

AMENDED IN ASSEMBLY APRIL 22, 2013

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~~ Sections 39712 and 39716 of, and to add Section 39714 to, the Health and Safety Code, relating to ~~climate change~~ greenhouse gases.

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~~ requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund.

This bill would ~~prohibit the Controller from using moneys in the fund for cash flow loans to the General Fund.~~ *require the 3-year investment plan to allocate moneys consistent with additional statewide goals, as specified. The bill would require projects involving construction, alteration, demolition, installation, repair, and maintenance work paid for in whole or in part from the Greenhouse Gas Reduction Fund to be considered public works as defined. The bill would authorize moneys from the Greenhouse Gas Reduction Fund be made available to the owner or operator of a refinery to perform maintenance work to reduce greenhouse gas emissions if all maintenance work at the refinery related to reducing greenhouse gas emissions that falls within an apprenticeable occupation, as defined, will be performed by skilled journeypersons, as defined, and registered apprentices, as defined.*

This bill would require the Chief of the Division of Apprenticeship Standards to approve, no later than January 1, 2016, a curriculum for an apprenticeship program in advanced safety training in performing work processes to reduce greenhouse gas emissions, as defined, and would require the chief, in consultation with the California Emergency Management Agency and the Division of Occupational Safety and Health, to periodically revise the curriculum to reflect current best practices. The bill would require an approved apprenticeship program or community college to issue a certificate to a worker who completes the approved curriculum. The bill would prohibit employers from being required to pay for the costs of the training or to pay wages to workers for the time spent in the training unless the employer has agreed to do so.

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 39712 of the Health and Safety Code is
- 2 amended to read:
- 3 39712. (a) (1) It is the intent of the Legislature that moneys
- 4 shall be appropriated from the fund only in a manner consistent
- 5 with the requirements of this part and Article 9.7 (commencing
- 6 with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title
- 7 2 of the Government Code.
- 8 (2) The state shall not approve allocations for a measure or
- 9 program using moneys appropriated from the fund except after

determining, based on the available evidence, that the use of those moneys furthers the regulatory purposes of Division 25.5 (commencing with Section 38500) and is consistent with law. If any expenditure of moneys from the fund for any measure or project is determined by a court to be inconsistent with law, the allocations for the remaining measures or projects shall be severable and shall not be affected.

(b) Moneys shall be used to facilitate the achievement of reductions of greenhouse gas emissions in this state consistent with ~~this division~~ *Division 25.5* and, where applicable and to the extent feasible:

(1) Maximize economic, environmental, and public health benefits to the state.

(2) Foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses.

(3) Complement efforts to improve air quality.

(4) Direct investment toward the most disadvantaged communities and households in the state.

(5) Provide opportunities for businesses, public agencies, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

(6) Lessen the impacts and effects of climate change on the state's communities, economy, and environment.

(7) *Transition the state's workforce away from carbon intensive project job skills to greenhouse gas emissions reducing project job skills.*

(8) *Reinvest on a regional basis to meet economic needs resulting from climate change policy.*

(c) Moneys appropriated from the fund may be allocated, consistent with subdivision (a), for the purpose of reducing greenhouse gas emissions in this state through investments that may include, but are not limited to, any of the following:

(1) Funding to reduce greenhouse gas emissions through energy efficiency, clean and renewable energy generation, distributed renewable energy generation, transmission and storage, and other related actions, including, but not limited to, at public universities, state and local public buildings, and industrial and manufacturing facilities.

(2) Funding to reduce greenhouse gas emissions through the development of state-of-the-art systems to move goods and freight, advanced technology vehicles and vehicle infrastructure, advanced biofuels, and low-carbon and efficient public transportation.

(3) Funding to reduce greenhouse gas emissions associated with water use and supply, land and natural resource conservation and management, forestry, and sustainable agriculture.

(4) Funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects, including, but not limited to, transportation and housing.

(5) Funding to reduce greenhouse gas emissions through increased in-state diversion of municipal solid waste from disposal through waste reduction, diversion, and reuse.

(6) Funding to reduce greenhouse gas emissions through investments in programs implemented by local and regional agencies, local and regional collaboratives, and nonprofit organizations coordinating with local governments.

(7) Funding in research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded pursuant to this part.

(8) *Funding for apprenticeship and job training programs associated with greenhouse gas emissions reduction technologies.*

SEC. 2. *Section 39714 is added to the Health and Safety Code, to read:*

39714. (a) *For purposes of this section, the following terms have the following meanings:*

(1) *“Apprenticeable occupation” means an occupation for which the Chief of the Division of Apprenticeship Standards has approved an apprenticeship program pursuant to Section 3075 of the Labor Code.*

(2) *“Approved advanced safety training in performing work processes to reduce greenhouse gas emissions” means a curriculum of in-person classroom and laboratory instruction approved by the Chief of the Division of Apprenticeship Standards in consultation with the California Emergency Management Agency and the Division of Occupational Safety and Health.*

(3) *“Registered apprentice” means an apprentice registered in an apprenticeship program approved by the Chief of the Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code who is performing work covered by the standards of that*

1 apprenticeship program and receiving the supervision required
2 by the standards of that apprenticeship program.

3 (4) “Skilled journeyperson” means a worker who meets all of
4 the following:

5 (A) The worker accomplished either of the following:

6 (i) Graduated from an apprenticeship program for the
7 applicable occupation that was approved by the Chief of the
8 Division of Apprenticeship Standards or by the federal Office of
9 Apprenticeship, or by its predecessor agency.

10 (ii) Has at least as many hours of on-the-job experience in the
11 applicable occupation that would be required to graduate from
12 an apprenticeship program for the applicable occupation that is
13 approved by the Chief of the Division of Apprenticeship Standards.

14 (B) The worker is being paid at least the prevailing hourly wage
15 rate for a journeyperson in the applicable occupation and
16 geographic area.

17 (C) The worker has completed within the prior two calendar
18 years at least 20 hours of approved advanced safety training in
19 performing work processes to reduce greenhouse gas emissions.
20 This requirement shall apply only to work performed on or after
21 January 1, 2018.

22 (b) Construction, alteration, demolition, installation, repair,
23 and maintenance work paid for in whole or in part from the fund
24 shall be considered public works as that term is used in Article 2
25 (commencing with Section 1770) of Chapter 1 of Part 7 of Division
26 2 of the Labor Code.

27 (c) Moneys from the fund may be made available to the owner
28 or operator of a refinery to perform maintenance work to reduce
29 greenhouse gas emissions if all maintenance work at the refinery
30 related to reducing greenhouse gas emissions that falls within an
31 apprenticeable occupation will be performed by skilled
32 journeypersons and registered apprentices.

33 (d) Approved advanced safety training in performing work
34 processes to reduce greenhouse gas emissions may be provided
35 by an apprenticeship program approved by the Chief of the
36 Division of Apprenticeship Standards or by the California
37 Community Colleges. No later than January 1, 2016, the Chief of
38 the Division of Apprenticeship Standards shall approve a
39 curriculum, and, in consultation with the California Emergency
40 Management Agency and the Division of Occupational Safety and

1 *Health, shall periodically revise the curriculum to reflect current*
2 *best practices. An apprenticeship program or community college*
3 *shall issue a certificate to a worker who completes the approved*
4 *curriculum. Notwithstanding any other law, employers shall not*
5 *be required to pay for the costs of the training or to pay wages to*
6 *workers for the time spent in the training unless the employer has*
7 *agreed to do so.*

8 *SEC. 3. Section 39716 of the Health and Safety Code is*
9 *amended to read:*

10 39716. (a) The Department of Finance, on behalf of the
11 Governor, and in consultation with the state board and any other
12 relevant state entity, shall develop and submit to the Legislature
13 at the time of the department's adjustments to the proposed
14 2013–14 fiscal year budget pursuant to subdivision (e) of Section
15 13308 of the Government Code a three-year investment plan.
16 Commencing with the 2016–17 fiscal year budget and every three
17 years thereafter, with the release of the Governor's budget proposal,
18 the Department of Finance shall include updates to the investment
19 plan following the public process described in subdivisions (b)
20 and (c). The investment plan, consistent with the requirements of
21 Section 39712, shall do all of the following:

22 (1) Identify the state's near-term and long-term greenhouse gas
23 emissions reduction goals and targets by sector.

24 (2) Analyze gaps, where applicable, in current state strategies
25 to meeting the state's greenhouse gas emissions reduction goals
26 by sector.

27 (3) Identify priority programmatic investments of moneys that
28 will facilitate the achievement of feasible and cost-effective
29 greenhouse gas emissions reductions toward achievement of
30 greenhouse gas reduction goals and targets by sector, consistent
31 with subdivision (c) of Section 39712.

32 (4) *Allocate moneys consistent with statewide goals, including,*
33 *but not limited to, those described in Chapter 728 of the Statutes*
34 *of 2008.*

35 (b) (1) The state board shall hold at least two public workshops
36 in different regions of the state and one public hearing prior to the
37 Department of Finance submitting the investment plan.

38 (2) The state board shall, prior to the submission of each
39 investment plan, consult with the Public Utilities Commission to
40 ensure the investment plan is coordinated with, and does not

1 conflict with or unduly overlap with, activities under the oversight
2 or administration of the Public Utilities Commission undertaken
3 pursuant to Part 5 (commencing with Section 38570) of Division
4 25.5 or other activities under the oversight or administration of
5 the Public Utilities Commission that facilitate greenhouse gas
6 emissions reductions consistent with ~~this division~~ *Division 25.5*.
7 The investment plan shall include a description of the use of any
8 moneys generated by the sale of allowances received at no cost
9 by the investor-owned utilities pursuant to a market-based
10 compliance mechanism.

11 (c) The Climate Action Team, established under Executive
12 Order S-3-05, shall provide information to the Department of
13 Finance and the state board to assist in the development of each
14 investment plan. The Climate Action Team shall participate in
15 each public workshop held on an investment plan and provide
16 testimony to the state board on each investment plan. For purposes
17 of this section, the Secretary of Labor and Workforce Development
18 shall assist the Climate Action Team in its efforts.

19 ~~SECTION 1. Section 16428.8 of the Government Code is~~
20 ~~amended to read:~~

21 ~~16428.8. (a) The Greenhouse Gas Reduction Fund, hereafter~~
22 ~~referred to in this article as the fund, is hereby created as a special~~
23 ~~fund in the State Treasury.~~

24 ~~(b) Except for fines and penalties, all moneys collected by the~~
25 ~~State Air Resources Board from the auction or sale of allowances,~~
26 ~~pursuant to a market-based compliance mechanism established~~
27 ~~pursuant to Division 25.5 (commencing with Section 38500) of~~
28 ~~the Health and Safety Code and specified in Sections 95800 to~~
29 ~~96022, inclusive, of Title 17 of the California Code of Regulations,~~
30 ~~shall be deposited in the fund and shall be available for~~
31 ~~appropriation by the Legislature.~~

32 ~~(c) All moneys deposited in the fund shall be appropriated and~~
33 ~~shall be separately identified in the annual Budget Act. No moneys~~
34 ~~from the General Fund or any other fund shall be deposited in the~~
35 ~~fund.~~

36 ~~(d) Notwithstanding any other law, the Controller shall not use~~
37 ~~the moneys in the fund for cash flow loans to the General Fund as~~
38 ~~provided in Sections 16310 and 16381.~~

39 ~~(e) Any technical amendments made by the State Air Resources~~
40 ~~Board to the regulations established under Sections 95800 to 96022,~~

1 inclusive, of Title 17 of the California Code of Regulations to
2 conform that regulation to this article shall be exempt from the
3 provisions of the Administrative Procedure Act (Chapter 3.5
4 (commencing with Section 11340) of Part 1 of Division 3) and
5 from the review and approval of the Office of Administrative Law.

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