead~~, would *additionally* define "advanced transportation technologies" to include, among other things, "California green vehicles," as defined.

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

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

SECTION 1. Section 26003 of the Public Resources Code is amended to read:

26003. As used in this division, unless the context otherwise requires:

(a) “Authority” means the California Alternative Energy and Advanced Transportation Financing Authority established pursuant to Section 26004, and any board, commission, department, or officer succeeding to the functions of the authority, or to which the powers conferred upon the authority by this division shall be given.

(b) “Cost” as applied to a project or portion thereof financed under this division means all or part of the cost of construction and acquisition of all lands, structures, real or personal property or an interest therein, rights, rights-of-way, franchises, easements, and interests acquired or used for a project; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which those buildings or structures may be moved; the cost of all machinery, equipment, and furnishings, financing charges, interest prior to, during, and for a period after, completion of construction as determined by the authority; the cost of the purchase or sale of energy derived from an alternative source pursuant to subdivision (g) of Section 26011; provisions for working capital; reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations, and improvements; the cost of architectural, engineering, financial, accounting, auditing and legal services, plans, specifications, estimates, administrative expenses, and other expenses necessary or incident to determining the feasibility of constructing any project or incident to the construction, acquisition, or financing of a project.

(c) (1) “Alternative sources” means the application of cogeneration technology, as defined in Section 25134; the conservation of energy; or the use of solar, biomass, wind, geothermal, hydroelectricity under 30 megawatts, or any other source of energy, the efficient use of which will reduce the use of fossil and nuclear fuels, and is intended primarily to offset part or all of the customer’s own electrical requirements.

(2) “Alternative sources” does not include a hydroelectric facility that does not meet state laws pertaining to the control, appropriation, use, and distribution of water, including, but not limited to, the obtaining of applicable licenses and permits.

(d) “Advanced transportation technologies” means emerging commercially competitive transportation-related technologies identified by the authority as capable of creating long-term, high-value-added jobs for Californians while enhancing the state’s commitment to energy conservation, pollution reduction, and transportation efficiency. Those technologies may include, but are not limited to, any of the following:

(1) Intelligent vehicle highway systems.

(2) Advanced telecommunications for transportation.

(3) Command, control, and communications for public transit vehicles and systems.

(4) *Electric vehicles and ultralow-emission vehicles.*

~~(4)~~

(5) California green vehicles.

~~(5)~~

(6) High-speed rail and magnetic levitation passenger systems.

~~(6)~~

(7) Fuel cells.

(e) A “California green vehicle” means a motor vehicle that meets ~~any~~ *either* of the following criteria:

(1) Meets or exceeds California’s super ultralow emission vehicle standard of exhaust emissions and the federal inherently low-emission vehicle evaporative emission, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations.

~~(2) Is a plug-in hybrid motor vehicle propelled by an internal combustion engine or heat engine using a combustible fuel, an on-board rechargeable storage device, and a means of using an off-board source of electricity.~~

~~(3)~~

(2) Meets or exceeds the California advanced technology partial zero-emission vehicle standard for criteria pollutant emissions and that is rated at 45 miles per gallon or greater according to the federal highway fuel economy test procedure.

~~(4) Is a gas-electric hybrid vehicle that has a combined fuel economy rating of 45 miles per gallon or greater according to the~~

~~1 federal highway fuel economy test procedure and meets~~
~~2 California's ultralow emission vehicle standard for exhaust~~
~~3 emissions.~~

(f) "Financial assistance" includes, but is not limited to, either, or any combination, of the following:

(1) Loans, loan loss reserves, interest rate reductions, proceeds of bonds issued by the authority, insurance, guarantees or other credit enhancements or liquidity facilities, contributions of money, property, labor, or other items of value, or any combination thereof, as determined by, and approved by the resolution of, the board.

(2) Any other type of assistance the authority determines is appropriate.

(g) "Participating party" means either of the following:

(1) A person or an entity or group of entities engaged in business or operations in the state, whether organized for profit or not for profit, that does either of the following:

(A) Applies for financial assistance from the authority for the purpose of implementing a project in a manner prescribed by the authority.

(B) Participates in the purchase or sale of energy derived from an alternative source pursuant to subdivision (g) of Section 26011.

(2) A public agency or nonprofit corporation that does either of the following:

(A) Applies for financial assistance from the authority for the purpose of implementing a project in a manner prescribed by the authority.

(B) Participates in the purchase or sale of energy derived from an alternative source pursuant to subdivision (g) of Section 26011.

(h) "Project" means a land, building, improvement to the land or building, rehabilitation, work, property, or structure, real or personal, stationary or mobile, including, but not limited to, machinery and equipment, whether or not in existence or under construction, that utilizes, or is designed to utilize, an alternative source, or that is utilized for the design, technology transfer, manufacture, production, assembly, distribution, or service of advanced transportation technologies, or an arrangement for the purchase, including prepayment, or sale of energy derived from an alternative source pursuant to subdivision (g) of Section 26011.

(i) "Public agency" means a federal or state agency, department, board, authority, state or community college, university, or

1 commission, or a county, city and county, city, regional agency,
2 public district, school district, or other political entity.

3 (j) (1) “Renewable energy” means a device or technology that
4 conserves or produces heat, processes heat, space heating, water
5 heating, steam, space cooling, refrigeration, mechanical energy,
6 electricity, or energy in any form convertible to these uses, that
7 does not expend or use conventional energy fuels, and that uses
8 any of the following electrical generation technologies:

9 (A) Biomass.

10 (B) Solar thermal.

11 (C) Photovoltaic.

12 (D) Wind.

13 (E) Geothermal.

14 (2) For purposes of this subdivision, “conventional energy fuel”
15 means any fuel derived from petroleum deposits, including, but
16 not limited to, oil, heating oil, gasoline, fuel oil, or natural gas,
17 including liquefied natural gas, or nuclear fissionable materials.

18 (3) Notwithstanding paragraph (1), for purposes of this section,
19 “renewable energy” also means ultralow-emission equipment for
20 energy generation based on thermal energy systems such as natural
21 gas turbines and fuel cells.

22 (k) “Revenue” means all rents, receipts, purchase payments,
23 loan repayments, and all other income or receipts derived by the
24 authority from a project, or the sale, lease, or other disposition of
25 alternative source or advanced transportation technology facilities,
26 or the making of loans to finance alternative source or advanced
27 transportation technology facilities, and any income or revenue
28 derived from the investment of money in any fund or account of
29 the authority.