

AMENDED IN SENATE MAY 13, 2010

SENATE BILL

No. 1248

Introduced by Senator Dutton

February 19, 2010

An act to ~~amend Section 201 of the Public Utilities Code, relating to public utilities.~~ *add and repeal Section 38561.5 of the Health and Safety Code, to add and repeal Section 5072 of the Penal Code, to add and repeal Section 25744.2 of the Public Resources Code, and to add and repeal Section 399.17 of the Public Utilities Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1248, as amended, Dutton. ~~Public Utilities Act.~~ *Corrections: stationary electricity generating bicycles.*

Existing law establishes the Department of Corrections and Rehabilitation, and invests it with various duties and powers.

This bill would require the department, until January 1, 2012, to create and administer a pilot program at a facility with a low-risk inmate population for testing one or more stationary electricity generating bicycles to create additional, renewable energy to mitigate the facility's electricity use by powering one or more television monitors for viewing by inmates, as specified. The bill would require the department to report the results of the program to the chairs of the Senate Committee on Public Safety, and the Assembly Committee on Public Safety.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for

achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions.

This bill would require the State Air Resources Board, until January 1, 2012, to update the scoping plan to include the pilot program developed by the department as a greenhouse gas emission reduction measure that assists the state to achieve the goals of the California Global Warming Solutions Act of 2006.

Existing law establishes the Renewable Energy Resources Program administered by the State Energy Resources Conservation and Development Commission and continuously appropriates moneys in the Renewable Resource Trust Fund to foster the development of emerging renewable technologies in distributed generation applications.

This bill would, until January 1, 2012, specify that the pilot program developed by the Department of Corrections and Rehabilitation pursuant to this measure is an eligible electricity generating system and would qualify for funding from the Renewable Resource Trust Fund, thereby making an appropriation.

Existing law requires the Public Utilities Commission to establish a renewables portfolio standard requiring electrical corporations to procure a minimum quantity of output from eligible renewable energy resources.

This bill would, until January 1, 2012, provide that the pilot program is an eligible renewable energy resource and the electricity generated by the prison under the pilot program may be considered by the electrical corporation supplying electricity to that prison in meeting that electrical corporation's renewables portfolio standard.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. The existing Public Utilities Act sets forth the general regulatory responsibilities of the commission with respect to all public utilities.~~

~~This bill would make technical and nonsubstantive changes to the statute setting forth the name of the act.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 *SECTION 1. Section 38561.5 is added to the Health and Safety*
2 *Code, to read:*

3 38561.5. (a) *The state board shall update the scoping plan*
4 *adopted pursuant to Section 38561 to include the program created*
5 *pursuant to Section 5072 of the Penal Code as a greenhouse gas*
6 *emission reduction measure that assists the state to achieve the*
7 *goals of this division.*

8 (b) *This section shall remain in effect only until January 1, 2012,*
9 *and as of that date is repealed, unless a later enacted statute, that*
10 *is enacted before January 1, 2012, deletes or extends that date.*

11 *SEC. 2. Section 5072 is added to the Penal Code, to read:*

12 5072. (a) *The department shall create and administer a pilot*
13 *project at a facility with a low-risk inmate population for testing*
14 *one or more stationary electricity generating bicycles to create*
15 *additional, renewable energy to mitigate the facility's electricity*
16 *use by powering one or more television monitors for viewing by*
17 *inmates. Inmates shall power the bicycles and shall be required*
18 *to participate in that function in order to view the television*
19 *monitor or monitors so powered. This pilot project shall become*
20 *inoperative on January 1, 2012.*

21 (b) *The department shall report the results of the pilot program*
22 *to the chairs of the Senate Committee on Public Safety and the*
23 *Assembly Committee on Public Safety on or before March 1, 2012.*

24 (c) *This section shall remain in effect only until January 1, 2013,*
25 *and as of that date is repealed, unless a later enacted statute, that*
26 *is enacted before January 1, 2013, deletes or extends that date.*

27 *SEC. 3. Section 25744.2 is added to the Public Resources Code,*
28 *to read:*

29 25744.2. (a) *For the purposes of this chapter, the pilot*
30 *program developed pursuant to Section 5072 of the Penal Code*
31 *is an instate renewable electricity generation facility and is eligible*
32 *for funding pursuant to Section 25744.*

33 (b) *This section shall remain in effect only until January 1, 2012,*
34 *and as of that date is repealed, unless a later enacted statute, that*
35 *is enacted before January 1, 2012, deletes or extends that date.*

36 *SEC. 4. Section 399.17 is added to the Public Utilities Code,*
37 *to read:*

1 399.17. (a) *The pilot program developed pursuant to Section*
 2 *5072 of the Penal Code is an eligible renewable energy resource*
 3 *and the electricity generated by the prison facility may be*
 4 *considered by the electrical corporation supplying electricity to*
 5 *that prison facility in meeting the renewables portfolio standard*
 6 *by the electrical corporation.*

7 (b) *This section shall remain in effect only until January 1, 2012,*
 8 *and as of that date is repealed, unless a later enacted statute, that*
 9 *is enacted before January 1, 2012, deletes or extends that date.*

10 SEC. 5. *This act is an urgency statute necessary for the*
 11 *immediate preservation of the public peace, health, or safety within*
 12 *the meaning of Article IV of the Constitution and shall go into*
 13 *immediate effect. The facts constituting the necessity are:*

14 *In order to ensure proper administration of this energy*
 15 *conservation pilot program and the proper supervision of the*
 16 *inmates participating therein, it is necessary for this act to take*
 17 *effect immediately.*

18 ~~SECTION 1. Section 201 of the Public Utilities Code is~~
 19 ~~amended to read:~~

20 201. ~~This part is to be known and cited as the “Public Utilities~~
 21 ~~Act.”~~