

AMENDED IN SENATE MAY 27, 2008

SENATE BILL

No. 1760

Introduced by Senator Perata

February 22, 2008

An act to amend Sections 12891 and 12892 of, and to add Section 14033 to, the Government Code, to amend Section 25620 of, and to add Part 5 (commencing with Section 71400) to Division 34 of, the Public Resources Code, relating to energy, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1760, as amended, Perata. Energy: greenhouse gas emissions.

(1) The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The act requires all state agencies to consider and implement strategies to reduce their GHG emissions.

This bill would create the Climate Action Team (CAT), consisting of representatives from specified state agencies, that would be responsible for coordinating the state's overall climate policy. The CAT, on or before January 1, 2010, and annually thereafter, would be required to prepare, adopt, and present to the Legislature, a strategic research, development, and demonstration plan (plan) that establishes priorities

and identifies key expenditure categories for research, development, demonstration, and deployment funds to be expended by the state agencies represented on the CAT for the following fiscal year. The CAT, on or before January 1, 2010, and biennially thereafter, would be required to prepare and adopt a climate change impact adaptation and protection plan that includes specified information. The bill would require research, development, and demonstration funds that are administered by the Department of Transportation and are allocated for clean technology, environmental protection, and public interest energy research to be expended consistent with the plan.

(2) Existing law requires specified state agencies to prepare and submit to the Secretary for Environmental Protection, in a standardized format as determined by the California Environmental Protection Agency, specified information relating to the state agency's GHG emissions, including a list of measures adopted and implemented by the agency to meet GHG emission reduction targets, as defined, and a status report on GHG emissions reduced as a result of these measures. The California Environmental Protection Agency, on or before March 1, 2008 and January 1, annually thereafter, is required to provide that information on its Internet Web site in the form of a state agency greenhouse gas emission reduction report card.

This bill would, instead, require the specified state agencies to prepare and submit to the CAT, the information in a standardized format as determined by the Secretary for Environmental Protection. The CAT would compile and organize the information submitted. The bill would additionally require the specified state agencies to submit information on other technologically feasible and cost-effective measures related to operations and programs managed by the state agencies that require statutory or regulatory changes for their adoption, and an estimate of potential GHG emission reductions from those measures.

~~(3) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -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. Section 12891 of the Government Code is
2 amended to read:

12891. For the purposes of this chapter, the following terms have the following meanings:

(a) “Agency” means the California Environmental Protection Agency.

(b) “Climate Action Team” means the Climate Action Team established pursuant to Section 71401 of the Public Resources Code.

(c) “Climate Action Team Report” means the report prepared pursuant to Executive Order S-3-05 and submitted to the Governor and the Legislature in March 2006.

(d) “GHG” means greenhouse gas as defined in subdivision (g) of Section 38505 of the Health and Safety Code.

(e) “GHG emission reduction target” means a target established for a state agency in the Climate Action Team Report, or a requirement made applicable to that state agency by an action taken by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(f) “Secretary” means the Secretary for Environmental Protection.

(g) “State agency” means a state agency listed in the Climate Action Team Report, a state office, department, division, bureau, board, or commission whose operations or programs result in greenhouse gas emissions that are subject to Division 25.5 (commencing with Section 38500) of the Health and Safety Code, and any other state agency listed in Section 12800, as determined by the secretary.

SEC. 2. Section 12892 of the Government Code is amended to read:

12892. (a) On or before January 1, 2008, then on October 1, 2008, and annually thereafter, each state agency shall prepare and submit to the Climate Action Team in a standardized format as determined by the secretary all of the following:

(1) A list of those measures that have been adopted and implemented by the state agency to meet GHG emission reduction targets and a status report on actual GHG emissions reduced as a result of these measures.

(2) A list and timetable for adoption of any additional measures needed to meet GHG emission reduction targets.

(3) A list of other technologically feasible and cost-effective measures related to the operations or programs managed by the

1 state agency that require statutory or regulatory changes for their
2 adoption, and an estimate of potential GHG emission reductions
3 from those measures.

4 (b) In order to reduce paperwork and workload, information
5 required to be submitted pursuant to this section may be submitted
6 in a standardized electronic format as determined by the agency.

7 (c) On or before March 1, 2008, and then on January 1, 2009,
8 and annually thereafter, the Climate Action Team shall compile
9 and organize the information submitted pursuant to this section
10 into a clear, standardized format, and shall provide that information
11 on the agency's Internet Web site in the form of a state agency
12 greenhouse gas emission reduction report card.

13 (d) The report card shall compare the actions taken and proposed
14 to be taken by individual state agencies and their projected annual
15 GHG emission reductions against the state agency GHG emission
16 reduction targets and statewide GHG emission reduction limits.

17 (e) Where appropriate, the report card shall include a statement
18 regarding the independent audits required by Section 12893.

19 SEC. 3. Section 14033 is added to the Government Code, to
20 read:

21 14033. The research, development, and demonstration funds
22 allocated for clean technology, environmental protection, and
23 public interest energy research administered by the department
24 shall be expended in accordance with the plan adopted pursuant
25 to Section 71403 of the Public Resources Code.

26 SEC. 4. Section 25620 of the Public Resources Code is
27 amended to read:

28 25620. The Legislature hereby finds and declares all of the
29 following:

30 (a) It is in the best interests of the people of this state that the
31 quality of life of its citizens be improved by providing
32 environmentally sound, safe, reliable, and affordable energy
33 services and products.

34 (b) To improve the quality of life of this state's citizens, it is
35 proper and appropriate for the state to undertake public interest
36 energy research, development, and demonstration projects that are
37 not adequately provided for by competitive and regulated energy
38 markets.

39 (c) Public interest energy research, demonstration, and
40 development projects should advance energy science or

technologies of value to California citizens and should be consistent with the policies of this chapter.

(d) Public interest energy research, demonstration, and development projects should be coordinated with other related state programs and research needs to meet overall state policy objectives related to energy efficiency, environmental protection, greenhouse gas emission reduction, clean technology job creation, and climate change adaptation in the most efficient manner possible.

SEC. 5. Part 5 (commencing with Section 71400) is added to Division 34 of the Public Resources Code, to read:

PART 5. CLIMATE RESEARCH, ADAPTATION, AND
ECONOMIC LEADERSHIP ACT OF 2008

71400. The Legislature finds and declares all of the following:

(a) California is a world leader in efforts to reduce greenhouse gases, to assess and mitigate the effects of climate change, and to promote clean alternative technologies to improve the state's economy and the protection of public health and the environment.

(b) The California Global Warming Solutions Act of 2006, Division 25.5 (commencing with Section 38500) of the Health and Safety Code, provides a process for the establishment of a statewide greenhouse gas emission limit and a process for the adoption of regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. That act also directs the Climate Action Team to coordinate the overall climate policy actions as provided in Executive Order S-3-05 and for all state agencies to consider and implement strategies to reduce their greenhouse gas emissions.

(c) California currently invests hundreds of millions of dollars in research funds for air quality, transportation, electricity, natural gas, water, and other types of research, development, and demonstration projects that could contribute to the achievement of statewide greenhouse gas emission reductions, or to the effective adaptation to unavoidable climate change.

(d) More effective coordination of existing programs and funding by the state can improve the achievement of statewide greenhouse gas emission reductions; the protection of the state's infrastructure, communities, and natural resources from the impacts

1 of climate change; and provide economic and job growth through
2 the development and support of a strong clean technology industry.

3 71401. The Climate Action Team is hereby established and
4 shall consist of the following members:

5 (a) The Secretary for Environmental Protection.

6 (b) The Secretary of the Resources Agency.

7 (c) The Chairperson of the State Air Resources Board.

8 (d) The Chair of the State Energy Resources Conservation and
9 Development Commission.

10 (e) The President of the Public Utilities Commission.

11 (f) The Secretary of Business, Transportation and Housing.

12 (g) The Secretary of Food and Agriculture.

13 71402. Consistent with the California Global Warming
14 Solutions Act of 2006, Division 25.5 (commencing with Section
15 38500) of the Health and Safety Code, and Executive Order ~~S-3-50~~
16 ~~S-3-05~~, the Climate Action Team shall coordinate climate policy
17 of the state to achieve all of the following goals:

18 (a) The maximum feasible and cost-effective reduction of
19 greenhouse gas emissions through the implementation of the
20 California Global Warming Solutions Act of 2006, Division 25.5
21 (commencing with Section 38500) of the Health and Safety Code.

22 (b) The promotion of economic and job growth in California
23 through the encouragement and support of clean technology
24 development and deployment to meet the state's climate change
25 goals.

26 (c) The identification of unavoidable climate change impacts
27 to California's natural resources and infrastructure and the
28 development and implementation of mitigation and adaptation
29 plans to protect the resources and assets of California.

30 (d) The coordination and efficient use of existing state resources,
31 programs, and funds to achieve the goals identified in this section.

32 71403. On or before January 1, 2010, and annually thereafter,
33 the Climate Action Team shall prepare and adopt a strategic
34 research, development, and demonstration plan that establishes
35 priorities, and identifies key expenditure categories, for research,
36 development, demonstration, and deployment funds to be expended
37 by state agencies represented on the Climate Action Team for the
38 following fiscal year. The plan shall identify all of the following
39 categories:

1 (a) Funds that will be expended to assist in bringing California
2 clean technologies into the marketplace and that provide
3 quantifiable reductions in emissions of greenhouse gases in order
4 to assist the state in meeting the state's climate change goals.

5 (b) Funds that will be expended to encourage behavior changes
6 or changes in consumer preferences that assist the state in meeting
7 the state's climate change goals.

8 (c) Funds that will be expended by state agencies to identify
9 impacts of climate change and methods to mitigate those impacts
10 consistent with Section 71407.

11 71404. The Climate Action Team shall hold duly noticed public
12 meetings and workshops prior to adoption of the strategic research,
13 development, and demonstration plan in order to solicit comments
14 from the public on research priorities.

15 71405. The expenditure of funds by a state agency that is
16 represented on the Climate Action Team shall be consistent with
17 the strategic research, development, and demonstration plan
18 adopted pursuant to Section 71403 and authorized or consistent
19 with the annual Budget Act.

20 71406. The Climate Action Team shall present its annual
21 strategic research, development, and demonstration plan to the
22 appropriate policy and budget subcommittees of the Legislature.

23 71407. On or before January 1, 2010, and biennially thereafter,
24 the Climate Action Team shall prepare and adopt a climate change
25 impact adaptation and protection plan that includes all of the
26 following:

27 (a) An assessment of the current state of climate change impact
28 analysis and an identification of potential climate change impacts
29 that should be included in decisionmaking related to the
30 management of natural resources or investment in infrastructure
31 including impacts on all of the following:

32 (1) Water.

33 (2) Wildlife.

34 (3) Natural ecosystems, wildlife, and system function.

35 (4) Public health.

36 (5) Safety and emergency response.

37 (6) Coastal resources.

38 (7) Infrastructure.

39 (8) Other systems likely to be affected.

1 (b) A process for integrating climate change impact information
2 into the planning and decision-making of state agencies as
3 appropriate.

4 (c) The identification of additional research and research
5 priorities that could assist and improve state decisionmaking in
6 future years.

7 ~~SEC. 6. This act is an urgency statute necessary for the~~
8 ~~immediate preservation of the public peace, health, or safety within~~
9 ~~the meaning of Article IV of the Constitution and shall go into~~
10 ~~immediate effect. The facts constituting the necessity are:~~

11 ~~In order for the state to take action in an expeditious manner to~~
12 ~~address greenhouse gas emissions and to meet the state's~~
13 ~~greenhouse gas emission reduction goals for the protection of the~~
14 ~~public health and the environment, it is necessary for the act to~~
15 ~~take effect immediately~~