

Introduced by Senator Bowen

February 20, 2004

An act to amend Sections 12802.5 and 12805 of, and to add Section 12812.4 to, the Government Code, to amend Sections 800, 25200, 25202, 25204, and 25206 of, and to repeal Section 801 of, the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1859, as introduced, Bowen. Energy.

(1) Existing law provides that the State Energy Resources Conservation and Development Commission is in the Resources Agency and that the Secretary of the Resources Agency is an ex officio, nonvoting member of the commission. Existing law authorizes the Governor to appoint an Assistant Secretary for Energy Matters to the Resources Agency and authorizes that assistant secretary to serve on the commission as the designee of the Secretary of the Resources Agency.

This bill would move the commission to the California Environmental Protection Agency and replace the Secretary of the Resources Agency's membership on the commission with the Secretary for Environmental Protection. The bill would, rather than authorizing the Governor to appoint an Assistant Secretary for Energy Matters to the Resources Agency, authorize the Governor to appoint that assistant secretary to the California Environmental Protection Agency, and authorize that assistant secretary to serve on the commission as the designee of the Secretary for Environmental Protection.

(2) Existing law states that it is the state's policy to encourage the use of nuclear energy, geothermal resources, and other energy resources under development, whenever feasible, due to potential economic and environmental benefits. Existing law states that a State Powerplant

Siting Committee has been established for specified purposes and that it is the Resources Agency’s responsibility to establish a program of research on improved methods of powerplant siting, as specified. Existing law specifies certain investigations related to power that should be made.

The bill would delete those provisions.

(3) The bill would make other technical, nonsubstantive changes.

Vote: majority. 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 12802.5 of the Government Code is
2 amended to read:
3 12802.5. The Governor may, with respect to the Resources
4 Agency, appoint an ~~Assistant Secretary for Energy Matters who~~
5 ~~may serve as Secretary for Resources designee on the Energy~~
6 ~~Resources Conservation and Development Commission and an~~
7 Assistant Secretary for Coastal Matters who may serve as *the*
8 Secretary ~~for~~ *of the* Resources Agency designee on the ~~State~~
9 *California* Coastal Commission.

10 SEC. 2. Section 12805 of the Government Code is amended
11 to read:
12 12805. The Resources Agency consists of the ~~State Air~~
13 ~~Resources Board, the Colorado River Board, the State Energy~~
14 ~~Resources Conservation and Development Commission, the State~~
15 ~~Water Resources Control Board and each California regional~~
16 ~~water quality control board,~~ the State Lands Commission, the
17 Division of State Lands, the San Joaquin River Conservancy, and
18 the following departments: Conservation; Fish and Game;
19 Forestry and Fire Protection; Boating and Waterways; Parks and
20 Recreation; and Water Resources.

21 SEC. 3. Section 12812.4 is added to the Government Code, to
22 read:
23 12812.4. The Governor may appoint an Assistant Secretary
24 for Energy Matters to the California Environmental Protection
25 Agency, who may serve as the Secretary for Environmental
26 Protection designee on the Energy Resources Conservation and
27 Development Commission.



1 SEC. 4. Section 800 of the Public Resources Code is amended
2 to read:

3 800. It is the policy of the ~~State of California~~ *state* that the
4 location and operation of thermal electric powerplants shall
5 enhance public benefits and protect against or minimize adverse
6 effects on the public, the ecology of the land and its wildlife, and
7 the ecology of state waters and their aquatic life, and that the
8 public's opportunity to enjoy the material, physical, and aesthetic
9 benefits of its resources shall be preserved to the greatest extent
10 feasible.

11 ~~The Legislature declares that it is also the policy of the state to~~
12 ~~encourage the use of nuclear energy, geothermal resources, and~~
13 ~~such other energy sources as are currently under development,~~
14 ~~wherever feasible, recognizing that such use has the potential of~~
15 ~~providing direct economic benefit to the public, while helping to~~
16 ~~conserve limited fossil fuel resources and promoting air~~
17 ~~cleanliness.~~

18 The Legislature further declares that it is the policy of the state
19 to encourage planning by the state's electric utilities toward the
20 above-stated objectives and to assist the utilities in their
21 evaluations of the effects on the environment of proposed thermal
22 powerplant sites ~~and to that end a State Powerplant Siting~~
23 ~~Committee has been established to effect such coordination with~~
24 ~~the utilities and to carry out specific responsibilities as may be~~
25 ~~defined in the Public Utilities Code and the Public Resources~~
26 ~~Code.~~

27 The Legislature finds that the state should conduct research
28 relating to the conservation, enhancement, and prudent use of its
29 resources, including those associated with the siting of thermal
30 powerplants.

31 The Legislature finds that the state should also stimulate,
32 sponsor, and conduct appropriate research and study on new
33 methods of powerplant siting ~~which~~ *that* offer potential for
34 enhanced public benefits in location, operation, and protection of
35 the environment ~~with such investigations including underground~~
36 ~~and underocean sites, manmade islands, powerplant parks, the~~
37 ~~desirability of locations on or near tidal lagoons, and other~~
38 ~~concepts which may appear attractive in minimizing the impact on~~
39 ~~the environment of the large projected increase in California~~
40 ~~electric generating capacity.~~



1 SEC. 5. Section 801 of the Public Resources Code is repealed.
2 ~~801. In accordance with state policy, it shall be the~~
3 ~~responsibility of the Resources Agency to establish a program of~~
4 ~~research on improved methods of powerplant siting. Recognizing~~
5 ~~the very considerable experience, knowledge and effort of the~~
6 ~~state's electric utilities in this field, the Resources Agency shall~~
7 ~~coordinate its research programs with the electric utilities to insure~~
8 ~~minimum duplication and maximum interchange of information~~
9 ~~with the results of the state's research program being published and~~
10 ~~made available as public information.~~

11 ~~In accord with recommendation No. 3 made in the Resources~~
12 ~~Agency's report to the Legislature on Siting Thermal Powerplants~~
13 ~~in California, dated February 15, 1970, and concurred in by the~~
14 ~~Utilities Ad Hoc Committee, the Resources Agency is specifically~~
15 ~~authorized to undertake a study of the siting of underground~~
16 ~~powerplants.~~

17 SEC. 6. Section 25200 of the Public Resources Code is
18 amended to read:

19 25200. There is in the *Resources California Environmental*
20 *Protection Agency* the State Energy Resources Conservation and
21 Development Commission, consisting of five members appointed
22 by the Governor subject to Section 25204.

23 SEC. 7. Section 25202 of the Public Resources Code is
24 amended to read:

25 25202. The Secretary ~~of the Resources Agency for~~
26 *Environmental Protection* and the President of the Public Utilities
27 Commission shall be ex officio, nonvoting members of the
28 commission, whose presence shall not be counted for a quorum or
29 for vote requirements.

30 SEC. 8. Section 25204 of the Public Resources Code is
31 amended to read:

32 25204. The Governor shall appoint the members of the
33 ~~commission within 30 days after the effective date of this division.~~
34 Every appointment made by the Governor to the commission shall
35 be subject to the advice and consent of a majority of the members
36 elected to the Senate.

37 SEC. 9. Section 25206 of the Public Resources Code is
38 amended to read:

39 25206. The terms of office of the members of the commission
40 shall be for five years, ~~except that the members first appointed to~~



1 ~~the commission shall classify themselves by lot so that the term of~~
2 ~~office of one member shall expire at the end of each one of the five~~
3 ~~years following the effective date of this division. Any A~~ vacancy
4 shall be filled by the Governor within 30 days of the date on which
5 a vacancy occurs for the unexpired portion of the term in which it
6 occurs or for ~~any~~ a new term of office.

7 If the Governor fails to make an appointment for ~~any~~ a vacancy
8 within ~~such~~ that 30-day period, the Senate Rules Committee may
9 make the appointment to fill the vacancy for the unexpired portion
10 of the term in which the vacancy occurred or for ~~any~~ a new term
11 of office, subject to ~~the provisions of~~ Section 25204.

