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AB-1083 Long-term plans and procurement plans: energy and energy infrastructure procurement requirements: California Council on Science and Technology. (2019-2020)

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Assembly Bill No. 1083

CHAPTER 818

An act to amend Section 635 of, and to add and repeal Section 636 of, the Public Utilities Code, relating to energy.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1083, Burke. Long-term plans and procurement plans: energy and energy infrastructure procurement requirements: California Council on Science and Technology.

Existing law requests the California Council on Science and Technology to undertake and complete a study analyzing the regional and gas corporation specific issues relating to minimum heating value and maximum siloxane specifications adopted by the Public Utilities Commission for biomethane before it can be injected into common carrier gas pipelines.

This bill would, until January 1, 2023, request the council upon request by the chairperson of a fiscal committee or certain policy committees of either the Assembly or Senate, the Speaker of the Assembly, or the President pro Tempore of the Senate, and if the council determines it has sufficient funds, to undertake and complete an analysis of the effects of legislation proposing to mandate procurement of electricity products, gas products, energy storage resources, or electrical or gas infrastructure by an electrical corporation, gas corporation, community choice aggregator, electric service provider, local publicly owned electric or gas utility, or any state-level energy procurement entity. The bill would request that the analysis be in writing and include relevant data on specified subjects, and would request that the council provide the written analysis to those policy and fiscal committees of the Legislature within 60 days of the request. Upon providing the written analysis to those committees, the bill would request the council contemporaneously post the analysis on its internet website and make a copy of the analysis available to a member of the public upon request.

Existing law requires an electrical corporation or local publicly owned electric utility to adopt certain strategies in a long-term plan or a procurement plan, as applicable, to achieve efficiency in the use of fossil fuels and to address carbon emissions.

This bill would require that these strategies be adopted to address emissions of greenhouse gases instead of carbon emissions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 635 of the Public Utilities Code is amended to read:

635. In a long-term plan adopted by an electrical corporation or in a procurement plan implemented by a local publicly owned electric utility, the electrical corporation or local publicly owned electric utility shall adopt a strategy applicable both to newly

constructed and repowered generation owned and procured by the electrical corporation or local publicly owned electric utility to achieve efficiency in the use of fossil fuels and to address emissions of greenhouse gases.

SEC. 2. Section 636 is added to the Public Utilities Code, to read:

636. (a) The Legislature requests the California Council on Science and Technology, upon request pursuant to subdivision (b), and if the council determines it has sufficient funds, to undertake and complete an analysis of the effects of legislation proposing to mandate procurement of electricity products, gas products, energy storage resources, or electrical or gas infrastructure by an electrical corporation, gas corporation, community choice aggregator, electric service provider, local publicly owned electric or gas utility, or any state-level energy procurement entity. The California Council on Science and Technology is authorized to work with its partner institutions to carry out the provisions of this section. The Legislature requests that the analysis be in writing and include relevant data to present to the Legislature on all of the following:

(1) The potential costs and benefits to all categories of ratepayers resulting from the proposed legislation, costs and benefits beyond the electricity market, nonmonetary benefits such as improvements in environmental quality, public health, and climate stability, and costs and benefits to communities disproportionately affected by environmental pollution and hazards that are either identified as disadvantaged communities pursuant to Section 39711 of the Health and Safety Code or are low-income communities as defined in Section 39713 of the Health and Safety Code.

(2) All procurement mandates applicable at the time of the analysis, the costs associated with those procurement mandates, and each procurement mandate's consistency with the state's greenhouse gas emissions reduction goals and the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11) of Chapter 2.3).

(3) Whether the legislation is the most cost-effective means to achieve the desired outcomes, including costs and benefits beyond the electricity market and nonmonetary benefits such as improvements in environmental quality, public health, and climate stability.

(4) The impact of the proposed legislation on jobs, the economy, and communities disproportionately affected by environmental pollution and hazards that are either identified as disadvantaged communities pursuant to Section 39711 of the Health and Safety Code or are low-income communities as defined in Section 39713 of the Health and Safety Code.

(5) The potential effects of the proposed legislation on the electrical grid or gas delivering system.

(b) A request for a written analysis pursuant to this section shall be made by the chairperson of a fiscal or policy committee with jurisdiction over energy or public utilities issues of either the Assembly or Senate, the Speaker of the Assembly, or the President pro Tempore of the Senate. The request shall be made with a copy of the proposed legislation that the requester wishes to have analyzed. The requester may ask that matters in addition to those identified in subdivision (a) be analyzed.

(c) The Legislature requests that the California Council on Science and Technology provide the written analysis to the committees of the Legislature described in subdivision (b) not later than 60 days after receiving a request made pursuant to subdivision (b), or consistent with a timeline agreed upon by the California Council on Science and Technology and the requester. The Legislature requests that upon providing the written analysis to those committees, the California Council on Science and Technology contemporaneously post the analysis on its internet website and make a copy of the analysis available to a member of the public upon request.

(d) In order to avoid conflicts of interest, the Legislature requests that the California Council on Science and Technology implement its existing conflict of interest requirements when analyzing the legislation. The conflict of interest requirements should not prohibit a person with an interest in proposed legislation from providing information or ideas for consideration by the persons preparing an analysis pursuant to this section.

(e) The California Council on Science and Technology shall establish a private fund to collect money to fund the analysis required by this section. Funding may come from the state, public utilities, local publicly owned utilities, private funds, and other sources.

(f) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 3. Ratepayers of an electrical corporation, gas corporation, community choice aggregator, electric service provider, or local publicly owned electric or gas utility shall not be assessed any fee or other charge to carry out the provisions of this act.