

AMENDED IN SENATE MAY 8, 2013
AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 605

Introduced by Senator Lara

February 22, 2013

An act to add Section 38561.5 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 605, as amended, Lara. California Global Warming Solutions Act of 2006: scoping plan.

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The act requires the scoping plan to be updated at least once every 5 years.

This bill would require the state board, when updating the scoping plan, to include specified criteria. ~~The bill would require all greenhouse gas emissions reductions be achieved within the state in areas that are most impacted by greenhouse gas pollutants and other air pollutants, except as specified~~ *the state board to submit that specified criteria to the Joint Legislative Budget Committee for review and concurrence, as specified. The bill would require the state board, if it has completed*

an update of the scoping plan prior to January 1, 2014, to further update the scoping plan to meet the criteria and provisions of this bill.

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 38561.5 is added to the Health and Safety
2 Code, to read:
3 38561.5. (a) When updating the scoping plan pursuant to
4 subdivision (h) of Section 38561, the state board shall do all of
5 the following:
6 (1) ~~Revise the million metric tons of emissions (MMTE) to~~
7 ~~emphasize in-state actions that create jobs in the state, including,~~
8 ~~but not limited to, retrofits.~~
9 (2) ~~Achieve maximum technologically feasible and~~
10 ~~cost-effective emissions reductions in short-lived climate pollutants~~
11 ~~no later than December 31, 2015.~~
12 (3) ~~Limit the use of offsets to all of the following:~~
13 (A) ~~Those offsets originating and achieved within the state.~~
14 (B) ~~Those offsets used to offset greenhouse gas emissions in a~~
15 ~~location that has greenhouse gas emissions.~~
16 (C) ~~Those offsets occurring at the same time greenhouse gas~~
17 ~~emissions are occurring, to the extent possible.~~
18 (4) ~~Adopt a backstop plan in the event a market-based~~
19 ~~compliance mechanism adopted by the state board and the Low~~
20 ~~Carbon Fuel Standard regulations (Subarticle 7 (commencing with~~
21 ~~Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of~~
22 ~~Division 3 of Title 17 of the California Code of Regulations) do~~
23 ~~not accomplish the goals intended in the scoping plan.~~
24 (5) ~~Expend special funds, including, but not limited to, funds~~
25 ~~derived from market-based compliance mechanisms, the Electric~~
26 ~~Program Investment Charge Fund created by Section 25711 of the~~
27 ~~Public Resources Code, and the Alternative and Renewable Fuel~~
28 ~~and Vehicle Technology Fund created by Section 44273, for~~
29 ~~emissions reductions from sources within the state in furtherance~~
30 ~~of achieving and maintaining the limit established pursuant to Part~~
31 ~~3 (commencing with Section 38550).~~
32 (b) ~~All greenhouse gas emissions reductions shall be achieved~~
33 ~~within the state in areas that are most impacted by greenhouse gas~~

1 pollutants and other air pollutants unless both of the following
2 occur:

3 (1) ~~The state board makes a finding at a public hearing that there~~
4 ~~are no technologically feasible and cost-effective emissions~~
5 ~~reductions that may be made in areas that are most impacted by~~
6 ~~greenhouse gas pollutants within the state, and the state board~~
7 ~~submits that finding to the Joint Legislative Budget Committee.~~

8 (2) ~~Within 30 days of the submission pursuant to paragraph (1),~~
9 ~~the Joint Legislative Budget Committee shall concur or nonconcur~~
10 ~~on the finding. If, after 30 days, the Joint Legislative Budget~~
11 ~~Committee has not concurred or nonconcurred in the finding, the~~
12 ~~finding shall be deemed to be concurred.~~

13 (1) *Prioritize and emphasize measures and actions resulting in*
14 *greenhouse gas emissions reductions that do both of the following:*

15 (A) *Create jobs within the state.*

16 (B) *Reduce copollutants in regions of the state most impacted*
17 *by toxic and criteria air pollutants.*

18 (2) *Prioritize and emphasize current regulations and actions,*
19 *and recommend additional measures and actions that can be*
20 *implemented beginning no later than December 31, 2015, to*
21 *achieve the maximum, technologically feasible, and cost-effective*
22 *reductions in short-lived climate pollutants with high global*
23 *warming potentials.*

24 (3) *Limit the use of offsets, to the maximum extent feasible, to*
25 *those offsets originating and achieved within the state.*

26 (4) *Include a plan that achieves the greenhouse gas emissions*
27 *goals established pursuant to Part 3 (commencing with Section*
28 *38550) to be implemented in the event a market-based compliance*
29 *mechanism adopted by the state board, the Low Carbon Fuel*
30 *Standard regulations (Subarticle 7 (commencing with Section*
31 *95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3*
32 *of Title 17 of the California Code of Regulations), or other*
33 *regulatory measures implemented and adopted by the state board*
34 *pursuant to this division are not projected to result in the*
35 *greenhouse gas emissions reductions necessary to meet the*
36 *greenhouse emissions goals established pursuant to Part 3*
37 *(commencing with section 38550).*

38 (5) *Consider the use of special funds authorized to be expended*
39 *for the purposes of greenhouse gas emissions reductions, including,*
40 *but not limited to, funds derived from market-based compliance*

1 mechanisms, the Electric Program Investment Charge Fund
2 created by Section 25711 of the Public Resources Code, and the
3 Alternative and Renewable Fuel and Vehicle Technology Fund
4 created by Section 44273 for emissions reductions from sources
5 within the state in furtherance of achieving and maintaining the
6 greenhouse gas emissions goals established pursuant to Part 3
7 (commencing with Section 38550).

8 (b) The state board shall submit the criteria required pursuant
9 to subdivision (a) to the Joint Legislative Budget Committee for
10 review and concurrence, in consultation with the appropriate
11 committees of the Legislature. If, after 30 days of receipt, the Joint
12 Legislative Budget Committee has not made a finding on the
13 submitted elements, the updated scoping plan shall be deemed
14 concurred.

15 (c) If the scoping plan is updated prior to January 1, 2014,
16 pursuant to subdivision (h) of Section 38561, the state board shall
17 revise the scoping plan to incorporate the requirements detailed
18 in subdivision (a) and shall comply with subdivision (b).

19 (d) For purposes of this section, “offset” means a quantified
20 unit of greenhouse gas emission that is reduced, avoided, or
21 permanently sequestered in a sector not regulated by a
22 market-based compliance mechanism adopted by the state board.