

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2408

**Introduced by Assembly Members Eggman, Cristina Garcia,
Eduardo Garcia, and Gomez**

February 19, 2016

An act to amend Section 39712 ~~of~~ *of*, and to add Section 39712.5 to, the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2408, as amended, Eggman. 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 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, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. 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 allocation of moneys from the fund for the purpose of reducing emissions of greenhouse gases through various types of investments.

This bill would authorize the allocation of moneys from the fund to maximize the delivery of integrated greenhouse gas reduction projects for households in low-income and disadvantaged communities. The bill would require state agencies ~~and departments~~ administering grant ~~programs~~ *programs, as defined*, receiving an allocation from the fund to update the guidelines for their grant programs to ~~promote~~ *encourage* the coordination of the grantees. The bill would require agencies to give funding priority to projects having certain characteristics.

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 chapter 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
- 10 determining, based on the available evidence, that the use of those
- 11 moneys furthers the regulatory purposes of Division 25.5
- 12 (commencing with Section 38500) and is consistent with law. If
- 13 any expenditure of moneys from the fund for any measure or
- 14 project is determined by a court to be inconsistent with law, the
- 15 allocations for the remaining measures or projects shall be
- 16 severable and shall not be affected.
- 17 (b) Moneys shall be used to facilitate the achievement of
- 18 reductions of greenhouse gas emissions in this state consistent
- 19 with Division 25.5 (commencing with Section 38500) and, where
- 20 applicable and to the extent feasible:
- 21 (1) Maximize economic, environmental, and public health
- 22 benefits to the state.
- 23 (2) Foster job creation by promoting in-state greenhouse gas
- 24 emissions reduction projects carried out by California workers and
- 25 businesses.
- 26 (3) Complement efforts to improve air quality.

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

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

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

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

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

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

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

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

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

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

35 (7) Funding research, development, and deployment of
36 innovative technologies, measures, and practices related to
37 programs and projects funded pursuant to this chapter.

38 (8) Funding to maximize the delivery of integrated greenhouse
39 gas reduction projects, including, but not limited to, advanced
40 clean vehicles, carsharing and vanpools, low-income rooftop solar,

1 energy efficiency and weatherization, organic waste diversion and
2 compost development, and drought-tolerant lawn, park, and urban
3 greening projects, for households in low-income and disadvantaged
4 communities.

5 (d) (1) For purposes of this subdivision, “grant program” means
6 a program receiving an allocation from the fund that provides
7 grants to entities implementing programs to provide benefits to
8 eligible members of the public.

9 (2) State agencies administering grant programs shall update
10 their program guidelines to promote coordination of grantees
11 implementing regional and neighborhood programs with other
12 grantees of grant programs, including those administered by other
13 state agencies, to encourage both of the following:

14 (A) The use of a single or coordinated application by grantees
15 to determine the eligibility of a member of the public for benefits
16 provided by the regional and neighborhood programs.

17 (B) The use of a single mechanism by grantees to report to the
18 granting agencies on the efficacy of their programs, to the extent
19 feasible.

20 (3) State agencies administering grant programs shall update
21 their guidelines to authorize the use of a percentage of the grant
22 moneys to provide technical assistance to members of the public
23 in applying for benefits under the grantee’s program.

24 (e) In evaluating projects receiving an allocation from the fund,
25 state agencies shall give priority to projects that demonstrate one
26 or more of the following characteristics:

27 (1) Coordination with applicants of grant programs, including
28 grant programs administered by other state agencies, to maximize
29 the benefits to the public.

30 (2) The ability to leverage additional public and private funding.

31 (3) The potential for multibenefits.

32 (4) The potential for replication of the project.

33 (5) The use of existing regional infrastructure and institutions.

34 (6) The utilization of the services of a state-certified community
35 conservation corps.

36 *SEC. 2. Section 39712.5 is added to the Health and Safety*
37 *Code, to read:*

38 *39712.5. (a) (1) For purposes of this section, “grant program”*
39 *means a program receiving an allocation from the fund that*

1 provides grants to entities implementing programs to provide
2 benefits to the public.

3 (2) State agencies administering grant programs funded
4 pursuant to Section 39712 shall update their program guidelines
5 to encourage grantees implementing regional and neighborhood
6 programs to coordinate with other grantees, including those
7 receiving grants administered by other state agencies, by
8 promoting both of the following:

9 (A) The use of a single or coordinated application by grantees
10 to determine the eligibility of a member of the public for benefits
11 provided by the regional and neighborhood programs.

12 (B) The use of a single mechanism by grantees to report to the
13 granting agencies on the efficacy of their programs, to the extent
14 feasible.

15 (3) State agencies administering grant programs shall update
16 their guidelines, to the extent feasible, to authorize the use by
17 grantees of a percentage of the grant moneys to provide technical
18 assistance to members of the public in applying for benefits under
19 the grantee's program.

20 (b) In evaluating grant programs receiving an allocation from
21 the fund, state agencies shall give priority to programs that
22 demonstrate one or more of the following characteristics:

23 (1) Coordination with other grant programs, including grant
24 programs administered by other state agencies, to maximize the
25 benefits to the public.

26 (2) The ability to leverage additional public and private funding.

27 (3) The potential for multiple benefits.

28 (4) The potential for replication of the programs.

29 (5) The use of existing regional infrastructure and institutions.

30 (6) The inclusion of workforce development programs that
31 provide learning opportunities for veterans, former foster care
32 recipients, farmworkers, and at-risk youth, such as state-certified
33 conservation corps, especially in low-income or disadvantaged
34 communities.