

AMENDED IN ASSEMBLY MAY 7, 2013
AMENDED IN ASSEMBLY APRIL 23, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1375

**Introduced by Assembly Member Chau
(Coauthor: Assembly Member Gordon)**

February 22, 2013

An act to add Section 16428.96 to the Government Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 1375, as amended, Chau. California Global Warming Solutions Act of 2006: market-based compliance mechanisms: Clean Technology Investment Account.

The California Global Warming Solutions Act of 2006, hereafter the Global Warming Solutions Act, 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 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. ~~That Existing law~~

permits ~~money moneys~~ from the fund be allocated for *the* research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded under the Global Warming Solutions Act. ~~That law also prohibits the state from using moneys in the fund unless the state determines that the use of the moneys furthers the regulatory purposes of the Global Warming Solutions Act.~~

This bill would create the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund and would require the Legislature to annually appropriate ~~money moneys~~ from the Greenhouse Gas Reduction Fund into the Clean Technology Investment Account. This bill would make ~~the funds~~ *those moneys* available to the ~~State Air Resources Board~~ *of state board* for the purposes of ~~providing grants to nonprofit public benefit corporations to design and implement programs for accelerating the development, demonstration, and deployment by companies and entrepreneurs of transformative technologies that would reduce or have the potential to~~ *of clean technologies that will reduce greenhouse gas emissions and foster job creation in the state. The bill would require the implementation of these provisions be contingent on the appropriation of moneys by the Legislature for these purposes.*

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. It is the intent of the Legislature that moneys in
- 2 the Clean Technology Investment Account be used to facilitate
- 3 the achievement of reductions of greenhouse gas emissions in this
- 4 state consistent with paragraph (7) of subdivision (c) of Section
- 5 39712 of the Health and Safety Code.
- 6 SEC. 2. Section 16428.96 is added to the Government Code,
- 7 to read:
- 8 16428.96. (a) There is hereby created the Clean Technology
- 9 Investment Account within the Greenhouse Gas Reduction Fund,
- 10 established pursuant to Section 16428.8. Moneys ~~in the fund~~ shall
- 11 be appropriated annually by the Legislature in the Budget Act from
- 12 the Greenhouse Gas Reduction Fund to the Clean Technology
- 13 Investment Account. *Moneys in the Clean Technology Investment*
- 14 *Account shall be available for expenditure by the State Air*
- 15 *Resources Board for the purposes of this section, upon*
- 16 *appropriation by the Legislature in the annual Budget Act.*

1 (b) Moneys in the account *Clean Technology Investment Account*
2 shall, upon appropriation by the Legislature in the annual Budget
3 Act, be expended by the State Air Resources Board for the purposes
4 of accelerating the development and deployment of clean
5 technologies that will reduce greenhouse gas emission *emissions*
6 and will foster job creation in California by awarding grants to
7 nonprofit public benefit corporations formed pursuant to the
8 Nonprofit Corporation Law (Division 2 (commencing with Section
9 5000) of the Corporations Code) that is qualified to do business
10 in California and is qualified under Section 501(c)(3) of the Internal
11 Revenue Code to design and implement programs that accelerate
12 the development, demonstration, and deployment by companies
13 and entrepreneurs of transformative technologies that will
14 reduce or have the potential to reduce greenhouse gas emissions
15 and foster job creation in California.

16 (e) Priority shall be given to nonprofit public benefit
17 corporations that have one or more of the following:

18 (1) A demonstrated ability to accelerate innovative technologies
19 intended to reduce greenhouse gas emissions.

20 (2) A demonstrated ability to attract private capital.

21 (3) Access to broad network of resources, including, but not
22 limited to, sponsoring entities, outside venture capital, academia,
23 volunteers, and mentors.

24 (4) Operate as part of a larger effort, whether national or
25 international, that it can leverage for the purposes of the programs
26 designed pursuant to subdivision (b).

27 (5) An ability to match public funds with private resources,
28 whether actual cash or in-kind contributions.

29 (d)

30 (c) Prior to disbursing grants *moneys* pursuant to this section,
31 the State Air Resources Board shall develop and adopt project
32 solicitation and evaluation guidelines. The *state* board shall conduct
33 a public meeting to consider public comments prior to finalizing
34 the guidelines. At least 30 days prior to the public meeting, the
35 *state* board shall publish the draft solicitation and evaluation
36 guidelines on its Internet Web site.

37 (e) Chapter 3.5 (commencing with Section 11340) of Part 1 of
38 Division 3 of Title 2 does not apply to the development of program
39 guidelines and solicitation and evaluation guidelines.

1 *(d) The implementation of this section, including the*
2 *development of guidelines by the State Air Resources Board and*
3 *the allocation of financial assistance to eligible recipients, shall*
4 *be contingent on the appropriation of moneys in the annual Budget*
5 *Act by the Legislature for these purposes.*

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