

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN ASSEMBLY MAY 28, 2013

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 add Section 39714 to the Health and Safety Code, relating to 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 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 require projects involving construction, alteration, demolition, installation, repair, and maintenance work paid for in whole or in part specify that moneys from the Greenhouse Gas Reduction Fund to be considered are public works funds, as defined. The bill would authorize require that, if moneys from the Greenhouse Gas Reduction Fund be are made available to the owner or operator of a refinery to perform work to reduce greenhouse gas emissions if, then all work at the refinery related to reducing greenhouse gas emissions that is not performed by the owner's or operator's own employees and that falls within an apprenticeable occupation, as defined, will shall be performed by skilled journeypersons, as defined, and registered apprentices, as defined. The bill would require that moneys from the Greenhouse Gas Reduction Fund only be made available for work at a refinery if the work is related to complying with a market-based compliance mechanism to reduce greenhouse gas emissions, as specified.

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 specific to reduce technology related to the reduction of 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 39714 is added to the Health and Safety
2 Code, to read:
3 39714. (a) For purposes of this section, the following terms
4 have the following meanings:
5 (1) "Apprenticeable occupation" means an occupation for which
6 the Chief of the Division of Apprenticeship Standards has approved

1 an apprenticeship program pursuant to Section 3075 of the Labor
2 Code.

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

9 (3) “Registered apprentice” means an apprentice registered in
10 an apprenticeship program approved by the Chief of the Division
11 of Apprenticeship Standards pursuant to Section 3075 of the Labor
12 Code who is performing work covered by the standards of that
13 apprenticeship program and receiving the supervision required by
14 the standards of that apprenticeship program.

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

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

18 (i) Graduated from an apprenticeship program for the applicable
19 occupation that was approved by the Chief of the Division of
20 Apprenticeship Standards or by the federal Office of
21 Apprenticeship, or by its predecessor agency.

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

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

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

34 (b) ~~Construction, alteration, demolition, installation, repair, and~~
35 ~~maintenance work paid for in whole or in part from the fund shall~~
36 ~~be considered public works as that term is used in Moneys from~~
37 ~~the fund shall be public funds as that term is used in Article 2~~
38 (commencing with Section 1770) of Chapter 1 of Part 7 of Division
39 2 of the Labor Code.

1 (c) ~~Moneys~~ *Insofar as moneys* from the fund may be made
2 available to the owner or operator of a refinery *pursuant to Section*
3 *39716* to perform work to reduce greenhouse gas emissions ~~if,~~
4 *then* all work at the refinery related to reducing greenhouse gas
5 emissions that is not performed by the owner's or operator's own
6 employees and that falls within an apprenticeable occupation ~~will~~
7 *shall* be performed by skilled journeypersons and registered
8 apprentices.

9 (d) *For purposes of subdivision (c), moneys from the fund shall*
10 *be made available only for work at a refinery if the work is related*
11 *to complying with a market-based compliance mechanism*
12 *established pursuant to the California Global Warming Solutions*
13 *Act of 2006 (Division 25.5 (commencing with Section 38500)),*
14 *and is not required by any other law, regulation, or court order.*

15 (e)

16 (e) Approved advanced safety training in performing work
17 processes ~~specific to~~ *reducee the reduction of* greenhouse gas
18 emissions may be provided by an apprenticeship program approved
19 by the Chief of the Division of Apprenticeship Standards or by
20 the California Community Colleges. No later than January 1, 2016,
21 the Chief of the Division of Apprenticeship Standards shall approve
22 a curriculum, and, in consultation with the California Emergency
23 Management Agency and the Division of Occupational Safety and
24 Health, shall periodically revise the curriculum to reflect current
25 best practices. An apprenticeship program or community college
26 shall issue a certificate to a worker who completes the approved
27 curriculum. Notwithstanding any other law, employers shall not
28 be required to pay for the costs of the training or to pay wages to
29 workers for the time spent in the training unless the employer has
30 agreed to do so.