

AMENDED IN ASSEMBLY APRIL 4, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL**No. 416**

Introduced by Assembly Member Gordon

February 15, 2013

An act to add Chapter 3.6 (commencing with Section 39680) to Part 2 of Division 26 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 416, as amended, Gordon. State Air Resources Board: Local Emission Reduction Program.

Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would create the Local Emission Reduction Program and would require money to be available from the General Fund, upon appropriation by the Legislature, for purposes of providing grants and other financial assistance to develop and implement greenhouse gas emissions reduction projects in the state. The bill would require the state board, in coordination with the Strategic Growth Council, to administer the program, as specified. *The bill would require the implementation of the program to be contingent on the appropriation of moneys by the Legislature, as specified.*

AB 416

— 2 —

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. The Legislature finds and declares all of the
 2 following:

3 (a) The reduction of greenhouse gas emissions is critical to
 4 public health, safety, the economy, and the natural environment
 5 that residents rely on.

6 (b) State investments in local and regional greenhouse gas
 7 emission reduction projects in this state help local communities
 8 thrive, support the state's emission-reduction and clean-energy
 9 targets, lower the statewide unemployment rate, and spur new job
 10 growth.

11 (c) Providing incentives to local governments to plan and
 12 implement their own greenhouse gas emission reduction efforts
 13 will assist the state to reach its emission-reduction targets faster
 14 and more efficiently.

15 (d) Local greenhouse gas emission reduction initiatives best
 16 recognize the particular reduction opportunities at the local level
 17 and provide an opportunity to enhance the environment and
 18 economy of local and regional places through multibenefit projects.

19 (e) Local governments are well suited to coordinate and
 20 aggregate micro-, small-, community-, and regional-scale projects
 21 that will help the state reach its environmental targets while
 22 providing incentives to investments and job growth at the local
 23 level.

24 (f) It is the intent of the Legislature to promote investments in
 25 local and regional greenhouse gas emission reduction projects.

26 SEC. 2. Chapter 3.6 (commencing with Section 39680) is added
 27 to Part 2 of Division 26 of the Health and Safety Code, to read:

28

29 CHAPTER 3.6. LOCAL EMISSION REDUCTION PROGRAM

30

31 39680. (a) The Local Emission Reduction Program is hereby
 32 created.

33 (b) Moneys shall be available from the General Fund, upon
 34 appropriation by the Legislature, for purposes of carrying out this
 35 chapter.

1 (c) (1) The state board, in coordination with other state entities,
2 as appropriate, shall establish the Local Emission Reduction
3 Program to provide local assistance grants and other financial
4 assistance to eligible recipients for the purposes of developing and
5 implementing greenhouse gas emissions reduction projects in this
6 state.

7 (2) The state board, in coordination with the Strategic Growth
8 Council, shall administer the Local Emission Reduction Program.

9 (d) For purposes of this chapter, “eligible recipient” means a
10 city, county, city and county, charter city, charter county,
11 metropolitan planning organization, regional climate authority,
12 special district, joint powers authority, air pollution control or air
13 quality management district, regional collaborative, or nonprofit
14 organization working in coordination with a local government.

15 (e) The state board shall develop standards and guidelines for
16 the distribution of funds to reduce greenhouse gas emissions and
17 to maximize the ability to achieve one or more of the following:

- 18 (1) Decrease air or water pollution.
- 19 (2) Reduce the consumption of natural resources or energy.
- 20 (3) Provide opportunities to achieve greenhouse gas emissions
21 reductions in ways that increase localized energy resources.
- 22 (4) Promote public-private partnerships to implement energy
23 efficiency and clean energy projects with financing incentives for
24 residential and commercial facilities.
- 25 (5) Increase the reliability of local water supplies.
- 26 (6) Increase solid waste diversion from landfills.
- 27 (7) Increase electric vehicle infrastructure.
- 28 (8) Achieve greenhouse gas emissions reductions in ways that
29 reduce vehicle miles traveled.
- 30 (9) Prevent conversion of agricultural, forest, and open space
31 lands to uses that result in higher greenhouse gas emissions.

32 (f) In evaluating potential projects to be funded pursuant to this
33 chapter, the state board and the Strategic Growth Council shall
34 give priority to projects that demonstrate one or more of the
35 following characteristics:

- 36 (1) Regional implementation.
- 37 (2) The ability to leverage additional public and private funding.
- 38 (3) The potential for cobenefits or multibenefit attributes.
- 39 (4) The potential for the project or program to be replicated.
- 40 (5) Consideration of geographic and socioeconomic issues.

1 (g) The state board shall ensure that the Local Emission
2 Reduction Program provides opportunities for both small and large
3 population participants.

4 (h) The state board, in coordination with the Strategic Growth
5 Council, shall ensure funding is available pursuant to this chapter
6 for both of the following:

7 (1) The development and implementation of innovative projects
8 that create new systems or technologies.

9 (2) (A) The implementation of existing, proven greenhouse gas
10 emissions reducing or sequestering projects, including, but not
11 limited to, those projects and programs already adopted by local
12 agencies.

13 (B) Projects receiving funding pursuant to subparagraph (A)
14 shall receive funding on a competitive basis.

15 39681. The state board, in implementing a grant program
16 pursuant Section 39680, shall develop standards and guidelines to
17 ensure projects funded pursuant to this chapter maximize funds
18 appropriated, provide environmental and economic benefits, and
19 do not conflict with other areas of law.

20 39682. *It is the intent of the Legislature that moneys shall be*
21 *appropriated for this chapter only in a manner consistent with the*
22 *requirements of this part, including Chapter 4.1 (commencing with*
23 *Section 39710), and Article 9.7 (commencing with Section 16428.8)*
24 *of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government*
25 *Code.*

26 39683. *The implementation of this chapter, including the*
27 *development of standards and guidelines by the state board*
28 *pursuant to this chapter and the provision of financial assistance*
29 *to eligible recipients pursuant to Section 39680, shall be contingent*
30 *on the appropriation of moneys by the Legislature for these*
31 *purposes.*