

AMENDED IN ASSEMBLY APRIL 19, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2328

Introduced by Assembly Member Niello

February 19, 2010

An act to amend Section 39510 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2328, as amended, Niello. State Air Resources Board: ~~public~~ membership: small business owner.

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, ~~2 of whom shall be public members.~~

This bill would require one ~~public~~ member *of the state board* to be an owner of a small business *as defined*. The bill would also make various technical, nonsubstantive ~~changes~~ *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. Section 39510 of the Health and Safety Code is
- 2 amended to read:

1 39510. (a) The State Air Resources Board is continued in
2 existence in the California Environmental Protection Agency. The
3 state board shall consist of 11 members.

4 (b) The members shall be appointed by the Governor, with the
5 consent of the Senate, on the basis of their demonstrated interest
6 and proven ability in the field of air pollution control and their
7 understanding of the needs of the general public in connection
8 with air pollution problems. Six members shall have the following
9 qualifications:

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

12 (2) One member shall have training and experience in chemistry,
13 meteorology, or related scientific fields, including agriculture or
14 law.

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

17 (4) Two members shall be public members. ~~Beginning with the~~
18 ~~first appointment made pursuant to this paragraph after January~~
19 ~~1, 2011, one of the two public members shall be an owner of a~~
20 ~~small business.~~

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

24 (c) Five members shall be board members from districts who
25 shall reflect the qualitative requirements of subdivision (b) to the
26 extent practicable. Of these five members, one shall be a board
27 member from the south coast district, one shall be a board member
28 from the bay district, one shall be a board member from the San
29 Joaquin Valley Unified Air Pollution Control District, one shall
30 be a board member from the San Diego County Air Pollution
31 Control District, and one shall be a board member of any other
32 district.

33 (d) *Commencing on and after January 1, 2011, at least one of*
34 *the 11 board members shall be an owner of a small business, as*
35 *defined in Section 14837 of the Government Code.*

36 ~~(d)~~

37 (e) Any vacancy shall be filled by the Governor within 30 days
38 of the date on which it occurs. If the Governor fails to make an
39 appointment for any vacancy within the 30-day period, the Senate

1 Committee on Rules may make the appointment to fill the vacancy
2 in accordance with this section.

3 (e)

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

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