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SB-746 Energy conservation contracts: alternate energy equipment: green hydrogen: Tri-Valley-San Joaquin Valley Regional Rail Authority. (2023-2024)

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Senate Bill No. 746

CHAPTER 410

An act to add Section 4217.19 to the Government Code, relating to public contracts.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 746, Eggman. Energy conservation contracts: alternate energy equipment: green hydrogen: Tri-Valley-San Joaquin Valley Regional Rail Authority.

Under existing law, a public agency, as defined, may enter into specified energy conservation contracts, including into contracts for the sale of electricity, electrical generating capacity, or thermal energy produced by the energy conservation facility, as defined, at such rates and on such terms as are approved by its governing body.

Existing law authorizes a public agency to enter into an energy service contract and related facility ground lease if the governing body finds, among other things, that the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases.

Existing law additionally authorizes a public agency to enter into a facility financing contract and a facility ground lease upon meeting certain requirements and finding that funds for the repayment of the financing or other specified contract costs are projected to be available from revenues resulting from sales of electricity or thermal energy from the facility or other sources.

Existing law authorizes a public agency to enter into contracts for the sale of electricity, electrical generating capacity, or thermal energy produced by the energy conservation facility at such rates and terms as are approved by its governing body.

This bill would authorize the Tri-Valley-San Joaquin Valley Regional Rail Authority, in addition to its authority to enter into contracts described above, to enter into energy service contracts, facility financing contracts, and contracts for the sale of specified energy resources relating to green electrolytic hydrogen, as defined, for use by the authority for purposes of financing the construction and operation of passenger rail service through the Altamont Pass Corridor.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Tri-Valley-San Joaquin Valley Regional Rail Authority.

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

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

SECTION 1. Section 4217.19 is added to the Government Code, immediately following Section 4217.18, to read:

4217.19. The Tri-Valley-San Joaquin Valley Regional Rail Authority, as established in Chapter 8 (commencing with Section 132651) of Division 12.7 of the Public Utilities Code, in addition to the authority to enter into energy service contracts, facility financing contracts, and contracts for the sale of specified energy resources, as specified in Sections 4217.12 to 4217.14, inclusive, may enter into energy service contracts, facility financing contracts, and contracts for the sale of energy resources relating to green electrolytic hydrogen, as that term is defined in Section 400.2 of the Public Utilities Code, for use by the authority for purposes of financing the construction and operation of passenger rail service through the Altamont Pass Corridor.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique nature of the Valley Link project, and the potential concerns if the exceptions made applicable to this specific project were expanded statewide.