

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 118

Introduced by Assembly Member Logue

(Coauthors: Assembly Members Anderson, Bill Berryhill, Conway, Fletcher, Gaines, Garrick, Hagman, Harkey, Miller, Niello, Nielsen, Silva, and Villines)

January 15, 2009

An act to ~~repeal Division 25.5 (commencing with Section 38500)~~ add Part 9 (commencing with Section 38650) to Division 25.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 118, as amended, Logue. California Global Warming Solutions Act of 2006.

The California Global Warming Solutions Act of 2006 (*the act*) requires the State Air Resources Board (*state 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 emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The state board is required by January 1, 2011, to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions.

~~This bill would repeal the California Global Warming Solutions Act of 2006.~~

This bill would suspend the act until the state unemployment rate is 5.5% or lower for four consecutive calendar quarters. The bill would require the resuspension of the act whenever the state unemployment rate rises above 5.5% for four consecutive calendar quarters. The bill would prohibit the state board, and specified other state agencies, from proposing, promulgating, or adopting any regulation pursuant to the act during a period of suspension and would require that any such regulation adopted prior to January 1, 2011, be inoperative until the suspension is lifted. The bill would request local agencies to refrain from adopting rules, regulations, and policies that derive authority or responsibility from the act and to revise or repeal those rules, regulations, or policies adopted prior to January 1, 2011, until the suspension is lifted.

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. *The Legislature finds and declares the following:*
- 2 (a) *In 2006, the Legislature and Governor enacted a sweeping*
- 3 *law designed to combat global warming known as Assembly Bill*
- 4 *32. At the time the bill was signed, the unemployment rate in*
- 5 *California was 4.8 percent.*
- 6 (b) *Since the adoption of Assembly Bill 32, California has been*
- 7 *hit by a global recession and California’s unemployment rate has*
- 8 *now surpassed 12 percent.*
- 9 (c) *Several studies predict that implementation of Assembly Bill*
- 10 *32 will cost small businesses billions of dollars, further slowing*
- 11 *economic recovery and job creation.*
- 12 (d) *Assembly Bill 32 contains a provision that would allow the*
- 13 *Governor to delay its implementation in the event of extraordinary*
- 14 *circumstances, including “significant economic harm.”*
- 15 (e) *California’s current unemployment rate is an extraordinary*
- 16 *circumstance, as it is almost triple the unemployment rate that*
- 17 *existed at the time Assembly Bill 32 was signed into law.*
- 18 (f) *Implementation of Assembly Bill 32 at this time would impose*
- 19 *significant economic harm on California, and it is the intent of*
- 20 *this Legislature to suspend the provisions of Assembly Bill 32 until*
- 21 *the state’s unemployment rate returns to a level similar to that*

1 *which existed at the time of its adoption, and remains at or below*
2 *that level for four consecutive calendar quarters.*

3 *SEC. 2. Part 9 (commencing with Section 38650) is added to*
4 *Division 25.5 of the Health and Safety Code, to read:*

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PART 9. SUSPENSION

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8 *38650. (a) Parts 1 to 7, inclusive, are suspended until the state*
9 *unemployment rate is 5.5 percent or lower for four consecutive*
10 *calendar quarters, as determined by the official statistics of the*
11 *Labor Market Information Division of the Employment*
12 *Development Department. If, after the termination of the*
13 *suspension, the state unemployment rate rises above 5.5 percent*
14 *for four consecutive calendar quarters, as determined by the Labor*
15 *Market Information Division of the Employment Development*
16 *Department, Parts 1 to 7, inclusive, shall be resuspended until the*
17 *unemployment rate is 5.5 percent or lower for four consecutive*
18 *calendar quarters.*

19 *(b) During a period of suspension described in subdivision (a),*
20 *the state board, and any other state agency granted authority to*
21 *implement this division, shall not propose, promulgate, or adopt*
22 *any regulation pursuant to this division and any such regulation*
23 *adopted prior to January 1, 2011, shall be inoperative until the*
24 *suspension is lifted pursuant to subdivision (a).*

25 *(c) During a period of suspension described in subdivision (a),*
26 *local agencies are requested to refrain from adopting rules,*
27 *regulations, and policies that derive authority or responsibility*
28 *from this division and to repeal or revise any such rule, regulation,*
29 *or policy adopted prior to January 1, 2011, until the suspension*
30 *is lifted pursuant to subdivision (a).*

31 *(d) If any provision of this part or its application is held invalid,*
32 *that invalidity shall not affect other provisions or applications that*
33 *can be given effect without the invalid provision or application.*

34 ~~SECTION 1. Division 25.5 (commencing with Section 38500)~~
35 ~~of the Health and Safety Code is repealed.~~