

California Environmental Protection Agency

BUDGET NO 3890

REPORT NO. 1

GOVERNMENT CODE

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]

(Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]

(Division 3 added by Stats. 1945, Ch. 111.)

PART 2.5. AGENCIES [12800. - 12894.]

(Part 2.5 added by Stats. 1961, Ch. 2037.)

CHAPTER 4. State Agency Greenhouse Gas Reduction Report Card [12890. - 12893.]

(Chapter 4 added by Stats. 2007, Ch. 178, Sec. 5.)

12892.

(a) On or before October 1 of each year, each state agency shall prepare and submit to the secretary in a standardized format as determined by the agency all of the following:

(1) A list of those measures that have been adopted and implemented by the state agency to meet GHG emission reduction targets and a status report on actual GHG emissions reduced as a result of these measures.

(2) A list and timetable for adoption of any additional measures needed to meet GHG emission reduction targets.

(3) An estimate of the department's own greenhouse gas emissions, as well as an explanation of any increase or decrease compared to the previous year's emissions.

(b) In order to reduce paperwork and workload, information required to be submitted pursuant to this section may be submitted in a standardized electronic format as determined by the agency.

(c) On or before January 1 of each year, the agency shall compile and organize the information submitted pursuant to this section into a clear, standardized format, and shall provide that information on the agency's Internet Web site in the form of a state agency greenhouse gas emission reduction report card.

(d) The report card shall compare the actions taken and proposed to be taken by individual state agencies and their projected annual GHG emission reductions against the state agency GHG emission reduction targets and statewide GHG emission reduction limits.

(e) Where appropriate, the report card shall include a statement regarding the independent audits required by Section 12893.

(f) In conjunction with the Governor's Budget submitted pursuant to subdivision (a) of Section 12 of Article IV of the California Constitution, on or before January 10 of each year, the agency shall submit to the Legislature a comprehensive budget display that includes both of the following:

(1) Funding proposals and base funding in the proposed Governor's Budget for state agencies implementing climate solutions to meet the greenhouse gas emissions reduction targets as specified in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(2) A five-year work plan summary for each department included in the comprehensive budget display that shows how staff and contracting resources will be allocated to achieve specified climate solution deliverables.

(Amended by Stats. 2008, Ch. 760, Sec. 2. Effective September 30, 2008.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1338	Committee on Budget	Public resources.	Chaptered 09/30/2008	09/30/2008 - Chaptered by Secretary of State - Chapter 760, Statutes of 2008.	Secretary of State-Chaptered	Yes	Two Thirds
SB-85	Committee on Budget and Fiscal Review	Environment.	Chaptered 08/24/2007	08/24/2007 - Chaptered by Secretary of State. Chapter 178, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
SB-721	Steinberg	Energy: greenhouse gas emissions.	Amended Senate 04/23/2009	02/01/2010 - Returned to Secretary of Senate pursuant to Joint Rule 56.	Senate-Died - Appropriations	Yes	Majority
SB-1079	Committee on Budget and Fiscal Review	Public Resources.	Amended Assembly 09/15/2008	11/30/2008 - From Assembly without further action.	Assembly-Died	Yes	Two Thirds
SB-1760	Perata	Energy: greenhouse gas emissions.	Enrolled 09/02/2008	11/30/2008 - Died on file. 11/30/2008 - Veto sustained.	Senate-Vetoed	Yes	Majority

COMMENTS/RECOMMENDATIONS:

The report title, section, and summary on the Administration's proposed list don't match. It appears that this report summary may be switched with the one below. EPA is required to report to the Legislature a Five Year Plan that reflects how staff and contracting resources will be allocated to achieve specified climate solution deliverables under the Global Warming Solutions Act of 2006. According to the Environmental Protection Agency, the Agency would like to increase the report frequency to biannual or triannual reporting. The Legislature may consider future legislation to increase the frequency of the report.

REPORT NO. 2

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA EXECUTIVE ORDER S-7-04 by the Governor of the State of California

WHEREAS, hydrogen, a non-carbon energy carrier which can be made from clean renewable energy, is ideally suited to address global, regional and local energy and environmental challenges; and

WHEREAS, the State of California is a world leader in renewable energy production, efficiency and conservation, clean air and emission controls, environmental goals and planning, as well as creating, promoting and commercializing new technologies and industries; and

WHEREAS, hydrogen-powered vehicles and infrastructure can lead to energy independence; offer zero or near zero smog-forming emissions; reduce health problems due to motor vehicle-related air pollution; reduce water pollution from oil and gasoline leaks; lower global warming pollution; improve fuel economy; quieter and smoother operation; as well as provide economic and workforce benefits to help California meet current and future energy needs; and

WHEREAS, the economic feasibility of a hydrogen infrastructure is enhanced by building hydrogen energy stations that power vehicles as well as supply electricity for California's power needs; and

WHEREAS, air pollution can cause or aggravate a wide range of serious health problems including cancer, birth defects, respiratory illnesses such as asthma and emphysema, heart and blood ailments, nervous system toxicity and early death; and

WHEREAS, children are more acutely affected by air pollution and have a higher incidence of harm from dirty air; and

WHEREAS, health problems caused by air pollution result in direct and indirect costs of hundreds of billions of dollars per year in California; and

WHEREAS, even after years of improvements in vehicle emissions technologies and effective emissions regulation, California has some of the worst air quality in the country; and

WHEREAS, much of the State of California does not meet state or federal health-based air quality standards, is at risk of not meeting federal air quality "attainment" status and may thereby lose billions of dollars in federal funds; and

WHEREAS, California is committed to Environmental Justice to ensure a clean and sustainable environment for all Californians; and

WHEREAS, the California Legislature has taken a leadership role to address petroleum dependence by passing AB 2076, which resulted in a report by the California Energy Commission (CEC) and the Air Resources Board (ARB) that found: California's oil refining capacity has not been able to keep up with growing demand for fossil fuel; the state faces a future of increasing petroleum dependence, supply disruptions, and rapid and frequent price volatility; without major efforts to reduce petroleum dependence, meeting future petroleum needs would require that California accept major expansion of refining capacity, delivery infrastructure and increased dependence on foreign energy supplies; and

WHEREAS, California is the home to the California Fuel Cell Partnership, a unique collaborative of eight auto manufacturers, four energy supply companies, two fuel cell technology companies, and seven government agencies, seeking to advance practical environmental transportation solutions with new fuel cell vehicle and hydrogen infrastructure

technologies. The California Fuel Cell Partnership is the first public private partnership to test fuel cell vehicles under real day-to-day driving conditions; and

WHEREAS, California is also the home of the California Stationary Fuel Cell Collaborative, a public-private organization that includes 16 government agencies, two public electric utilities, the University of California, as well as major fuel cell technology companies, end users, energy supply companies, local government agencies and municipalities, research institutions, and developers; and

WHEREAS, state government organizations have been leading both research and commercial advances in energy and transportation technologies; and

WHEREAS, local governments and regional government agencies also are taking a leadership role to advance hydrogen and fuel cell vehicle technologies; and

WHEREAS, many of California's prestigious universities, national laboratories, and research institutions are leaders in advancing hydrogen, fuel cells, renewable energy, advanced vehicle systems and infrastructure technology through commercialization strategies and partnerships; and

WHEREAS, several studies have estimated that hundreds of thousands of manufacturing and support services jobs will be created when fuel cells gain market shares in the power and vehicle markets, and California is poised to receive many of these jobs and related investment and export opportunities because of its educated workforce and robust automotive and fuel sectors; and

WHEREAS, auto manufacturers have publicly announced their intention to commercially market "tens of thousands" of hydrogen and fuel cell vehicles within this decade, providing that a hydrogen infrastructure is available; and

WHEREAS, California has one of the nation's largest public fleets and the largest private sector vehicle market in the United States and has set a precedent of pushing for vehicle emissions reductions and clean vehicle technologies; and

WHEREAS, California's commitment to clean energy surpasses that of any other state, and California offers the best opportunity to hasten the commercialization of hydrogen and fuel cell technologies.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power vested in me by the Constitution and statutes of the State of California, do hereby issue this order effective immediately:

IT IS ORDERED that the State of California is committed to achieving a clean energy and transportation future based on the rapid commercialization of hydrogen and fuel cell technologies; and

BE IT FURTHER ORDERED that California's 21 interstate freeways shall be designated as the "California Hydrogen Highway Network" and the California Environmental Protection Agency and all other relevant state agencies including but not limited to State and Consumer Services; Department of Finance; Business, Transportation and Housing; Education; Health and Human Services; and Resources, shall work with state legislators and key stakeholders, including local and regional government organizations, educators, energy providers, automakers, fuel cell products suppliers, financing entities, non-governmental organizations, and community based organizations including those representing Environmental Justice communities to implement this Executive Order, plan and build a network of hydrogen fueling stations along these roadways and in the urban centers that they connect, so that by 2010, every Californian will have access to hydrogen fuel, with a significant and increasing percentage produced from clean, renewable sources; and

BE IT FURTHER ORDERED that the California Environmental Protection Agency, in concert with the State Legislature, and in consultation with the California Energy Resources Conservation and Development Commission and other relevant state and local agencies, develop a California Hydrogen Economy Blueprint Plan for the rapid transition to a hydrogen economy in California due January 1, 2005, and to be updated bi-annually thereafter containing recommendations to the Governor and the State Legislature and shall include, but not be limited to, the following:

□□□ Accelerating progress in hydrogen use, including public incentives and financing mechanisms such as general obligation bonds, or revenue bonds with repayment mechanisms; joint power agreements, procurement agreements, competitive master contracts, and partnerships with public and private entities; a review of immediate financing opportunities via the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA).

□□□ Promoting environmental benefits (including global climate change) and economic development opportunities resulting from increased utilization of hydrogen for stationary and mobile applications; policy strategies to ensure hydrogen generation results in the lowest possible emissions of greenhouse gases and other air pollutants.

BE IT FURTHER ORDERED that the State of California will commit to achieving the following by 2010:

□□□ The state will commit to negotiate with auto makers and fuel cell manufacturers to ensure that hydrogenpowered cars, buses, trucks, and generators become commercially available for purchase by California consumers, businesses and agencies including state, regional and local; and

□□□ California's state vehicle fleet shall include an increasing number of clean, hydrogen-powered vehicles when possible to be purchased during the normal course of fleet replacement; and

□□□ Safety standards, building codes and emergency response procedures for hydrogen fueling installations and operation of hydrogen-powered vehicles shall be in place and permit agencies, building inspectors and emergency responders shall receive appropriate training; and

Appropriate incentives shall be provided to encourage the purchase of hydrogen powered vehicles and to encourage the development of renewable sources of energy for hydrogen production; and

I FURTHER DIRECT that as soon as hereafter possible, this order shall be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this the twentieth day of April 2004.

/s/ Arnold Schwarzenegger

Governor of California

COMMENTS/RECOMMENDATIONS:

The report title, section, and summary on the Administration's proposed list don't match. It appears that this report summary may be switched with the one above.

The Agency states that after the report was completed in 2005, there hasn't been any further effort or funding to devote to the report. However, the reporting requirement is based on an Executive Order S-7-04, which can be repealed by the Governor.

Legislative action is not required to delete this reporting requirement.

REPORT NO. 3

PENAL CODE

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006. - 14315.] (Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 13. LOCAL ENVIRONMENTAL ENFORCEMENT AND TRAINING PROGRAMS [14300. - 14315.] (Heading of Title 13 amended by Stats. 2002, Ch. 1000, Sec. 2.)

CHAPTER 5. Implementation and Funding Priorities [14314. - 14315.] (Heading of Chapter 5 renumbered from Chapter 6 by Stats. 2002, Ch. 1000, Sec. 15.)

14314.

Notwithstanding any other provision of this title, the agency shall not implement this title until there is an amount of one hundred thousand dollars (\$100,000) in the account. Funds in the account shall be divided as follows:

(a) Twenty-five percent or one hundred thousand dollars (\$100,000) to the commission, whichever is less. The commission may decline all or part of the funds allocated to it pursuant to this subdivision. Any funds so declined shall be reallocated by the secretary to any of the entities listed in subdivisions (b), (c), and (d) for the training of peace officers consistent with this title.

(b) Twenty-five percent to the secretary for allocation to the Environmental Circuit Prosecutor Project pursuant to Chapter 4 (commencing with Section 14309).

(c) Twenty-five percent to the secretary for allocation to the California District Attorneys Association for training and assistance pursuant to Chapter 3 (commencing with Section 14306).

(d) (1) The balance to the secretary for grants awarded to programs pursuant to Chapter 3 (commencing with Section 14306) or Chapter 4 (commencing with Section 14309) based on need or in order to sustain the current level of presence and enforcement for those programs.

(2) Notwithstanding paragraph (1), the commission may also seek additional funding from the money allocated in this subdivision based on need if the environmental law enforcement training is mandated or if there are substantial changes in the law that require the commission to revise its environmental law courses.

(e) The secretary shall develop an application process for awarding funds to programs pursuant to subdivisions (b), (c), and (d).

(Amended by Stats. 2011, Ch. 304, Sec. 13. Effective January 1, 2012.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2280		Hazardous materials: enforcement.	Chaptered 09/17/1992		-		
AB-2486	Keeley	Environmental prosecution.	Chaptered 09/27/2002	09/27/2002 - Chaptered by Secretary of State - Chapter 1000, Statutes of 2002. 09/27/2002 - Approved by the Governor.	-		
SB-428	Strickland	Lester's Law of 2011.	Chaptered 09/21/2011	09/21/2011 - Chaptered by Secretary of State. Chapter 304, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority

COMMENTS/RECOMMENDATIONS: There isn't an Enforcement Funding Priorities report requirement in this section. There is no Legislative action required.