

ASSEMBLY BILL

No. 2

Introduced by Assembly Member Logue

December 6, 2010

An act to add Section 39615 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2, as introduced, Logue. State Air Resources Board: alternative actions to assessing penalties.

(1) Existing law subjects violators of air pollution laws to specified civil and administrative penalties. Existing law imposes various duties on the State Air Resources Board relative to the reduction of air pollution.

This bill would authorize the state board, in lieu of assessing penalties for a violation of an air pollution control law administered by the state board, to require a person who has violated that law to spend an amount equivalent to the amount that would have been assessed for the violation toward actions to comply with the air pollution control law that was violated or toward a supplemental environmental project, as defined.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

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 39615 is added to the Health and Safety
2 Code, to read:
3 39615. (a) In lieu of assessing penalties for a violation of an
4 air pollution control law administered by the state board, the state
5 board may require a person who has violated that law to spend an
6 amount equivalent to the amount that would have been assessed
7 for the violation toward actions to comply with the air pollution
8 control law that was violated or toward a supplemental
9 environmental project, if the person has prepared a financing plan
10 to complete the actions to comply with the air pollution control
11 law or prepared a financing plan to complete the supplemental
12 environmental project.
13 (b) (1) If the penalty amount exceeds fifteen thousand dollars
14 (\$15,000), the portion of the penalty amount that may be directed
15 to be expended on a supplemental environmental project shall not
16 exceed fifteen thousand dollars (\$15,000) plus 50 percent of the
17 penalty amount that exceeds fifteen thousand dollars (\$15,000).
18 (2) For purposes of this section, a “supplemental environmental
19 project” means an environmentally beneficial project that a person
20 agrees to undertake, with the approval of the state board, that would
21 not be undertaken in the absence of an enforcement action under
22 this section.
23 SEC. 2. This act addresses the fiscal emergency declared by
24 the Governor by proclamation on December 6, 2010, pursuant to
25 subdivision (f) of Section 10 of Article IV of the California
26 Constitution.

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