

ASSEMBLY BILL

No. 1672

Introduced by Assembly Member Jeffries

January 20, 2010

An act to amend Section 39511 of, to add Section 39510.5 to, and to amend, repeal, and add Section 39510 of, the Health and Safety Code, relating to the State Air Resources Board.

LEGISLATIVE COUNSEL'S DIGEST

AB 1672, as introduced, Jeffries. State Air Resources Board: election of board members.

Existing law establishes in the California Environmental Protection Agency the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to consist of 11 members appointed by the Governor, with the consent of the Senate, and specifies the qualifications of those members.

This bill, commencing with the 2012 statewide general election, would require the members of the state board to be elected by district voters. The bill would require the state board, by January 1, 2012, to draw district boundaries in accordance with prescribed criteria, for the purpose of the election of state board members. The bill would prescribe requirements for the election of the members of the state board and would make other conforming changes.

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 that
2 reestablishing the State Air Resources Board as an elected body
3 in the state government will provide greater accountability for the
4 board's actions.

5 SEC. 2. Section 39510 of the Health and Safety Code is
6 amended to read:

7 39510. (a) The State Air Resources Board is continued in
8 existence in the California Environmental Protection Agency. The
9 state board shall consist of 11 members.

10 (b) The members shall be appointed by the Governor, with the
11 consent of the Senate, on the basis of their demonstrated interest
12 and proven ability in the field of air pollution control and their
13 understanding of the needs of the general public in connection
14 with air pollution problems. Six members shall have the following
15 qualifications:

16 (1) One member shall have training and experience in
17 automotive engineering or closely related fields.

18 (2) One member shall have training and experience in chemistry,
19 meteorology, or related scientific fields, including agriculture or
20 law.

21 (3) One member shall be a physician and surgeon or an authority
22 on health effects of air pollution.

23 (4) Two members shall be public members.

24 (5) One member shall have the qualifications specified in
25 paragraph (1), (2), or (3) or shall have experience in the field of
26 air pollution control.

27 (c) Five members shall be board members from districts who
28 shall reflect the qualitative requirements of subdivision (b) to the
29 extent practicable. Of these five members, one shall be a board
30 member from the south coast district, one shall be a board member
31 from the bay district, one shall be a board member from the San
32 Joaquin Valley Unified Air Pollution Control District or, if the
33 unified district is abolished, from the San Joaquin Valley Air
34 Quality Management District if created pursuant to Section 5 of
35 Chapter 915 of the Statutes of 1994, one shall be a board member
36 from the San Diego County Air Pollution Control District, and
37 one shall be a board member of any other district.

1 (d) Any vacancy shall be filled by the Governor within 30 days
2 of the date on which it occurs. If the Governor fails to make an
3 appointment for any vacancy within the 30-day period, the Senate
4 Committee on Rules may make the appointment to fill the vacancy
5 in accordance with this section.

6 (e) While serving on the state board, all members shall exercise
7 their independent judgment as officers of the state on behalf of the
8 interests of the entire state in furthering the purposes of this
9 division. No member of the state board shall be precluded from
10 voting or otherwise acting upon any matter solely because that
11 member has voted or acted upon the matter in his or her capacity
12 as a member of a district board, except that no member of the state
13 board who is also a member of a district board shall participate in
14 any action regarding his or her district taken by the state board
15 pursuant to Sections 41503 to 41505, inclusive.

16 (f) Notwithstanding subdivision (e) of Section 1 of Chapter
17 1201 of the Statutes of 1991, this section shall become operative
18 on January 1, 1994.

19 (g) *This section shall become inoperative on December 4, 2012,*
20 *and, as of January 1, 2013, is repealed, unless a later enacted*
21 *statute, that becomes operative on or before January 1, 2013,*
22 *deletes or extends the dates on which it becomes inoperative and*
23 *is repealed.*

24 SEC. 3. Section 39510 is added to the Health and Safety Code,
25 to read:

26 39510. (a) Beginning on December 4, 2012, the State Air
27 Resources Board shall consist of 11 members from the 11 districts
28 established pursuant to subdivision (k), each of whom shall be
29 elected by the voters of his or her respective district. Each member
30 shall be a resident of the district from which the member is elected.

31 (b) Elections to elect the members of the state board shall be
32 held commencing with the statewide general election on November
33 6, 2012, and each statewide general election thereafter in
34 accordance with the terms specified in subdivision (c).

35 (c) Candidates shall declare their candidacy and shall be
36 nominated, election returns shall be canvassed, the election shall
37 be held and conducted, and the certificates of election shall be
38 issued, in the same manner as the declaration of candidacy,
39 nomination, election, canvassing of returns, declaration of results,
40 and issuance of certificates of election are made, declared, held,

1 and conducted and issued as provided under the applicable
2 provisions of the Elections Code. Except as otherwise provided in
3 this chapter, the provisions of the Elections Code apply to the
4 election of the members of the state board.

5 (d) A person shall not vote at any district election unless the
6 person resides in the district in which the person casts the vote.

7 (e) The candidate that receives the highest number of votes cast
8 for the position of member of the state board for a district shall be
9 elected as a member of the state board for that district.

10 (f) Members elected on November 6, 2012, shall take office on
11 December 4, 2012. Thereafter, each member shall enter upon the
12 duties of his or her office on the first Monday after the first day
13 of January next succeeding the statewide general election in which
14 the member was elected. Each member shall continue to serve his
15 or her term until his or her successor is eligible to enter upon the
16 duties of the office.

17 (g) Each member shall serve a term of four years, except that
18 members of the board elected on November 6, 2012, shall select
19 five members by lot whose initial term shall be for two years. Any
20 member may subsequently be elected to serve any subsequent
21 four-year term.

22 (h) The office of member of the state board shall be a
23 nonpartisan office and each member shall exercise his or her
24 independent judgment as an officer of the state on behalf of the
25 interests of the entire state in furthering the purposes of this
26 division.

27 (i) A member shall not designate an alternate for any purpose
28 or otherwise be represented by another person in his or her capacity
29 as a member of the state board.

30 (j) When a vacancy occurs during the term of office, the
31 Governor shall immediately call an election to fill the vacancy.
32 The costs of a special election to fill a vacancy shall be paid by
33 the state board, upon appropriation by the Legislature, from the
34 revenues of penalties collected by the state board.

35 (k) (1) On or before January 1, 2012, the state board shall divide
36 the state into 11 districts with substantially equal populations. The
37 state board shall utilize the population data from the federal 2010
38 census in determining the boundaries of the districts. In establishing
39 the boundaries of the districts, the state board shall consider

1 geography, cohesiveness, contiguity, and similarity of air quality
2 concerns.

3 (2) The costs of establishing district boundaries pursuant to this
4 subdivision shall be paid by the state board, upon appropriation
5 by the Legislature, from the revenues of penalties collected by the
6 state board.

7 SEC. 4. Section 39510.5 is added to the Health and Safety
8 Code, to read:

9 39510.5. (a) The State Air Resources Board is an independent
10 department in the state government. The removal of the state board
11 from the California Environmental Protection Agency shall not
12 affect in any manner the deputies or employees of the state board,
13 and their employments and positions are continued in existence.

14 (b) This section shall become operative on December 4, 2012.

15 SEC. 5. Section 39511 of the Health and Safety Code is
16 amended to read:

17 39511. (a) The Governor shall ~~appoint~~ *select* the chairperson
18 *of the state board*, who shall serve *as the chairperson* at the
19 pleasure of the Governor, from among the *elected* members of the
20 state board, ~~and~~. *The chairperson* shall serve as the principal
21 advisor to the Governor on, and shall assist the Governor in
22 establishing, major policy and program matters on environmental
23 protection. The chairperson shall also serve as the principal
24 communications link for the effective transmission of policy
25 problems and decisions to the Governor relating to the activities
26 of the State Water Resources Control Board and the ~~State Solid~~
27 ~~Waste Management Board~~ *Department of Resources Recycling*
28 *and Recovery*, in addition to serving as the Governor's chief air
29 quality policy spokesperson.

30 (b) The chairperson shall serve full time.