

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2329

Introduced by Assembly Members Ruskin and Chesbro

February 19, 2010

An act to amend Section 12891 of the Government Code, *to add Division 25.7 (commencing with Section 38600) to the Health and Safety Code*, and to add Part 5 (commencing with Section 71400) to Division 34 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2329, as amended, Ruskin. Environmental protection: greenhouse gas emissions: Climate Action Team.

The California Global Warming Solutions Act of 2006 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 (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), under the direction of the Secretary for Environmental Protection and consisting

of representatives from specified state agencies, that would be responsible for coordinating the state’s overall climate policy, identifying and reviewing activities and funding programs, recommending policies, investment strategies, and priorities, and providing information to local governments and regional agencies. *The bill would require the Natural Resources Agency, by June 1, 2012, in coordination with other state agencies, to prepare and submit to the Governor the California Climate Vulnerability and Adaptation Plan that would provide for the protection of California’s natural resources, public health, infrastructure, and economic vitality from the ongoing and expected impacts of climate change. The bill would require the Natural Resources Agency, in coordination with state agencies and departments, to review and revise the California Climate Vulnerability and Adaptation Plan on a triennial basis to incorporate new information regarding impacts of climate change.*

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. Section 12891 of the Government Code is
- 2 amended to read:
- 3 12891. For purposes of this chapter, the following terms have
- 4 the following meanings:
- 5 (a) “Agency” means the California Environmental Protection
- 6 Agency.
- 7 (b) “Climate Action Team” means the Climate Action Team
- 8 established pursuant to Section 71402 of the Public Resources
- 9 Code.
- 10 (c) “GHG” means greenhouse gas as defined in subdivision
- 11 (g) of Section 38505 of the Health and Safety Code.
- 12 (d) “GHG emission reduction target” means a requirement
- 13 made applicable to a state agency by an action taken by the State
- 14 Air Resources Board pursuant to Division 25.5 (commencing with
- 15 Section 38500) of the Health and Safety Code.
- 16 (e) “Secretary” means the Secretary for Environmental
- 17 Protection.
- 18 (f) “Sector” means an industrial, resources, or administrative
- 19 domain that should be addressed as an integrated whole for the
- 20 purposes of climate change planning.

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

7 *SEC. 2. Division 25.7 (commencing with Section 38600) is*
8 *added to the Health and Safety Code, to read:*

9
10 *DIVISION 25.7. CALIFORNIA CLIMATE VULNERABILITY*
11 *AND ADAPTATION PLAN OF 2010*
12

13 *38600. This division shall be known, and may be cited, as the*
14 *California Climate Vulnerability and Adaptation Plan of 2010.*

15 *38601. (a) On or before June 1, 2012, the Natural Resources*
16 *Agency shall, in coordination with other state agencies, prepare*
17 *and submit to the Governor, a statewide California Climate*
18 *Vulnerability and Adaptation Plan that provides for the protection*
19 *of California’s natural resources, public health, infrastructure,*
20 *and economic vitality from the ongoing and expected impacts of*
21 *climate change.*

22 *(b) The plan shall be developed to include the scope, elements,*
23 *and policy recommendations from the 2009 California Climate*
24 *Adaptation Strategy developed and adopted by the Natural*
25 *Resources Agency as directed by Executive Order No. S-13-08,*
26 *including other refinements to those recommendations.*

27 *(c) The plan shall assess progress on strategies identified in the*
28 *2009 California Climate Adaptation Strategy, and identify and*
29 *prioritize existing and future needed research, policies, planning,*
30 *best management practices, and other actions required for the*
31 *state to continue to adapt to the ongoing and expected impacts*
32 *associated with climate change, including both of the following*
33 *elements:*

34 *(1) Guidelines for integrating and updating existing and new*
35 *state adaptation policies that could also be utilized by local,*
36 *regional, and federal adaptation policies, plans, programs, and*
37 *projects, including the California State Wildlife Action Plan and*
38 *California Landscape Conservation Cooperatives.*

1 (2) Guidelines for effective coordination among state agencies
2 to develop and implement effective cross-sector strategies and
3 actions.

4 (d) The plan shall be based on the best available science.

5 (e) The plan shall identify strategies that protect, conserve,
6 restore, utilize, enhance, or mimic natural processes and functions.

7 (f) The plan will utilize and update the CalAdapt Internet Web
8 site to show climate change impacts to California and provide all
9 California residents with an opportunity to visualize how specific
10 climate impacts can impact their community, assess which research
11 was utilized to show those impacts, and make determinations of
12 appropriate actions to reduce identified climate impacts.

13 (g) The Natural Resources Agency, in coordination with other
14 partner state agencies and departments, shall review and revise
15 the plan every three years to incorporate new information
16 regarding the impacts of climate change on natural resources,
17 public health, infrastructure, and economic vitality, as well as to
18 incorporate new strategies to address adaptation, including
19 strategies that increase resiliency, to those impacts.

20 (h) The plan shall also serve as the state’s climate change
21 adaptation planning document required by any federal law that
22 makes federal funding contingent upon a statewide adaptation
23 plan.

24 (i) The Natural Resources Agency, consistent with the provision
25 of this division and the plan, shall do both of the following:

26 (1) Receive federal and state funds for statewide planning and
27 implementation of the statewide plan including any federal funds
28 made available to the state from a federal climate change policy.

29 (2) Conduct research related to the state’s need to understand
30 and address the ongoing and expected impacts of climate change
31 on our natural resources.

32 ~~SEC. 2.~~

33 SEC. 3. Part 5 (commencing with Section 71400) is added to
34 Division 34 of the Public Resources Code, to read:

35

36 PART 5. STATE CLIMATE CHANGE ACTION TEAM ACT
37 OF 2010

38

39 71400. This part shall be known as the State Climate Change
40 Action Team Act of 2010.

1 71401. The Legislature finds and declares all of the following:

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

7 (b) The California Global Warming Solutions Act of 2006
8 (Division 25.5 (commencing with Section 38500) of the Health
9 and Safety Code) provides a process for the establishment of a
10 statewide greenhouse gas emission limit and a process for the
11 adoption of regulations to achieve the maximum technologically
12 feasible and cost-effective greenhouse gas emission reductions.
13 That act also directs the Climate Action Team to coordinate the
14 overall climate policy as provided in Executive Order No. S-3-05
15 and for all state agencies to consider and implement strategies to
16 reduce their greenhouse gas emissions.

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

23 (d) More effective coordination of existing programs and
24 funding by the state can improve the achievement of statewide
25 greenhouse gas emission reductions, protect the state's
26 infrastructure, communities, and natural resources from the impacts
27 of climate change, and provide economic and job growth through
28 the development and support of a strong clean technology industry.

29 (e) Due to the global nature of the causes and impacts of climate
30 change, it is imperative for California to consult with other states,
31 the federal government, and other nations to identify the most
32 effective strategies and methods to reduce greenhouse gases, adapt
33 to ongoing and future climate change, coordinate climate change
34 research efforts, and facilitate the development of integrated and
35 cost-effective regional, national, and international climate change
36 programs.

37 (f) *Climate change in California during this century is expected*
38 *to shift precipitation patterns, accelerate sea level rise, and*
39 *increase temperatures, thereby posing a serious threat to*

1 *California's economy, to the health and welfare of its population,*
2 *and to its natural resources.*

3 *(g) California needs to continue to adapt and build our*
4 *resiliency to climate changes through a thoughtful and sensible*
5 *approach with local, regional, state, and federal government using*
6 *the best available science, as was developed by the Natural*
7 *Resources Agency, the state's lead agency in climate adaptation.*

8 *(h) California's water supply and coastal resources, including*
9 *valuable natural habitat areas, are particularly vulnerable to sea*
10 *level rise over the next century and could suffer devastating*
11 *consequences if adaptive measures are not taken. The country's*
12 *longest continuously operating gauge of sea level at Fort Point in*
13 *San Francisco Bay, recorded a seven-inch rise in sea level during*
14 *the 20th century, demonstrating the vulnerability of infrastructure*
15 *and resources within that bay. Global sea level rise for the 21st*
16 *century is projected to rise faster than historical levels with the*
17 *Intergovernmental Panel on Climate Change predicting that global*
18 *sea levels will rise between seven to 23 inches this century and*
19 *some experts predicting even higher rises.*

20 *(i) The State Energy Resources Conservation and Development*
21 *Commission's Public Interest Energy Research Program has*
22 *funded research on climate change since 2001 that has provided*
23 *the foundation for California's climate change impact and*
24 *adaptation research.*

25 71402. (a) The Climate Action Team is hereby established in
26 state government and shall consist of the following members:

27 (1) The Secretary for Environmental Protection, who shall serve
28 as the chairperson of the Climate Action Team, and who shall
29 coordinate oversight of state agencies' efforts made to meet the
30 greenhouse gas emission reduction targets established pursuant to
31 the Global Warming Solutions Act of 2006 (Division 25.5
32 (commencing with Section 38500) of the Health and Safety Code).

33 (2) The Secretary of the Natural Resources Agency.

34 (3) The Chairperson of the State Air Resources Board.

35 (4) The Chairperson of the State Energy Resources Conservation
36 and Development Commission.

37 (5) The President of the Public Utilities Commission.

38 (6) The Secretary of Business, Transportation and Housing.

39 (7) The Secretary of Food and Agriculture.

40 (8) The Secretary of State and Consumer Services.

1 (9) The Secretary of California Health and Human Services.

2 (10) The Director of the Office of Planning and Research.

3 (11) The Secretary for Labor and Workforce Development.

4 (b) Upon the determination of the Secretary for Environmental
5 Protection, ex officio representatives from other state departments
6 may be added to the Climate Action Team as necessary to provide
7 assistance and expertise in particular subject areas.

8 (c) Multiagency staff working groups may be formed by the
9 Climate Action Team to provide technical support for the work of
10 the team in individual sectors. Sectors may include, but are not
11 limited to, agriculture, biodiversity and habitat, forestry, energy,
12 land use, coastal and delta resources, regional and international
13 policy development, state operations, water, and climate change
14 research.

15 71403. Consistent with the California Global Warming
16 Solutions Act of 2006 (Division 25.5 (commencing with Section
17 38500) of the Health and Safety Code) and Executive Order No.
18 S-3-05, the Climate Action Team, under the direction of the
19 Secretary for Environmental Protection, shall coordinate climate
20 policy of the state to achieve all of the following goals:

21 (a) The maximum feasible and cost-effective reduction of
22 greenhouse gas emissions through the implementation by the State
23 Air Resources Board of the California Global Warming Solutions
24 Act of 2006 (Division 25.5 (commencing with Section 38500) of
25 the Health and Safety Code).

26 (b) The promotion of economic and job growth in California
27 through workforce development and the encouragement and
28 support of clean technology development and deployment to meet
29 the state's climate change goals and greenhouse gas emission
30 reduction targets and limits.

31 (c) The identification of unavoidable climate change impacts
32 to California's natural resources and infrastructure.

33 (d) The development and implementation of mitigation and
34 adaptation plans to protect the natural resources, public health and
35 welfare, and economy of California.

36 (e) The coordination of climate change policies with other states,
37 the federal government, and other nations to identify the most
38 effective strategies and methods to reduce greenhouse gases, adapt
39 to ongoing and future climate change, coordinate climate change
40 research efforts, and facilitate the development of integrated and

1 cost-effective regional, national, and international climate change
2 programs.

3 (f) The coordination and efficient use of existing state resources,
4 programs, and funds to achieve the goals identified in this section.

5 71404. The Climate Action Team, under the direction of the
6 Secretary for Environmental Protection, shall do all of the
7 following:

8 (a) Identify and review activities, funding programs, and other
9 revenue of state agencies that may be coordinated to meet the goals
10 of Section 71403.

11 (b) Recommend policies, investment strategies, and priorities
12 to meet the goals of Section 71403.

13 (c) Provide information to local governments and regional
14 activities that will assist in addressing the goals of Section 71403.

15 71405. (a) Each member of the Climate Action Team may
16 appoint an alternate or designee to attend meetings or hearings of
17 the Climate Action Team in that member's place.

18 (b) Notwithstanding Section 7.5 of the Government Code, each
19 designee shall act as the member in his or her place and stand for
20 all intents and purposes as though the member were personally
21 present, including the right of the designee to be counted in
22 constituting a quorum to participate in any proceeding of the
23 Climate Action Team and to vote upon any and all matters.

24 (c) Each designee shall have the right to represent the member
25 who appointed him or her regardless of the number of other
26 designees representing the chair, director, president, or secretaries,
27 at a particular meeting or session of the Climate Action Team.
28 Each designee shall represent only one member at any meeting or
29 session of the Climate Action Team.

30 (d) The Climate Action Team shall hold duly noticed public
31 meetings and workshops to solicit comments from the public prior
32 to recommending policies, investment strategies, and priorities in
33 accordance with subdivision (b) of Section 71404. A meeting of
34 the Climate Action Team, including a meeting related to the
35 coordination of the multiagency efforts to meet the greenhouse
36 gas emission reduction targets and activities related to the
37 California Global Warming Solutions Act of 2006 (Division 25.5
38 (commencing with Section 38500) of the Health and Safety Code),
39 shall be subject to the Bagley-Keene Open Meeting Act (Article
40 9 (commencing with Section 11120) of Chapter 1 of Part 1 of

1 Division 3 of Title 2 of the Government Code). For the purposes
2 of this subdivision, “meeting” does not include a meeting at which
3 the secretaries serving as members of the Climate Action Team
4 are meeting as members of the Governor’s cabinet.

O