

AMENDED IN SENATE APRIL 8, 2002

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 80

Introduced by Assembly Member Havice
(~~Coauthors: Assembly Members Chavez, Diaz, Firebaugh,~~
~~Negrete McLeod, Robert Pacheco, and Strom-Martin~~)

January 4, 2001

An act to add ~~Article 4.5 (commencing with Section 32246)~~ to Chapter 2 of Part 19 of the Education Code, relating to school safety; ~~Section 366.1 to the Public Utilities Code, relating to public utilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 80, as amended, Havice. ~~School safety: lead~~ Aggregation: *Magnolia Power Project.*

Existing law suspends the right of retail end-use customers to acquire direct access service from certain electricity suppliers after a period of time to be determined by the Public Utilities Commission until the Department of Water Resources no longer supplies electricity under a certain provision of law.

This bill would provide that, notwithstanding the above provision of law, a city with rights and obligations to the Magnolia Power Project, as defined, may serve as a community aggregator on behalf of all retail end-use customers within its jurisdiction. The bill would also prohibit

customers receiving community aggregation service from a city with rights and obligations to the Magnolia Power Project from bearing any greater share of the Department of Water Resources revenue requirement than customers receiving service under an existing contract for direct access between a retail end-use customer and an electric service provider that was executed and effective after January 17, 2001, and on or before July 1, 2001. Because under the Public Utilities Act a violation of an order or decision of the commission is a crime, this bill would impose a state-mandated local program by expanding the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under the Lead-Safe Schools Protection Act, the State Department of Health Services is required to survey schools for the purpose of developing risk factors to predict lead contamination in public schools. Existing law requires the department to work with the State Department of Education to develop guidelines to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures.~~

~~This bill would, subject to funding being made available in the annual Budget Act, require a school district maintaining kindergarten or any of grades 1 to 12, inclusive, to require its district level maintenance supervisors to participate in training offered by the State Department of Health Services through its California Lead-Safe Schools Project after which the district level maintenance supervisors would be required to train certain school district maintenance employees in procedures and methods based on the training received through the California Lead-Safe Schools Project. These training program requirements would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~



~~This bill would provide that, if the Commission on State Mandates determines that the bill contains certain costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

~~SECTION 1. Article 4.5 (commencing with Section 32246)~~

SECTION 1. (a) It is the intent of the Legislature, in enacting the act adding this section, to recognize contributions made in response to California's need for the expedited investment in and development of new environmentally superior electrical generation projects.

(b) It is further the intent of the Legislature to avoid the potential delay in adding new electrical generating capacity that might be caused if certain project participants are not allowed to utilize community aggregation to deliver their share of the project output to customers within their jurisdiction.

SEC. 2. Section 366.1 is added to the Public Utilities Code, to read:

366.1. (a) As used in this section, the following terms have the following meanings:

(1) "Department" means the Department of Water Resources with respect to its power program described in Chapter 2 (commencing with Section 80100) of Division 27 of the Water Code.

(2) "Existing project participant" means a city with rights and obligations to the Magnolia Power Project under that certain Magnolia Power Project Planning Agreement, dated May 1, 2001.

(3) "Magnolia Power Project" means a proposed natural gas-fired electric generating facility to be located at an existing site in Burbank and for which an application for certification has been filed with the State Energy Resources Conservation and Development Act (Docket No. 00-SIT-1) and deemed data adequate pursuant to the expedited six-month licensing process established under Section 25550 of the Public Resources Code.

(4) "Existing direct access contract" means a contract for direct access between a retail end-use customer and an electric

1 service provider that was executed and made effective after
2 January 17, 2001, and on or before July 1, 2001.

3 (b) Notwithstanding Section 80110 of the Water Code or
4 commission Decision 01-09-060, an existing project participant
5 may serve as a community aggregator on behalf of all retail
6 end-use customers within its jurisdiction.

7 (c) In determining cost responsibility for a share of the
8 department's revenue requirement pursuant to Section 80110 of the
9 Water Code, customers receiving community aggregation service
10 from an existing project participant shall bear no greater share of
11 the department's costs than customers receiving service under an
12 existing direct access contract.

13 SEC. 3. The Legislature finds and declares that, because of the
14 unique circumstances applicable only to the Magnolia Power
15 Project and a city with rights and obligations to the Magnolia
16 Power Project under the Magnolia Power Project Planning
17 Agreement dated May 1, 2001, a statute of general applicability
18 cannot be enacted within the meaning of subdivision (b) of Section
19 16 of Article IV of the California Constitution. Therefore, this
20 special statute is necessary.

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 ~~is added to Chapter 2 of Part 19 of the Education Code, to read:~~

31
32 Article 4.5.—Lead Safety
33

34 ~~32246.—(a) Each school district maintaining kindergarten or~~
35 ~~any of grades 1 to 12, inclusive, shall require its district level~~
36 ~~maintenance supervisors to participate in training offered by the~~
37 ~~State Department of Health Services through its California~~
38 ~~Lead Safe Schools Project.~~

39 ~~(b) After participating in training pursuant to subdivision (a),~~
40 ~~district level maintenance supervisors shall train school district~~

1 ~~maintenance employees whose worksites are facilities used as~~
2 ~~public elementary schools, public preschools, and public day care~~
3 ~~facilities in procedures and methods based on the training offered~~
4 ~~by the State Department of Health Services through its California~~
5 ~~Lead-Safe Schools Project.~~

6 ~~(c) This section applies to school districts whose supervisors~~
7 ~~and employees have not received the training required pursuant to~~
8 ~~this section within the four years immediately preceding the~~
9 ~~effective date of this section.~~

10 ~~(d) The requirements imposed by this section are only~~
11 ~~applicable if funding is specifically made available for that~~
12 ~~purpose in the annual Budget Act.~~

13 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
14 ~~Code, if the Commission on State Mandates determines that this~~
15 ~~act contains costs mandated by the state in addition to the expenses~~
16 ~~otherwise provided for by the state, as specified in Section 2 of this~~
17 ~~act, reimbursement to local agencies and school districts for those~~
18 ~~costs shall be made pursuant to Part 7 (commencing with Section~~
19 ~~17500) of Division 4 of Title 2 of the Government Code. If the~~
20 ~~statewide cost of the claim for reimbursement does not exceed one~~
21 ~~million dollars (\$1,000,000), reimbursement shall be made from~~
22 ~~the State Mandates Claims Fund.~~

