

ASSEMBLY BILL

No. 1639

Introduced by Assembly Member Grove

February 11, 2014

An act to amend Section 39712 of, and to add Section 38597.1 to, the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, as introduced, Grove. California Global Warming Solutions Act of 2006: greenhouse gas emissions limit.

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 state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.

The act also 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 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 state the intent of the Legislature that moneys derived from emissions reductions measures be expended to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide

greenhouse gas emissions limit. The bill, as part of the 3-year investment plan, would require moneys appropriated from the Greenhouse Gas Reduction Fund be used to achieve the statewide greenhouse gas emissions limit.

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 38597.1 is added to the Health and Safety
2 Code, to read:

3 38597.1. It is the intent of the Legislature that moneys derived
4 from emissions reductions measures established pursuant to this
5 division shall be expended to achieve the maximum technologically
6 feasible and cost-effective reductions in greenhouse gas emissions
7 in furtherance of achieving the statewide greenhouse gas emissions
8 limit established pursuant to Section 38550.

9 SEC. 2. Section 39712 of the Health and Safety Code is
10 amended to read:

11 39712. (a) (1) It is the intent of the Legislature that moneys
12 shall be appropriated from the fund only in a manner consistent
13 with the requirements of this chapter and Article 9.7 (commencing
14 with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title
15 2 of the Government Code.

16 (2) The state shall not approve allocations for a measure or
17 program using moneys appropriated from the fund except after
18 determining, based on the available evidence, that the use of those
19 moneys furthers the regulatory purposes of Division 25.5
20 (commencing with Section 38500) and is consistent with law. If
21 any expenditure of moneys from the fund for any measure or
22 project is determined by a court to be inconsistent with law, the
23 allocations for the remaining measures or projects shall be
24 severable and shall not be affected.

25 (b) Moneys shall be used to facilitate the achievement of
26 reductions of greenhouse gas emissions in this state consistent
27 with Division 25.5 (commencing with Section 38500), *to achieve*
28 *the statewide greenhouse gas emissions limit established pursuant*
29 *to Section 38550*, and, where applicable and to the extent feasible:

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

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

4 (3) Complement efforts to improve air quality.

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

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

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

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

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

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

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

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

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

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

- 1 (7) Funding research, development, and deployment of
- 2 innovative technologies, measures, and practices related to
- 3 programs and projects funded pursuant to this chapter.

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