

**ASSEMBLY BILL**

**No. 146**

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**Introduced by Assembly Member Dickinson**

January 13, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 146, as introduced, Dickinson. State Air Resources Board: membership: chairperson.

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. Existing law requires the Governor to appoint a chairperson of the state board from among the members of the state board.

This bill would add one member to the state board from the Sacramento federal nonattainment area for ozone in either the Sacramento Metropolitan Air Quality Management District, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District. The bill would require the chairperson of the state board to break a tie vote of the state board by casting an additional vote, if all 12 members of the state board are present and voting.

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:  
 3 39510. (a) The State Air Resources Board is continued in  
 4 existence in the California Environmental Protection Agency. The  
 5 state board shall consist of ~~11~~ 12 members.  
 6 (b) The members shall be appointed by the Governor, with the  
 7 consent of the Senate, on the basis of their demonstrated interest  
 8 and proven ability in the field of air pollution control and their  
 9 understanding of the needs of the general public in connection  
 10 with air pollution problems. Six members shall have the following  
 11 qualifications:  
 12 (1) One member shall have training and experience in  
 13 automotive engineering or closely related fields.  
 14 (2) One member shall have training and experience in chemistry,  
 15 meteorology, or related scientific fields, including agriculture or  
 16 law.  
 17 (3) One member shall be a physician and surgeon or an authority  
 18 on health effects of air pollution.  
 19 (4) Two members shall be public members.  
 20 (5) One member shall have the qualifications specified in  
 21 paragraph (1), (2), or (3) or shall have experience in the field of  
 22 air pollution control.  
 23 (c) ~~Five~~ Six members shall be board members from districts  
 24 who shall reflect the qualitative requirements of subdivision (b)  
 25 to the extent practicable. Of these ~~five~~ six members, one shall be  
 26 a board member from the south coast district, one shall be a board  
 27 member from the bay district, one shall be a board member from  
 28 the San Joaquin Valley Unified Air Pollution Control District ~~or,~~  
 29 ~~if the unified district is abolished, from the San Joaquin Valley~~  
 30 ~~Air Quality Management District if created pursuant to Section 5~~  
 31 ~~of Chapter 915 of the Statutes of 1994,~~ one shall be a board  
 32 member from the San Diego County Air Pollution Control District,  
 33 *one shall be a board member from the Sacramento federal*  
 34 *nonattainment area for ozone in either the Sacramento district,*  
 35 *the Placer County Air Pollution Control District, the Yolo-Solano*  
 36 *Air Quality Management District, the Feather River Air Quality*  
 37 *Management District, or the El Dorado County Air Pollution*

1 *Control District*, and one shall be a board member of any other  
2 district.

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

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

18 ~~(f) Notwithstanding subdivision (e) of Section 1 of Chapter~~  
19 ~~1201 of the Statutes of 1991, this section shall become operative~~  
20 ~~on January 1, 1994.~~

21 (f) *The chairperson, appointed pursuant to Section 39511, shall*  
22 *break a tie vote of the state board by casting an additional vote,*  
23 *if all 12 members of the state board are present and voting.*