

AMENDED IN SENATE SEPTEMBER 5, 2007

AMENDED IN SENATE AUGUST 31, 2007

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 527

Introduced by Assembly Member Torrico

February 21, 2007

An act to add Sections 15814.50 and 15814.51 to the Government Code, and to amend Section 25401 of the Public Resources Code, relating to energy efficiency.

LEGISLATIVE COUNSEL'S DIGEST

AB 527, as amended, Torrico. Energy efficiency.

(1) Existing law requires all new public buildings to be models of energy efficiency, according to specified criteria, and requires the Department of General Services to consult with the State Energy Resources Conservation and Development Commission with respect to these criteria.

This bill would require the department, in partnership with the commission, to develop and adopt, on or before January 1, 2009, a state plan to include energy efficient technology in public buildings, according to specified criteria. It would require the department, with the cooperation of the commission, to begin implementation of the state

plan upon its adoption. The bill would also require the department, in conjunction with the commission, to report to the Legislature, on or before January 1, 2011, on the progress of the implementation of the state plan and its effectiveness in improving the energy efficiency of public buildings.

The bill would create the California Energy Efficient Technology Pooled Investment Fund in the State Treasury, which would be administered by the Secretary of State and Consumer Services, upon appropriation by the Legislature, for the procurement and implementation of qualifying measures that are specified in the state plan and approved by the State Public Works Board. In addition to authorizing private monetary contributions to the fund the bill would require each state agency to deposit a specified percentage of its annual utility budget into the fund for these purposes, except as specified, and would specify that all net savings resulting from the implementation of a qualifying measure would be retained by the state agency implementing the measure.

(2) Existing law requires the State Energy Resources Conservation and Development Commission to carry out studies, technical assessments, research projects, and data collection directed to reducing wasteful, inefficient, unnecessary, or uneconomic uses of energy, including, but not limited to, improved appliance efficiency.

This bill would revise the subjects of the commission’s studies, technical assessments, research projects, and data collection to include improved appliance efficiency and electrical device design.

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. (a) It is the intent of the Legislature to ensure
- 2 that the most efficient and reliable energy technology is available
- 3 in the marketplace.
- 4 (b) It is further the intent of the Legislature that state government
- 5 lead by example and demonstrate to the public the cost and
- 6 environmental benefits of implementing energy efficient
- 7 technology into daily life.
- 8 SEC. 2. Section 15814.50 is added to the Government Code,
- 9 to read:

1 15814.50. (a) (1) On or before January 1, 2009, the
2 Department of General Services, in partnership with the State
3 Energy Resources Conservation and Development Commission,
4 shall develop and adopt a state plan to include energy efficient
5 technology in public buildings. The plan shall include, but not be
6 limited to, the implementation of new emerging technologies
7 identified through the research conducted and successfully
8 completed through the Public Interest Energy Research Program
9 administered by the commission. In identifying the technology to
10 be included in the plan, the department shall solicit input from
11 both public and private entities.

12 (2) Upon the adoption of the state plan described in paragraph
13 (1), the Department of General Services, with the cooperation of
14 the State Energy Resources Conservation and Development
15 Commission, shall begin implementation of the state plan.

16 (3) The state plan shall not prohibit, limit, or supersede more
17 stringent green building requirements for public buildings.

18 (4) The state plan may be included in the multiyear plan required
19 pursuant to Section 15814.22.

20 (b) On or before January 1, 2011, the Department of General
21 Services, in conjunction with the State Energy Resources
22 Conservation and Development Commission, shall report to the
23 Legislature on the progress of the implementation of the state plan
24 and its effectiveness in improving the energy efficiency of public
25 buildings.

26 (c) This section shall not be construed to limit the plan to
27 technology developed through publicly funded programs.

28 (d) This section shall not apply to any building leased by the
29 state, except in the case of a building financed through the issuance
30 of lease-revenue bonds.

31 SEC. 3. Section 15814.51 is added to the Government Code,
32 to read:

33 15814.51. (a) The California Energy Efficient Technology
34 Pooled Investment Fund is hereby created in the State Treasury,
35 and shall be administered by the Secretary of State and Consumer
36 Services for the purposes of this section.

37 (b) The fund shall consist of the following moneys:

38 (1) Notwithstanding any other provision of law, each state
39 agency, as defined in Section 11000, shall deposit into the fund 3
40 percent of its annual utility budget, as determined by the

1 Department of Finance based on actual energy expenditures from
2 the most recent fiscal year data. If the energy expenditures of an
3 agency are not known, the Department of Finance may estimate
4 the agency's deposit into the fund based on procedures specified
5 in the plan established pursuant to Section 15814.50 using a pro
6 rata formula or other simplified means.

7 (2) Private monetary contributions.

8 (3) All interest earned on moneys in the fund.

9 (c) A state agency shall not be required to deposit into the fund
10 if the secretary determines either of the following:

11 (1) The state agency has fully complied with the state plan
12 established under subdivision (a) of Section 15814.50.

13 (2) The state agency cannot make the deposit without incurring
14 a negative fund balance to pay for its utilities.

15 (d) Upon appropriation by the Legislature, the secretary shall
16 make moneys in the fund available to state agencies for the
17 procurement and implementation of qualifying measures that are
18 specified in the plan established pursuant to Section 15814.50 and
19 have been approved by the State Public Works Board. ~~The~~ *Unless*
20 *otherwise specified in this section, the* moneys shall be used
21 exclusively to fund technology projects not eligible for ~~financing~~
22 ~~from other sources.~~ *financing from other public sources. The*
23 *moneys may be used to augment, but not supplant, financing from*
24 *private sources.*

25 (e) Upon presentation of a positive cost-benefit analysis, the
26 secretary may allow the funds to be used to conduct
27 retro-commissioning projects in lieu of the qualifying measures
28 identified in the plan. For the purposes of this subdivision,
29 "retro-commissioning" means *a* systematic, documented process
30 that identifies low-cost operational and maintenance improvements
31 in an existing building and brings the building up to the design
32 intentions of its current usage.

33 (f) All net savings resulting from the implementation of a
34 qualifying measure shall be retained by the state agency
35 implementing the measure.

36 SEC. 4. Section 25401 of the Public Resources Code is
37 amended to read:

38 25401. The commission shall continuously carry out studies,
39 research projects, data collection, and other activities required to
40 assess the nature, extent, and distribution of energy resources to

1 meet the needs of the state, including, but not limited to, fossil
2 fuels and solar, nuclear, and geothermal energy resources. It shall
3 also carry out studies, technical assessments, research projects,
4 and data collection directed to reducing wasteful, inefficient,
5 unnecessary, or uneconomic uses of energy, including, but not
6 limited to, all of the following:

7 (a) Pricing of electricity and other forms of energy.

8 (b) Improved building design and insulation.

9 (c) Restriction of promotional activities designed to increase
10 the use of electrical energy by consumers.

11 (d) (1) Improved appliance efficiency and electrical device
12 design.

13 (2) For purposes of this subdivision, “electrical device” means
14 any unit of a system intended to carry electrical energy, including
15 raceways, conductors, conduit, wires, switches, and other devices.

16 (e) Advances in power generation and transmission technology.

17 (f) Comparisons in the efficiencies of alternative methods of
18 energy utilization.

19 The commission shall survey pursuant to this section all forms
20 of energy on which to base its recommendations to the Governor
21 and Legislature for elimination of waste or increases in efficiency
22 for sources or uses of energy. The commission shall transmit to
23 the Governor and the Legislature, as part of the biennial report
24 specified in Section 25309, recommendations for state policy and
25 actions for the orderly development of all potential sources of
26 energy to meet the state’s needs, including, but not limited to,
27 fossil fuels and solar, nuclear, and geothermal energy resources,
28 and to reduce wasteful and inefficient uses of energy.

O