

AMENDED IN ASSEMBLY JUNE 30, 2016
AMENDED IN ASSEMBLY JUNE 10, 2016
AMENDED IN ASSEMBLY SEPTEMBER 10, 2015
AMENDED IN ASSEMBLY SEPTEMBER 4, 2015
AMENDED IN ASSEMBLY AUGUST 31, 2015
AMENDED IN SENATE JUNE 1, 2015
AMENDED IN SENATE MAY 5, 2015
AMENDED IN SENATE MARCH 16, 2015

SENATE BILL

No. 32

Introduced by Senator Pavley

(Coauthors: Senators Allen, Beall, Block, De León, Hancock, Hill, Jackson, Leno, Liu, McGuire, Mitchell, Monning, Wieckowski, and Wolk)

(Coauthors: Assembly Members Bloom, Chau, Chiu, Chu, Cristina Garcia, Eduardo Garcia, McCarty, Quirk, Rendon, Mark Stone, Thurmond, Ting, Williams, and Wood)

December 1, 2014

An act to amend Sections 38505, 38550, 38551, and 38561 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 32, as amended, Pavley. California Global Warming Solutions Act of 2006: 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~~ *approve* 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.

This bill would require the state board to approve a statewide greenhouse gas emissions limit that is equivalent to 40% below the 1990 level to be achieved by 2030. *The bill would also require the state board, on or before January 1, 2018, and each year thereafter, to prepare and submit to the Joint Legislative Budget Committee and appropriate policy committees a report relating to the greenhouse gas emissions reductions achieved toward those limits.*

This bill also would make conforming changes and provide that its provisions are severable.

This bill would become operative only if AB 197 of the 2015–16 Regular Session is enacted and becomes effective on or before January 1, 2017.

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 all relevant
2 provisions of the California Global Warming Solutions Act of
3 2006 (Division 25.5 (commencing with Section 38500) of the
4 Health and Safety Code) apply to the sections of this act amending
5 sections within the California Global Warming Solutions Act of
6 2006 (Division 25.5 (commencing with Section 38500) of the
7 Health and Safety Code).

8 SEC. 2. Section 38505 of the Health and Safety Code is
9 amended to read:

10 38505. For purposes of this division, the following terms have
11 the following meanings:

12 (a) “Allowance” means an authorization to emit, during a
13 specified year, up to one ton of carbon dioxide equivalent.

14 (b) “Alternative compliance mechanism” means an action
15 undertaken by a greenhouse gas emission source that achieves the
16 equivalent reduction of greenhouse gas emissions over the same
17 time period as a direct emission reduction, and that is approved

1 by the state board. “Alternative compliance mechanism” includes,
2 but is not limited to, a flexible compliance schedule, alternative
3 control technology, a process change, or a product substitution.

4 (c) “Carbon dioxide equivalent” means the amount of carbon
5 dioxide by weight that would produce the same global warming
6 impact as a given weight of another greenhouse gas, based on the
7 best available science, including from the Intergovernmental Panel
8 on Climate Change.

9 (d) “Cost-effective” or “cost-effectiveness” means the cost per
10 unit of reduced emissions of greenhouse gases adjusted for its
11 global warming potential.

12 (e) “Direct emission reduction” means a greenhouse gas
13 emission reduction action made by a greenhouse gas emission
14 source at that source.

15 (f) “Emissions reduction measure” means programs, measures,
16 standards, and alternative compliance mechanisms authorized
17 pursuant to this division, applicable to sources or categories of
18 sources, that are designed to reduce emissions of greenhouse gases.

19 (g) “Greenhouse gas” or “greenhouse gases” includes all of the
20 following gases:

- 21 (1) Carbon dioxide.
- 22 (2) Methane.
- 23 (3) Nitrous oxide.
- 24 (4) Hydrofluorocarbons.
- 25 (5) Perfluorocarbons.
- 26 (6) Sulfur hexafluoride.
- 27 (7) Nitrogen trifluoride.

28 (h) “Greenhouse gas emissions limit” means an authorization,
29 during a specified year, to emit up to a level of greenhouse gases
30 specified by the state board, expressed in tons of carbon dioxide
31 equivalents.

32 (i) “Greenhouse gas emission source” or “source” means any
33 source, or category of sources, of greenhouse gas emissions whose
34 emissions are at a level of significance, as determined by the state
35 board, that its participation in the program established under this
36 division will enable the state board to effectively reduce greenhouse
37 gas emissions and monitor compliance with the statewide
38 greenhouse gas emissions limit.

1 (j) “Leakage” means a reduction in emissions of greenhouse
2 gases within the state that is offset by an increase in emissions of
3 greenhouse gases outside the state.

4 (k) “Market-based compliance mechanism” means either of the
5 following:

6 (1) A system of market-based declining annual aggregate
7 emissions limitations for sources or categories of sources that emit
8 greenhouse gases.

9 (2) Greenhouse gas emissions exchanges, banking, credits, and
10 other transactions, governed by rules and protocols established by
11 the state board, that result in the same greenhouse gas emission
12 reduction, over the same time period, as direct compliance with a
13 greenhouse gas emission limit or emissions reduction measure
14 adopted by the state board pursuant to this division.

15 (l) “State board” means the State Air Resources Board.

16 (m) “Statewide greenhouse gas emissions” means the total
17 annual emissions of greenhouse gases in the state, including all
18 emissions of greenhouse gases from the generation of electricity
19 delivered to and consumed in California, accounting for
20 transmission and distribution line losses, whether the electricity
21 is generated in state or imported. Statewide emissions shall be
22 expressed in tons of carbon dioxide equivalents.

23 (n) “Statewide greenhouse gas emissions limit” or “statewide
24 emissions limit” means the maximum allowable level of statewide
25 greenhouse gas emissions, as determined by the state board
26 pursuant to Part 3 (commencing with Section 38550).

27 SEC. 3. Section 38550 of the Health and Safety Code is
28 amended to read:

29 38550. (a) By January 1, 2008, the state board shall, after one
30 or more public workshops, with public notice, and an opportunity
31 for all interested parties to comment, determine what the statewide
32 greenhouse gas emissions level was in 1990, and approve in a
33 public hearing, a statewide greenhouse gas emissions limit that is
34 equivalent to that level, to be achieved by 2020. In order to ensure
35 the most accurate determination feasible, the state board shall
36 evaluate the best available scientific, technological, and economic
37 information on greenhouse gas emissions to determine the 1990
38 level of greenhouse gas emissions.

39 (b) (1) Notwithstanding subdivision (a), the state board shall
40 approve in a public hearing, based on the best available scientific,

1 technological, and economic assessments, a statewide greenhouse
2 gas emissions limit that is equivalent to 40 percent below the 1990
3 level, as determined pursuant to subdivision (a) or Section 39730,
4 to be achieved by 2030.

5 (2) For the purposes of this subdivision, a greenhouse gas
6 emissions limit shall include short-lived climate pollutants, as
7 defined in Section 39730.

8 (c) In furtherance of subdivision (b), the state board shall
9 consider historic efforts to reduce greenhouse gas emissions and
10 objectively seek and account for cost-effective actions to reduce
11 greenhouse gas emissions across all sectors.

12 (d) *On or before January 1, 2018, and each year thereafter, the*
13 *state board shall prepare and submit to the Joint Legislative Budget*
14 *Committee and appropriate policy committees a report detailing*
15 *the amounts, sources, and locations of greenhouse gas emissions*
16 *reductions achieved toward the statewide emissions limits adopted*
17 *pursuant to this section.*

18 SEC. 4. Section 38551 of the Health and Safety Code is
19 amended to read:

20 38551. (a) Each of the statewide greenhouse gas emissions
21 limits shall remain in effect unless otherwise amended or repealed.

22 (b) It is the intent of the Legislature that the statewide
23 greenhouse gas emissions limits established pursuant to Section
24 38550 continue in existence and be used to maintain and continue
25 reductions in emissions of greenhouse gases.

26 (c) The state board shall make recommendations to the Governor
27 and the Legislature on how to continue reductions of greenhouse
28 gas emissions beyond 2030.

29 SEC. 5. Section 38561 of the Health and Safety Code is
30 amended to read:

31 38561. (a) (1) On or before January 1, 2009, the state board
32 shall prepare and approve a scoping plan, as that term is understood
33 by the state board, for achieving the maximum technologically
34 feasible and cost-effective reductions in greenhouse gas emissions
35 from sources or categories of sources of greenhouse gases under
36 this division.

37 (2) The state board shall consult with all state agencies with
38 jurisdiction over sources of greenhouse gases, including the Public
39 Utilities Commission and the State Energy Resources Conservation
40 and Development Commission, on all elements of its plan that

1 pertain to energy-related matters including, but not limited to,
2 electrical generation, load-based standards or requirements, the
3 provision of reliable and affordable electrical service, petroleum
4 refining, and statewide fuel supplies to ensure the greenhouse gas
5 emissions reduction activities to be adopted and implemented by
6 the state board are complementary, nonduplicative, and can be
7 implemented in an efficient and cost-effective manner.

8 (b) The plan shall identify and make recommendations on direct
9 emissions reduction measures, alternative compliance mechanisms,
10 market-based compliance mechanisms, and potential monetary
11 and nonmonetary incentives for sources and categories of sources
12 that the state board finds are necessary or desirable to facilitate
13 the achievement of the maximum feasible and cost-effective
14 reductions of greenhouse gas emissions under this division.

15 (c) In making the determinations required by subdivision (b),
16 the state board shall consider all relevant information pertaining
17 to greenhouse gas emissions reduction programs in other states,
18 localities, and nations, including the northeastern states of the
19 United States, Canada, and the European Union.

20 (d) The state board shall evaluate the total potential costs and
21 total potential economic and noneconomic benefits of the plan for
22 reducing greenhouse gases to California's economy, environment,
23 and public health, using the best available economic models,
24 emission estimation techniques, and other scientific methods.

25 (e) In developing its plan, the state board shall take into account
26 the relative contribution of each source or source category to
27 statewide greenhouse gas emissions, and the potential for adverse
28 effects on small businesses, and shall recommend a de minimis
29 threshold of greenhouse gas emissions below which emissions
30 reduction requirements will not apply.

31 (f) In developing its plan, the state board shall identify
32 opportunities for emissions reduction measures from all verifiable
33 and enforceable voluntary actions, including, but not limited to,
34 carbon sequestration projects and best management practices.

35 (g) The state board shall conduct a series of public workshops
36 to give interested parties an opportunity to comment on the plan.
37 The state board shall conduct a portion of these workshops in
38 regions of the state that have the most significant exposure to air
39 pollutants, including, but not limited to, communities with minority
40 populations, communities with low-income populations, or both.

1 (h) The state board shall update its plan for achieving the
2 maximum technologically feasible and cost-effective reductions
3 of greenhouse gas emissions at least once every five years.

4 SEC. 6. The provisions of this act are severable. If any
5 provision of this act or its application is held invalid, that invalidity
6 shall not affect other provisions or applications that can be given
7 effect without the invalid provision or application.

8 *SEC. 7. This act shall become operative only if Assembly Bill*
9 *197 of the 2015–16 Regular Session is enacted and becomes*
10 *effective on or before January 1, 2017.*