

AMENDED IN SENATE JUNE 21, 2010

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, *repeal, and add* 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: 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 *appointed based on certain qualifications*.

This bill, *until January 1, 2016*, would require one *appointed* member of the state board to be ~~an~~ *a past or current* owner of a small business, as defined. The bill would also make various technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 39510 of the Health and Safety Code is amended to read:

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

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

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

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

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

(4) Two members shall be public members.

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

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

(d) Commencing on and after January 1, 2011, at least one of the 11 board members, *appointed pursuant to subdivision (b) or subdivision (c)*, shall be ~~an~~ a current or past owner of a small business, as defined in Section 14837 of the Government Code.

(e) Any vacancy shall be filled by the Governor within 30 days of the date on which it occurs. If the Governor fails to make an 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 (f) While serving on the state board, all members shall exercise
4 their independent judgment as officers of the state on behalf of the
5 interests of the entire state in furthering the purposes of this
6 division. No member of the state board shall be precluded from
7 voting or otherwise acting upon any matter solely because that
8 member has voted or acted upon the matter in his or her capacity
9 as a member of a district board, except that no member of the state
10 board who is also a member of a district board shall participate in
11 any action regarding his or her district taken by the state board
12 pursuant to Sections 41503 to 41505, inclusive.

13 (g) *This Section shall remain in effect only until January 1,*
14 *2016, and as of that date is repealed, unless a later enacted statute,*
15 *that is enacted before January 1, 2016, deletes or extends that*
16 *date.*

17 SEC. 2. *Section 39510 is added to the Health and Safety Code,*
18 *to read:*

19 39510. (a) *The State Air Resources Board is continued in*
20 *existence in the California Environmental Protection Agency. The*
21 *state board shall consist of 11 members.*

22 (b) *The members shall be appointed by the Governor, with the*
23 *consent of the Senate, on the basis of their demonstrated interest*
24 *and proven ability in the field of air pollution control and their*
25 *understanding of the needs of the general public in connection*
26 *with air pollution problems. Six members shall have the following*
27 *qualifications:*

28 (1) *One member shall have training and experience in*
29 *automotive engineering or closely related fields.*

30 (2) *One member shall have training and experience in chemistry,*
31 *meteorology, or related scientific fields, including agriculture or*
32 *law.*

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

35 (4) *Two members shall be public members.*

36 (5) *One member shall have the qualifications specified in*
37 *paragraph (1), (2), or (3) or shall have experience in the field of*
38 *air pollution control.*

39 (c) *Five members shall be board members from districts who*
40 *shall reflect the qualitative requirements of subdivision (b) to the*

1 extent practicable. Of these five members, one shall be a board
2 member from the south coast district, one shall be a board member
3 from the bay district, one shall be a board member from the San
4 Joaquin Valley Unified Air Pollution Control District, one shall
5 be a board member from the San Diego County Air Pollution
6 Control District, and one shall be a board member of any other
7 district.

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

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

23 (f) This section shall become operative on January 1, 2016.