



AB-2404 California Global Warming Solutions Act of 2006: Local Emission Reduction Program. (2011-2012)

SECTION 1. *The Legislature finds and declares all of the following:*

- (a) The reduction of greenhouse gas emissions is critical to public health, safety, the economy, and the natural environment that California residents rely on.*
- (b) State investments in local and regional greenhouse gas emission reduction projects in this state help local communities thrive, support the state's emission-reduction and clean-energy targets, lower the statewide unemployment rate, and spur new job growth.*
- (c) Incentivizing local governments to plan and implement their own greenhouse gas emission reduction efforts will assist the state to reach its emission-reduction targets faster and more efficiently.*
- (d) Local and regional governments that partner with not-for-profit entities and community groups can identify, plan, and implement innovative community-scale emission-reduction initiatives and projects that utilities and other regulated entities may not identify or participate in.*
- (e) Local greenhouse gas emission reduction initiatives best recognize the particular reduction opportunities at the local level and provide an opportunity to enhance the environment and economy of local and regional places through multibenefit projects.*
- (f) Local governments are well-suited to coordinate and aggregate micro-, small-, community-, and regional-scale projects that will help the state reach its environmental targets while incentivizing investments and job growth at the local level.*
- (g) It is the intent of the Legislature to promote investments in coordinated and aggregated local and regional greenhouse gas emission reduction projects.*

SEC. 2. *Part 8 (commencing with Section 38600) is added to Division 25.5 of the Health and Safety Code, to read:*

PART 8. Local Emission Reduction Program

38600. *(a) The Local Emission Reduction Program is hereby created.*

- (b) Moneys collected pursuant to Part 5, excluding penalties and fines, may be available, upon appropriation by the Legislature, for purposes of carrying out this part.*
- (c) (1) The state board, in coordination with the Strategic Growth Council and other state entities, as appropriate, shall establish the Local Emission Reduction Program to provide local assistance grants to eligible recipients for the purposes of developing and implementing multibenefit greenhouse gas emission reduction projects in this state.*
- (2) The Strategic Growth Council shall administer the Local Emission Reduction Program.*
- (d) An eligible recipient under the Local Emission Reduction Program shall be any county, or combination of counties, that adopts a local greenhouse gas emission reduction plan certified by the state board and that enters into a memorandum of understanding for the purposes of developing and implementing projects consistent with this division with cities in its jurisdiction as well as any state conservancies, metropolitan planning organizations, regional climate protection authorities, special districts, air pollution control and air quality management districts, or joint powers authorities that many choose to participate.*
- (e) A local greenhouse gas emission reduction plan is a comprehensive plan for emission reduction projects in a local or regional area that identifies and maximizes any viable partnerships with Native American tribes, not-for-profit entities, regional collaboratives, California Conservation Corps, state-certified local conservation corps, and local Youth Build programs. A local greenhouse gas emission reduction plan shall seek to achieve*

one or more of the following:

(1) The development of micro-, small-, community-, and regional-scale greenhouse gas emission reduction or sequestration projects.

(2) The implementation of existing plans that reduce greenhouse gas emissions.

(3) The achievement of greenhouse gas emission reductions in ways that increase adaptability or resiliency to extreme weather events and other climate change impacts.

(4) The conservation of energy, the promotion of energy efficiency, or the increase of localized clean energy resources.

(5) The protection of natural resources and the conservation of benefits or greenhouse gas mitigation, including urban and community greening, sequestration, green print implementation, agricultural preservation, natural community conservation plan development and implementation, and open-space protection.

(f) The Strategic Growth Council shall award local assistance grants on a competitive basis based on the potential for greenhouse gas emission reductions, including sequestration, with consideration also given to the ability of a project or projects to provide any of the following:

(1) Create local job training and job creation benefits.

(2) Decrease air or water pollution.

(3) Reduce the consumption of natural resources or energy.

(4) Increase the reliability of local water supplies.

(5) Distribute fair and equitably Local Emission Reduction Program funding throughout the state.

(g) The Strategic Growth Council shall ensure that the Local Emission Reduction Program provides opportunities for both small and large population participants.

(h) (1) Any local greenhouse gas emission reduction plan adopted for purposes of subdivision (d) shall provide for public notice and at least one opportunity for public input.

(2) If the adoption of a local greenhouse gas emission reduction plan pursuant to subdivision (d) is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or Section 65080 of the Government Code, the procedures in those sections shall govern the adoption of a local greenhouse gas emission reduction plan.

38601. The state board, in coordination with other state agencies, as appropriate, shall develop standards and guidelines to ensure projects funded pursuant to this part maximize funds appropriated, provide environmental and economic benefits, and do not conflict with this division.

38602. The state board shall certify a local greenhouse gas emission reduction plan adopted pursuant to this part, only after determining, based on the available evidence, that the projects identified are consistent with the requirements for the use of moneys derived from valid regulatory fees, as established by the California Supreme Court in *Sinclair Paint Co. v. State Bd. of Equalization* (1997) 15 Cal.4th 866.