

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JULY 2, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 109**

---

---

**Introduced by Assembly Member Nunez**  
*(Coauthor: Assembly Member Laird)*

January 5, 2007

---

---

An act to amend Section 65041.1 of the Government Code, and to add Sections 38531 and 38599.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 109, as amended, Nunez. California Global Warming Solutions Act of 2006: annual report.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law, the California Global Warming Solutions Act of 2006, designates the state board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified, and requires the

state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified.

This bill would require that, beginning January 1, 2009, and annually thereafter, the Governor, the Treasurer’s office, the Public Employees’ Retirement System, and the State Teachers’ Retirement System report to the Legislature specified information relating to greenhouse gas emissions and ~~green~~ investments *made in the alternative energy or clean technology business*. The bill would require that, beginning January 10, 2009, all the land conservancies within the Resources Agency, the Department of Parks and Recreation, the state forests under the management or ownership of the Department of Forestry and Fire Protection, and the Wildlife Conservation Board, in coordination with the Department of Fish and Game, report to the Legislature past, current, and future activities to sequester greenhouse gas emissions. The bill would require the state board to report to the Legislature annually on the status and progress of implementing the act.

(2) Existing law requires the Governor to prepare and cause to be maintained, reviewed, and revised a comprehensive State Environmental Goals and Policy Project. Existing law requires that any revision to the report provide that the goals are consistent with prescribed planning priorities.

This bill would include in the prescribed planning priorities the reduction of greenhouse gas emissions, ~~consistent with Chapter 200 of the Statutes of 2002 and Chapter 488 of the Statutes of 2006.~~

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) Beginning January 1, 2009, and annually~~  
 2     ~~thereafter, and consistent with each report’s mandated due date,~~  
 3     ~~the Governor shall begin reporting greenhouse gas emissions~~  
 4     ~~pursuant to Section 65041.1 of the Government Code in the~~  
 5     ~~five-year infrastructure plan, Chapter 606 of the Statutes of 1999,~~  
 6     ~~as subsequently amended, the State Environmental Goals and~~  
 7     ~~Policy Report required pursuant to Section 65041 of the~~  
 8     ~~Government Code, and any strategic growth plan proposed by the~~  
 9     ~~Governor.~~

1 SECTION 1. (a) Beginning January 1, 2009, and annually  
2 thereafter, and consistent with each report's mandated due date  
3 and the state planning priorities specified in Section 65041.1 of  
4 the Government Code, the Governor shall begin reporting  
5 greenhouse gas emissions in the five-year infrastructure plan  
6 required pursuant to Article 2 (commencing with Section 13100)  
7 of Division 3 of Title 2 of the Government Code, the State  
8 Environmental Goals and Policy Report required pursuant to  
9 Article 5 (commencing with Section 65041) of Division 1 of Title  
10 7 of the Government Code, and any strategic growth plan proposed  
11 by the Governor.

12 (b) When the Governor submits the 2008 State Environmental  
13 Goals and Policy Report, the report shall be revised to *also* include  
14 the state ~~land use~~ *planning* priority established by this act and  
15 submitted to the Legislature by January 1, 2009. This revision shall  
16 not change the regularly scheduled four-year updates provided in  
17 Section 65048 of the Government Code.

18 SEC. 2. Beginning January 1, 2009, and annually thereafter,  
19 the Treasurer's office, the Public Employees' Retirement System,  
20 and the State Teachers' Retirement System shall report to the  
21 Legislature ~~on their efforts to make green investments the~~  
22 *investments they make in the alternative energy or clean technology*  
23 *business, consistent with current programs and policies. Alternative*  
24 *energy or clean technologies may include, but are not limited to,*  
25 *energy efficiency, green design, renewable energy, resource*  
26 *efficient manufacturing processes, resource recovery, clean water*  
27 *quality, water use efficiency, clean air quality, or environmental*  
28 *sustainability.*

29 SEC. 3. Section 65041.1 of the Government Code is amended  
30 to read:

31 65041.1. The state planning priorities, which are intended to  
32 promote equity, strengthen the economy, protect the environment,  
33 and promote public health and safety in the state, including in  
34 urban, suburban, and rural communities, shall be as follows:

35 (a) To promote infill development and equity by rehabilitating,  
36 maintaining, and improving existing infrastructure that supports  
37 infill development and appropriate reuse and redevelopment of  
38 previously developed, underutilized land that is presently served  
39 by transit, streets, water, sewer, and other essential services,

1 particularly in underserved areas, and to preserving cultural and  
2 historic resources.

3 (b) To protect environmental and agricultural resources by  
4 protecting, preserving, and enhancing the state’s most valuable  
5 natural resources, including working landscapes such as farm,  
6 range, and forest lands, natural lands such as wetlands, watersheds,  
7 wildlife habitats, and other wildlands, recreation lands such as  
8 parks, trails, greenbelts, and other open space, and landscapes with  
9 locally unique features and areas identified by the state as deserving  
10 special protection.

11 (c) To encourage efficient development patterns by ensuring  
12 that any infrastructure associated with development, other than  
13 infill development, supports new development that does all of the  
14 following:

- 15 (1) Uses land efficiently.
- 16 (2) Is built adjacent to existing developed areas to the extent  
17 consistent with the priorities specified pursuant to subdivision (b).
- 18 (3) Is located in an area appropriately planned for growth.
- 19 (4) Is served by adequate transportation and other essential  
20 utilities and services.
- 21 (5) Minimizes ongoing costs to taxpayers.

22 (d) To reduce greenhouse gas emissions, consistent with ~~Chapter~~  
23 ~~200 of the Statutes of 2002 and Chapter 488 of the Statutes of~~  
24 ~~2006. Division 26.5 (commencing with Section 38500) of, and~~  
25 ~~Section 43018.5 of, the Health and Safety Code.~~

26 SEC. 4. Section 38531 is added to the Health and Safety Code,  
27 to read:

28 38531. In conjunction with the Governor’s Budget submitted  
29 pursuant to Section 13337 of the Government Code, commencing  
30 January 10, 2009, all of the land conservancies within the  
31 Resources Agency, the Department of Parks and Recreation, the  
32 state forests under the management or ownership of the Department  
33 of Forestry and Fire Protection, and the Wildlife Conservation  
34 Board, in coordination with the Department of Fish and Game,  
35 shall report to the Legislature their past, current, and future  
36 activities, by program, project, or acquisition, to sequester  
37 greenhouse gas emissions, and where feasible, quantify the benefits  
38 realized of their greenhouse gas emissions sequestering activities,  
39 by program, project, or acquisition.

1 SEC. 5. Section 38599.5 is added to the Health and Safety  
2 Code, to read:  
3 38599.5. On or before January 1, 2008, and annually thereafter,  
4 the state board shall report to the Legislature on the status and  
5 progress of implementing the provisions of this division.

O