

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 26

Introduced by Assembly Member Bonilla

December 3, 2012

An act to amend Section 16428.8 of the Government Code, relating to climate change.

LEGISLATIVE COUNSEL'S DIGEST

AB 26, as amended, Bonilla. California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include *the* use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. *Existing law authorizes the Controller to use moneys in the fund for cash flow loans to the General Fund, as prescribed.*

~~This bill would make a technical, nonsubstantive change to this provision.~~

This bill would prohibit the Controller from using moneys in the fund for cash flow loans to the General Fund.

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

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

1 SECTION 1. Section 16428.8 of the Government Code is
2 amended to read:

3 16428.8. (a) The Greenhouse Gas Reduction Fund, hereafter
4 referred to in this article as the fund, is hereby created as a special
5 fund in the State Treasury.

6 (b) Except for fines and penalties, all moneys collected by the
7 State Air Resources Board from the auction or sale of allowances,
8 pursuant to a market-based compliance mechanism established
9 pursuant to Division 25.5 (commencing with Section 38500) of
10 the Health and Safety Code and specified in Sections 95800 to
11 96022, inclusive, of Title 17 of the California Code of Regulations,
12 shall be deposited in the fund and shall be available for
13 appropriation by the Legislature.

14 (c) All moneys deposited in the fund shall be appropriated and
15 shall be separately identified in the annual Budget Act. No moneys
16 from the General Fund or any other fund shall be deposited in the
17 fund.

18 (d) Notwithstanding any other law, the Controller ~~may~~ *shall not*
19 use the moneys in the fund for cash flow loans to the General Fund
20 as provided in Sections 16310 and 16381.

21 (e) Any technical amendments made by the State Air Resources
22 Board to the regulations established under Sections 95800 to 96022,
23 inclusive, of Title 17 of the California Code of Regulations to
24 conform that regulation to this article shall be exempt from the
25 provisions of the Administrative Procedure Act (Chapter 3.5
26 (commencing with Section 11340) of Part 1 of Division 3) and
27 from the review and approval of the Office of Administrative Law.

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