

AMENDED IN SENATE MAY 28, 2014

AMENDED IN ASSEMBLY MAY 8, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1014

Introduced by Assembly ~~Member Williams~~ *Members Skinner and Williams*

(~~Coauthor: Senator Wolk~~)

(*Principal coauthor: Senator Jackson*)

(*Coauthors: Assembly Members Alejo, Bonilla, Bonta, Buchanan, Levine, Lowenthal, Rendon, Stone, and Ting*)

February 22, 2013

~~An act to add and repeal Chapter 7.6 (commencing with Section 2832) to Part 2 of Division 1 of the Public Utilities Code, relating to energy.~~ *An act to amend Section 18250 of, and to add Division 3.2 (commencing with Section 18100) to Title 2 of Part 6 of, the Penal Code, and to amend Section 8105 of the Welfare and Institutions Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1014, as amended, ~~Williams Skinner. Energy: electrical corporations: green tariff shared renewable program. Gun violence restraining orders.~~

(1) Existing law regulates the sale, transfer, possession, and ownership of firearms, including prohibiting specified persons from owning or possessing firearms. Existing law, among other things, prohibits a person subject to a domestic violence protective order from owning or possessing a firearm while that order is in effect and if prohibited by that order.

This bill would establish a procedure to obtain a gun violence restraining order and, when applicable, a firearm seizure warrant, when a person poses a significant risk of personal injury to himself or herself or others by possessing a firearm. The bill would establish the requirements for obtaining a gun violence restraining order and a firearm seizure warrant and would require, not later than 14 days after the execution of a gun violence restraining order, and, when applicable, a firearm seizure warrant, a hearing to determine whether a person who is subject to the order may, among other things, own or possess a firearm, or whether the seized firearm should be returned.

If it is determined that the person poses a significant risk of personal injury to himself or herself or others by possessing firearms, this bill would require law enforcement to retain the firearm for a period not to exceed one year; would make ownership or possession, the purchase or receipt, or attempted purchase or receipt of a firearm by that person a misdemeanor for a period up to one year, and would require the court to notify the Department of Justice, as specified. By creating a new crime and by requiring new duties of local law enforcement, this bill would impose a state-mandated local program.

This bill would authorize a law enforcement agency to request a renewal of a gun violence restraining order if the agency has probable cause to believe that a person subject to that restraining order continues to pose a significant risk of personal injury to himself or herself or others by possessing a firearm. This bill would additionally authorize a judge, upon his or her own motion, or upon request of another person, to issue a renewal of a gun violence restraining order, as specified.

(2) Existing law requires specified law enforcement officers to take temporary custody of any firearm or deadly weapon in plain sight or discovered pursuant to a lawful search when present at the scene of a domestic violence incident involving a threat to human life or physical assault.

This bill would apply the requirements described above to law enforcement officers serving a gun violence restraining order.

(3) Existing law requires the Department of Justice to request public and private mental hospitals, sanitariums, and institutions to submit to the department information necessary to identify persons who are admitted to a specified facility because the person is a danger to himself, herself, or others, to own, possess, control, receive, or purchase any firearm. Existing law requires the department to only use the information for certain specified purposes.

This bill would require the department to use the above-described information to determine the eligibility of a person who is the subject to either a gun violence restraining order or a firearm seizure warrant to acquire, carry, or possess firearms, destructive devices, or explosives.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~(1) Under existing law, the Public Utilities Commission has regulatory jurisdiction over public utilities, including electrical corporations, as defined. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Under existing law, the local government renewable energy self-generation program authorizes a local government, as defined, to receive a bill credit, as defined, to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, as defined, and requires the commission to adopt a rate tariff for the benefiting account.~~

~~This bill would require specified electrical corporations to file with the commission, by March 1, 2014, an advice letter requesting the approval of a green tariff shared renewable program. The bill would require the commission, by July 1, 2014, after notice and opportunity for public comment, to approve the advice letter if the commission finds that the proposed program is reasonable and consistent with specified findings. This bill would require the commission to require that a green tariff shared renewable program be administered in accordance with~~

specified provisions. This bill would repeal these provisions on January 1, 2019.

(2) Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of the bill would require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by expanding the definition of a crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Division 3.2 (commencing with Section 18100)
2 is added to Title 2 of Part 6 of the Penal Code, to read:

3
4 DIVISION 3.2. GUN VIOLENCE RESTRAINING ORDERS

5
6 18100. (a) A gun violence restraining order is an order, in
7 writing, in the name of the people, signed by a magistrate,
8 prohibiting a named person from having under his or her custody
9 or control, owning, purchasing, possessing, or receiving any
10 firearms for a period of up to one year.

11 (b) A firearm seizure warrant is an order, in writing, in the
12 name of the people, signed by a magistrate, regarding a person
13 who is subject to a gun violence restraining order and who is
14 known to own or possess one or more firearms, which is directed
15 to a peace officer, commanding him or her to seize any firearms
16 in the possession of the named person and to bring the unloaded
17 firearm before the magistrate.

18 18101. (a) Any person may submit an application to the court,
19 on a form designed by the Judicial Council, setting forth the facts
20 and circumstances necessitating that a gun violence restraining
21 order be issued. A gun violence restraining order shall be issued

1 to prohibit a named person from possessing a firearm if an
2 affidavit, signed by the applicant under oath, and any additional
3 information provided to the court demonstrates, to the satisfaction
4 of the court, the named person poses a significant risk of personal
5 injury to himself or herself or others by possessing firearms.

6 (b) A firearms seizure warrant may not be issued but upon
7 probable cause, supported by an affidavit, naming or describing
8 with reasonable specificity the facts and circumstances justifying
9 the order and listing any firearm or firearms to be seized pursuant
10 to the order.

11 (c) A firearm described in the firearms seizure warrant may be
12 taken from any place, or from any person in whose possession the
13 firearm may be.

14 18102. (a) The magistrate, before issuing the gun violence
15 restraining order, may examine on oath, the person seeking the
16 order and any witnesses the person produces, and shall take his
17 or her affidavit or affidavits in writing, and cause the affidavit or
18 affidavits to be subscribed by the parties making them.

19 (b) In determining whether grounds for a gun violence
20 restraining order exist, the magistrate shall consider all of the
21 following:

22 (1) A recent threat or act of violence by the named person
23 directed toward others.

24 (2) A recent threat or act of violence by the named person
25 directed toward himself or herself.

26 (3) A recent violation of an emergency protective order pursuant
27 to Section 646.91 or Part 3 (commencing with Section 6240) of
28 Division 10 of the Family Code.

29 (4) A recent violation of a protective order issued pursuant to
30 Part 4 (commencing with Section 6300) of Division 10 of the
31 Family Code, Section 136.2, Section 527.6 of the Code of Civil
32 Procedure, or Section 213.5 or 15657.03 of the Welfare and
33 Institutions Code.

34 (5) A conviction for any offense listed in Section 29805.

35 (c) In determining whether grounds for a gun violence
36 restraining order exist, the magistrate may consider any of the
37 following:

38 (1) The reckless use, display, or brandishing of a firearm by the
39 named person.

1 (2) *The history of use, attempted use, or threatened use of*
2 *physical force by the named person against other persons.*

3 (3) *Any prior arrest of the named person for a felony offense.*

4 (4) *Any history of a violation by the named person of an*
5 *emergency protective order issued pursuant to Section 646.91 or*
6 *Part 3 (commencing with Section 6240) of Division 10 of the*
7 *Family Code.*

8 (5) *Any history of a violation by the named person of a protective*
9 *order issued pursuant to Part 4 (commencing with Section 6300)*
10 *of Division 10 of the Family Code, Section 136.2, Section 527.6*
11 *of the Code of Civil Procedure, or Section 213.5 or 15657.03 of*
12 *the Welfare and Institutions Code.*

13 (6) *Evidence of recent or ongoing abuse of controlled substances*
14 *or alcohol by the named person.*

15 (7) *Evidence of recent acquisition of firearms or other deadly*
16 *weapons.*

17 (d) *The affidavit or affidavits shall set forth the facts tending to*
18 *establish the grounds of the application, or probable cause for*
19 *believing that they exist.*

20 (e) *In lieu of the written affidavit required in subdivision (a),*
21 *the magistrate may take an oral statement under oath using the*
22 *procedures prescribed in Section 1526.*

23 18103. *If the magistrate is satisfied of the existence of the*
24 *grounds of the application, or that there is probable cause to*
25 *believe their existence, he or she shall issue a gun violence*
26 *restraining order. If there is also probable cause to believe that*
27 *the person has custody or control of or owns a firearm or firearms,*
28 *the magistrate shall also issue a firearm seizure warrant, signed*
29 *by the magistrate with his or her name of office, to a peace officer*
30 *in his or her county, commanding the peace officer to seize any*
31 *firearms specified and to retain the firearm or firearms subject to*
32 *the order of the court, as provided in Section 18104.*

33 18104. (a) (1) *A gun violence restraining order shall include*
34 *all of the following:*

35 (A) *A statement of the grounds asserted for the order.*

36 (B) *The date and time the order expires.*

37 (C) *The address of the superior court for the district or county*
38 *in which the restrained party resides.*

39 (D) *The following statement, which shall be printed in English*
40 *and Spanish:*

1
2 *“To the restrained person: This order will last until the date*
3 *and time noted above. You may not own, possess, purchase, or*
4 *receive, or attempt to purchase or receive a firearm while this*
5 *order is in effect. You are entitled to submit one written request*
6 *for a hearing at any time during the effective period of the order*
7 *for an order permitting you to own, possess, purchase, or receive*
8 *a firearm. You may seek the advice of an attorney as to any matter*
9 *connected with the order. The attorney should be consulted*
10 *promptly so that the attorney may assist you in any matter*
11 *connected with the order.”*

12
13 (2) A firearm seizure warrant shall be substantially in the
14 following form:

15
16 County of _____.
17 The people of the State of California to any peace officer in the
18 County of _____.
19 Proof, by affidavit, having been this day made before me (naming
20 every person whose affidavit was taken), that there is probable
21 cause to believe that (person whose firearms are to be seized)
22 poses a significant risk of personal injury to himself or herself or
23 others and has possession of one or more firearms, you are
24 therefore commanded, in the daytime (or at any time of the day or
25 night, as the case may be, according to Section 1533 of the Penal
26 Code), to search the person and property of the named person
27 where firearms may be stored and to seize all firearms in the
28 possession of the named person and to bring the firearms to a safe
29 and secure location under the control of the local law enforcement
30 agency.
31 Given under my hand, and dated this ____ day of (year).
32 _____, Judge of the (applicable) Court.

33
34 (b) When an officer takes property under a firearms seizure
35 warrant, he or she shall give a receipt for the property taken,
36 specifying it in detail, to the person from whom it was taken. In
37 the absence of a person, the officer shall leave the receipt in the
38 place where he or she found the property.

39 (c) When serving a gun violence restraining order, the officer
40 shall inform the person that he or she may submit one written

1 request for a hearing, pursuant to Section 18107, at any time
2 during the effective period of the order and provide the person
3 with a form to request a hearing.

4 (d) All firearms seized pursuant to a firearms seizure warrant
5 shall be retained by the officer or the law enforcement agency in
6 custody as provided in Chapter 2 (commencing with Section 33850)
7 of Division 11 of Title 4 of Part 6, subject to the order of the court
8 that issued the warrant or to any other court in which an offense
9 in respect to the firearm is triable.

10 18105. (a) If the location to be searched during the execution
11 of a firearm seizure warrant is jointly occupied by multiple parties
12 and a firearm is located during the execution of the seizure
13 warrant, and it is determined that the firearm is owned by a person
14 other than the person named in the firearm seizure warrant, the
15 firearm shall not be seized if all of the following conditions are
16 satisfied:

17 (1) The firearm is stored in a manner that the person named in
18 the firearm seizure warrant does not have access to or control of
19 the firearm.

20 (2) There is no evidence of unlawful possession of the firearm
21 by the owner.

22 (b) If the location to be searched during the execution of a
23 firearm seizure warrant is jointly occupied by multiple parties and
24 a gun safe is located, and it is determined that the gun safe is
25 owned by a person other than the person named in the firearm
26 seizure warrant, the contents of the gun safe shall not be searched
27 except in the owner's presence, or with his or her consent, or
28 unless a valid search warrant has been obtained.

29 18106. (a) Except as provided in subdivision (e), not later
30 than 14 days after the execution of a gun violence restraining order
31 and, when applicable, a firearm seizure warrant, the court that
32 issued the order and, when applicable, the seizure warrant, or
33 another court in that same jurisdiction, shall hold a hearing to
34 determine whether the person who is the subject of the order may
35 have under his or her custody or control, own, purchase, possess,
36 or receive firearms and, when applicable, whether any seized
37 firearms should be returned to the person named in the warrant.

38 (b) At the hearing, the state shall have the burden of proving,
39 by clear and convincing evidence, that the person poses a

1 significant risk of personal injury to himself, herself, or others by
2 owning or possessing the firearm.

3 (c) If the named person is found at the hearing to pose a
4 significant risk of personal injury to himself, herself, or others by
5 owning or possessing a firearm, the following shall apply:

6 (1) The firearm or firearms seized pursuant to the warrant shall
7 be retained by the law enforcement agency for a period not to
8 exceed one year or until ownership of the firearm is transferred
9 to a licensed firearm dealer.

10 (2) The named person shall be prohibited from owning or
11 possessing, purchasing or receiving, or attempting to purchase or
12 receive a firearm for a period not to exceed one year. A violation
13 of this paragraph is a misdemeanor.

14 (3) The court shall notify the Department of Justice of the gun
15 violence restraining order no later than two court days after issuing
16 the order. The court shall also notify the department of any order
17 restoring the person's ability to own or possess firearms no later
18 than two court days after issuing the order to restore the person's
19 right to own or possess any type of firearms that may be lawfully
20 owned and possessed.

21 (d) If the court finds that the state has not met the required
22 standard of proof, the firearm or firearms seized pursuant to the
23 warrant shall be returned to the named person pursuant to Chapter
24 2 (commencing with Section 33850) of Division 11.

25 (e) If the person named in the warrant is a person who is
26 prohibited by law from owning or possessing a firearm for a period
27 of one year or more by another provision of state or federal law,
28 a hearing pursuant to subdivision (a) is not required and the court
29 shall issue an order to hold the firearm until either the person is
30 no longer prohibited from owning a firearm or the person sells or
31 transfers ownership of the firearm to a licensed firearm dealer.

32 (f) Any notice or report required to be submitted to the
33 Department of Justice pursuant to this section shall be submitted
34 in an electronic format, in a manner prescribed by the department.

35 (g) If any person claims title to any firearms seized pursuant to
36 the warrant, the firearm or firearms shall be returned to the lawful
37 owner pursuant to Chapter 2 (commencing with Section 33850)
38 of Division 11 of Title 4.

39 18107. (a) A person described in subdivision (c) of Section
40 18106, may submit one written request at any time during the

1 *effective period of the order for a hearing for an order permitting*
2 *the person to own, possess, purchase, or receive a firearm.*

3 *(b) The Judicial Council shall design and furnish the form, in*
4 *both English and Spanish, to be used to request a hearing under*
5 *this section. Each superior court shall make available the form*
6 *printed and distributed by the Judicial Council.*

7 *18108. (a) (1) When a law enforcement agency has probable*
8 *cause to believe that a person subject to a gun violence restraining*
9 *order, as defined in Section 18100, continues to pose a significant*
10 *risk of personal injury to himself or herself or others by possessing*
11 *a firearm, the agency may initiate a request for a renewal of the*
12 *order, on a form designed by the Judicial Council, setting forth*
13 *the facts and circumstances necessitating the request. A hearing*
14 *shall be held in a superior court to determine if a request for*
15 *renewal of the order shall be issued.*

16 *(2) The person named in the restraining order shall be given*
17 *written notice and an opportunity to be heard on the matter.*

18 *(b) A judge may, upon his or her own motion, or upon request*
19 *of another person, issue a renewal of a gun violence restraining*
20 *order, as defined in Section 18100, when there is probable cause*
21 *to believe that a person subject to the order continues to pose a*
22 *significant risk of personal injury to himself or herself or others*
23 *by possessing a firearm, after written notice to the person named*
24 *in the restraining order and after giving him or her an opportunity*
25 *for a hearing.*

26 *18109. Except as otherwise provided, the provisions of Section*
27 *1528 and Sections 1530 to 1535, inclusive, shall apply to this*
28 *division.*

29 *SEC. 2. Section 18250 of the Penal Code is amended to read:*

30 *18250. If any of the following persons is at the scene of a*
31 *domestic violence incident involving a threat to human life or a*
32 *physical assault, or is serving a protective order as defined in*
33 *Section 6218 of the Family Code, or is serving a gun violence*
34 *restraining order as defined in Section 18100, that person shall*
35 *take temporary custody of any firearm or other deadly weapon in*
36 *plain sight or discovered pursuant to a consensual or other lawful*
37 *search as necessary for the protection of the peace officer or other*
38 *persons present:*

1 (a) A sheriff, undersheriff, deputy sheriff, marshal, deputy
2 marshal, or police officer of a city, as defined in subdivision (a)
3 of Section 830.1.

4 (b) A peace officer of the Department of the California Highway
5 Patrol, as defined in subdivision (a) of Section 830.2.

6 (c) A member of the University of California Police Department,
7 as defined in subdivision (b) of Section 830.2.

8 (d) An officer listed in Section 830.6, while acting in the course
9 and scope of the officer's employment as a peace officer.

10 (e) A member of a California State University Police
11 Department, as defined in subdivision (c) of Section 830.2.

12 (f) A peace officer of the Department of Parks and Recreation,
13 as defined in subdivision (f) of Section 830.2.

14 (g) A peace officer, as defined in subdivision (d) of Section
15 830.31.

16 (h) A peace officer, as defined in subdivisions (a) and (b) of
17 Section 830.32.

18 (i) A peace officer, as defined in Section 830.5.

19 *SEC. 3. Section 8105 of the Welfare and Institutions Code is*
20 *amended to read:*

21 8105. (a) The Department of Justice shall request each public
22 and private mental hospital, sanitarium, and institution to submit
23 to the department ~~that~~ information ~~that~~ the department deems
24 necessary to identify those persons who are ~~within~~ *subject to the*
25 *prohibition specified by* subdivision (a) of Section 8100, in order
26 to carry out its duties in relation to firearms, destructive devices,
27 and explosives.

28 (b) Upon request of the Department of Justice pursuant to
29 subdivision (a), each public and private mental hospital, sanitarium,
30 and institution shall submit to the department ~~that~~ information
31 ~~which~~ the department deems necessary to identify those persons
32 who are ~~within~~ *subject to the prohibition specified by* subdivision
33 (a) of Section 8100, in order to carry out its duties in relation to
34 firearms, destructive devices, and explosives.

35 (c) A licensed psychotherapist shall report to a local law
36 enforcement agency, within 24 hours, in a manner prescribed by
37 the Department of Justice, the identity of a person subject to *the*
38 *prohibition specified by* subdivision (b) of Section 8100. Upon
39 receipt of the report, the local law enforcement agency, on a form
40 prescribed by the Department of Justice, shall notify the department

1 electronically, within 24 hours, in a manner prescribed by the
2 department, of the person who is subject to *the prohibition specified*
3 *by subdivision (b) of Section 8100.*

4 (d) All information provided to the Department of Justice
5 pursuant to this section shall be kept confidential, separate, and
6 apart from all other records maintained by the department. The
7 information provided to the Department of Justice pursuant to this
8 section shall be used only for any of the following purposes:

9 (1) By the department to determine eligibility of a person to
10 acquire, carry, or possess firearms, destructive devices, or
11 explosives.

12 (2) For the purposes of the court proceedings described in
13 subdivision (b) of Section 8100, to determine the eligibility of the
14 person who is bringing the petition pursuant to paragraph (3) of
15 subdivision (b) of Section 8100.

16 (3) To determine the eligibility of a person to acquire, carry, or
17 possess firearms, destructive devices, or explosives who is the
18 subject of a criminal investigation, *or who is the subject of an*
19 *investigation into the issuance of either a gun violence restraining*
20 *order or a firearm seizure warrant, as defined in Section 18100*
21 *of the Penal Code, if a part of the ~~criminal~~ investigation involves*
22 *the acquisition, carrying, or possession of firearms, explosives, or*
23 *destructive devices by that person.*

24 (e) Reports shall not be required or requested under this section
25 ~~where if~~ the same person has been previously reported pursuant
26 to Section 8103 or 8104.

27 *SEC. 4. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution for certain*
29 *costs that may be incurred by a local agency or school district*
30 *because, in that regard, this act creates a new crime or infraction,*
31 *eliminates a crime or infraction, or changes the penalty for a crime*
32 *or infraction, within the meaning of Section 17556 of the*
33 *Government Code, or changes the definition of a crime within the*
34 *meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

36 *However, if the Commission on State Mandates determines that*
37 *this act contains other costs mandated by the state, reimbursement*
38 *to local agencies and school districts for those costs shall be made*
39 *pursuant to Part 7 (commencing with Section 17500) of Division*
40 *4 of Title 2 of the Government Code.*

1 ~~SECTION 1. Chapter 7.6 (commencing with Section 2832) is~~
2 ~~added to Part 2 of Division 1 of the Public Utilities Code, to read:~~

3
4 ~~CHAPTER 7.6. GREEN TARIFF SHARED RENEWABLE PROGRAM~~

5
6 ~~2832. The Legislature finds and declares all of the following:~~

7 ~~(a) The creation of renewable energy within California provides~~
8 ~~significant financial, health, environmental, and workforce benefits~~
9 ~~to the State of California.~~

10 ~~(b) The California Solar Initiative has been extremely successful,~~
11 ~~resulting in over 140,000 residential and commercial onsite~~
12 ~~installations of solar energy systems. However, it cannot reach all~~
13 ~~residents and businesses that want to participate and is limited to~~
14 ~~solar. A green tariff shared renewable program seeks to build on~~
15 ~~this success by expanding access to renewable energy resources~~
16 ~~to all ratepayers who are currently unable to access the benefits of~~
17 ~~onsite generation.~~

18 ~~(c) The Governor has proposed the Clean Energy Jobs Plan~~
19 ~~calling for the development of 12,000 megawatts of localized~~
20 ~~electricity generation by 2020. There is widespread interest from~~
21 ~~many large institutional customers, including schools, colleges,~~
22 ~~universities, local governments, businesses, and the military, for~~
23 ~~development of renewable generation facilities to serve more than~~
24 ~~33 percent of their energy needs.~~

25 ~~(d) Public institutions will benefit from a green tariff shared~~
26 ~~renewable program's enhanced flexibility to participate in shared~~
27 ~~renewable energy facilities.~~

28 ~~(e) Renewable generation creates jobs, reduces emissions of~~
29 ~~greenhouse gases, and promotes energy independence.~~

30 ~~(f) Many large energy users in California have pursued onsite~~
31 ~~renewable energy generation, but cannot achieve their goals due~~
32 ~~to rooftop or land space limitations, or size limits on net metering.~~
33 ~~The enactment of this chapter will create a mechanism whereby~~
34 ~~institutional customers such as military installations, universities,~~
35 ~~and local governments, as well as commercial customers and~~
36 ~~groups of individuals, can efficiently invest in generating electricity~~
37 ~~from renewable generation.~~

38 ~~(g) It is the intent of the Legislature that a green tariff shared~~
39 ~~renewable program be implemented in such a manner as to~~
40 ~~facilitate a large, sustainable market for the purchase of an interest~~

1 in offsite renewable generation, while fairly compensating electrical
2 corporations for the services they provide, without affecting
3 nonparticipating ratepayers.

4 (h) It is the further intent of the Legislature to preserve a
5 thriving, sustainable agricultural industry, and to ensure that the
6 development of renewable energy does not remove prime farmland
7 from productive use without a comprehensive public review
8 process.

9 2833. (a) On or before March 1, 2014, an electrical corporation
10 with at least 100,000 customers shall file with the commission an
11 advice letter requesting approval of a green tariff shared renewable
12 program that the electrical corporation determines is consistent
13 with the findings specified in Section 2832.

14 (b) On or before July 1, 2014, the commission shall issue a
15 resolution on the electrical corporation's advice letter for a green
16 tariff shared renewable program, determining whether to approve
17 or disapprove it, with or without modifications.

18 (c) After notice and an opportunity for public comment, the
19 commission shall approve an advice letter by an electrical
20 corporation for a green tariff shared renewable program if the
21 commission determines that the program is reasonable and
22 consistent with the findings specified in Section 2832.

23 (d) This chapter shall not apply to applications by electrical
24 corporations for a green tariff shared renewable program filed at
25 the commission prior to May 1, 2013, or to the approval of those
26 applications by the commission.

27 2834. In implementing this chapter, the commission shall
28 require a green tariff shared renewable program to be administered
29 in accordance with this section.

30 (a) Electrical corporations shall use existing
31 commission-approved tools and mechanisms to procure additional
32 renewable energy resources from incremental, additional renewable
33 generation facilities, primarily sized 20 megawatts and below.

34 (b) The megawatts to be procured under this section are limited
35 to an allocation of up to 600 megawatts to this program, divided
36 proportionally among the electrical corporations required to file
37 the tariff and allocated in equal increments over a five-year period.

38 (c) To the extent possible, electrical corporations shall seek to
39 procure renewable energy supplies that are located within a
40 reasonable proximity to enrolled participants.

1 ~~(d) Electrical corporations shall ensure that the program~~
2 ~~complies with diverse procurement and General Order 156 goals.~~

3 ~~(e) Electrical corporations shall not subscribe a participant to~~
4 ~~more than two megawatts of generating capacity or the equivalent~~
5 ~~amount. This limitation does not apply to a federal, state, or local~~
6 ~~government, school, school district, county office of education,~~
7 ~~the California Community Colleges, the California State~~
8 ~~University, or the University of California. Electrical corporations~~
9 ~~shall ensure that no single entity or its affiliates or subsidiaries is~~
10 ~~awarded more than 20 percent of any single calendar year's total~~
11 ~~cumulative rated generating capacity made available pursuant to~~
12 ~~this program.~~

13 ~~(f) To the extent possible, the electrical corporation shall actively~~
14 ~~market the program to low-income and minority communities and~~
15 ~~customers.~~

16 ~~(g) Participating customers are to receive bill credits for the~~
17 ~~generation using the class average retail generation rate as~~
18 ~~established in the electrical corporation's approved tariff for the~~
19 ~~class to which the subscribed belongs plus a renewable adjustment~~
20 ~~value representing the difference between the time of day profile~~
21 ~~of the renewable resource used to serve the subscribed and the~~
22 ~~class average time of day profile and the resource adequacy value,~~
23 ~~if any, of the resource contained in this program.~~

24 ~~(h) Participating customers shall pay the administrative costs~~
25 ~~of the electrical corporation and pay charges to fully cover the cost~~
26 ~~of procuring a green tariff shared renewable program's resources~~
27 ~~to serve their needs, consistent with other existing similar voluntary~~
28 ~~optional rate schedules. Electrical corporations may provide support~~
29 ~~for enhanced community renewable programs to facilitate~~
30 ~~development of additional renewable projects closer to load.~~

31 ~~(i) The commission shall ensure that the charges and credits~~
32 ~~associated with this program shall be structured to ensure~~
33 ~~nonparticipant ratepayer indifference for the remaining, bundled~~
34 ~~service, direct access, and community choice aggregation customers~~
35 ~~and that no costs are shifted from participating customers to~~
36 ~~nonparticipating ratepayers.~~

37 ~~(j) Electrical corporations shall track and account for all~~
38 ~~revenues and costs to ensure that the electrical corporation recovers~~
39 ~~the actual costs of the program and that all costs and revenues are~~
40 ~~fully transparent and auditable.~~

~~(k) Any renewable energy credits associated with an interest shall be retired by either the provider or electrical corporation, as they may agree on behalf of the participant or transferred to the Western Renewable Energy Generation Information System account of that participant, for the purpose of demonstrating the purchase of renewable energy. Those renewable energy credits shall not be further sold, transferred, or otherwise monetized by a party for any purpose. Any renewable energy credits associated with electricity paid for by the electrical corporation shall be counted toward meeting that electrical corporation's renewables portfolio standard. For the purposes of this subdivision, the terms "renewable energy credit" and "renewables portfolio standard" have the same meanings as defined in Section 399.12.~~

~~(l) An electrical corporation shall, in the event of participant attrition or related factors, apply the additional resources procured through this program to the electrical corporation's renewable portfolio standard procurement obligations or banked for future use to benefit all customers in accordance with renewable portfolio standard banking and procurement rules.~~

~~(m) In calculating its procurement requirements to meet the requirements of the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1), an electrical corporation may exclude from total retail sales the kilowatthours generated by a shared renewable energy facility commencing with the point in time at which the facility achieves commercial operation.~~

~~(n) This chapter shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~