

AMENDED IN ASSEMBLY MARCH 19, 2001

AMENDED IN ASSEMBLY MARCH 12, 2001

CALIFORNIA LEGISLATURE—2001–02 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 60

Introduced by Assembly Member Hertzberg

(Coauthors: Assembly Members Canciamilla, Diaz, Dutra, Florez, Jackson, Kelley, Migden, Oropeza, Reyes, Steinberg, Vargas, Wesson, and Wright)

February 16, 2001

An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Hertzberg. Electrical generating facilities: certification.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to approve the siting of electrical generating facilities, as specified.

Existing law requires the Department of Water Resources to purchase electrical power until January 1, 2003, for the benefit of California citizens.

This bill would require, as a condition of certification by the commission, that an applicant offer to enter into a contract to sell to an electrical corporation, a municipal corporation, or the Department of Water Resources, electrical power generated by the facility at its initial and continuing available capacity pursuant to specified terms. The bill

[1] Corrected 3-19-01—See last page.

would require the commission to adopt rules and regulations for these purposes.

(2) The bill would declare it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 25525.3 is added to the Public
2 Resources Code, to read:

3 25525.3. (a) Notwithstanding any other provision of law, the
4 commission shall require, as a condition of certification, that the
5 applicant shall offer to enter into a contract to sell to an electrical
6 corporation as defined in Section 218 of the Public Utilities Code,
7 a municipal corporation ~~as defined in Section 9601~~ operating as
8 a public utility furnishing electric service as provided in Section
9 10001 of the Public Utilities Code, or the Department of Water
10 Resources, electrical power generated by the facility at its initial
11 and continuing available capacity on terms not less favorable than
12 the terms of the next offer that the applicant makes for the sale of
13 electrical power generated by that facility.

14 (b) This section applies to applications filed prior to the
15 effective date of the act that added this section that have not been
16 certified by the commission prior to that date.

17 (c) Nothing in this section shall be construed to authorize the
18 commission to delay the adoption of a final decision in any
19 proceeding in which the public record has been closed and
20 submitted for a final decision.

21 (d) The commission shall adopt rules and regulations for the
22 implementation and enforcement of this section.

23 SEC. 2. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or safety
25 within the meaning of Article IV of the Constitution and shall go
26 into immediate effect. The facts constituting the necessity are:

27 In order to ensure that new generating capacity is made
28 available to the state to meet its statutory obligation to provide
29 reasonably priced electric service, and that electrical generation
30 facilities operate pursuant to an approved maintenance and outage

1 schedule, for the safety, health, and well-being of the people of
2 California, it is necessary that this act take effect immediately.

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4 CORRECTIONS

5 Text — Page 2.

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