

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 1, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 146

Introduced by Assembly Member Dickinson

January 13, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

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

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, *including a requirement that one member be a board member from any district other than certain specified districts.*

~~This bill would add one member to the state board who has training and experience in climate change and the reduction of greenhouse gas emissions and one~~ *require that the membership alternate between a member from a district within 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, *and a member from any other district.*

This bill would incorporate additional changes in Section 39510 of the Health and Safety Code, proposed by AB 135, to be operative only if AB 135 and this bill are both chaptered and become effective January 1, 2012, and this bill is chaptered last.

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 ~~13~~ 11 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.

11 (c) ~~Seven~~ Six members shall have the following 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) One member shall have training and experience in climate
20 change and the reduction of greenhouse gas emissions.~~

21 ~~(5)~~

22 (4) Two members shall be public members.

23 ~~(6)~~

24 (5) One member shall have the qualifications specified in
25 paragraph (1), (2), ~~(3), or (4)~~ or (3) or shall have experience in the
26 field of air pollution control.

27 (d) ~~Six~~ Five members shall be board members from districts
28 who shall reflect the qualitative requirements of subdivision (c)
29 to the extent practicable. Of these ~~six~~ members:

1 (1) One shall be a board member from the south coast district.

2 (2) One shall be a board member from the bay district.

3 (3) One shall be a board member from the San Joaquin Valley
4 Unified Air Pollution Control District.

5 (4) One shall be a board member from the San Diego County
6 Air Pollution Control District.

7 ~~(5) One shall be a board member from a district within the~~
8 ~~Sacramento federal nonattainment area for ozone in either the~~
9 ~~Sacramento district, the Placer County Air Pollution Control~~
10 ~~District, the Yolo-Solano Air Quality Management District, the~~
11 ~~Feather River Air Quality Management District, or the El Dorado~~
12 ~~County Air Pollution Control District.~~

13 ~~(6) One shall be a board member from any other district.~~

14 (5) *One member shall alternate between a member from a*
15 *district within the Sacramento federal nonattainment area for*
16 *ozone in either the Sacramento Metropolitan Air Quality*
17 *Management District, the Placer County Air Pollution Control*
18 *District, the Yolo-Solano Air Quality Management District, the*
19 *Feather River Air Quality Management District, or the El Dorado*
20 *County Air Pollution Control District, and a member from any*
21 *other district.*

22 (e) Any vacancy shall be filled by the Governor within 30 days
23 of the date on which it occurs. If the Governor fails to make an
24 appointment for any vacancy within the 30-day period, the Senate
25 Committee on Rules may make the appointment to fill the vacancy
26 in accordance with this section.

27 (f) While serving on the state board, all members shall exercise
28 their independent judgment as officers of the state on behalf of the
29 interests of the entire state in furthering the purposes of this
30 division. A member of the state board shall not be precluded from
31 voting or otherwise acting upon any matter solely because that
32 member has voted or acted upon the matter in his or her capacity
33 as a member of a district board, except that a member of the state
34 board who is also a member of a district board shall not participate
35 in any action regarding his or her district taken by the state board
36 pursuant to Sections 41503 to 41505, inclusive.

37 SEC. 1.5. Section 39510 of the Health and Safety Code is
38 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 ~~13~~ 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.
- 9 (c) ~~Seven~~ Six members shall have the following 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) One member shall have training and experience in climate~~
 18 ~~change and the reduction of greenhouse gas emissions.~~
- 19 ~~(5)~~
- 20 (4) Two members shall be public members.
- 21 ~~(6)~~
- 22 (5) One member shall have the qualifications specified in
 23 paragraph (1), (2), ~~(3)~~, or ~~(4)~~ or (3) or shall have experience in the
 24 field of air pollution control.
- 25 (d) ~~Six~~ Five members shall be board members from districts
 26 who shall reflect the qualitative requirements of subdivision (c)
 27 to the extent practicable. Of these ~~six~~ members:
- 28 (1) One shall be a board member from the south coast district.
- 29 (2) One shall be a board member from the bay district.
- 30 (3) One shall be a board member from the San Joaquin Valley
 31 Unified Air Pollution Control District.
- 32 (4) One shall be a board member from the San Diego County
 33 Air Pollution Control District.
- 34 ~~(5) One shall be a board member from a district within the~~
 35 ~~Sacramento federal nonattainment area for ozone in either the~~
 36 ~~Sacramento district, the Placer County Air Pollution Control~~
 37 ~~District, the Yolo-Solano Air Quality Management District, the~~
 38 ~~Feather River Air Quality Management District, or the El Dorado~~
 39 ~~County Air Pollution Control District.~~
- 40 ~~(6) One shall be a board member of any other district.~~

1 (5) One member shall alternate between a member from a
2 district within the Sacramento federal nonattainment area for
3 ozone in either the Sacramento Metropolitan Air Quality
4 Management District, the Placer County Air Pollution Control
5 District, the Yolo-Solano Air Quality Management District, the
6 Feather River Air Quality Management District, or the El Dorado
7 County Air Pollution Control District, and a member from any
8 other district.

9 (e) Commencing on and after January 1, 2012, at least one of
10 the 11 board members appointed pursuant to this section shall be
11 an owner within the past five years of a small business, as defined
12 in Section 14837 of the Government Code.

13 (f) Any vacancy shall be filled by the Governor within 30 days
14 of the date on which it occurs. If the Governor fails to make an
15 appointment for any vacancy within the 30-day period, the Senate
16 Committee on Rules may make the appointment to fill the vacancy
17 in accordance with this section.

18 (g) While serving on the state board, all members shall exercise
19 their independent judgment as officers of the state on behalf of the
20 interests of the entire state in furthering the purposes of this
21 division. A member of the state board shall not be precluded from
22 voting or otherwise acting upon any matter solely because that
23 member has voted or acted upon the matter in his or her capacity
24 as a member of a district board, except that a member of the state
25 board who is also a member of a district board shall not participate
26 in any action regarding his or her district taken by the state board
27 pursuant to Sections 41503 to 41505, inclusive.

28 (h) This section shall remain in effect only until January 1, 2017,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2017, deletes or extends that date.

31 SEC. 1.7. Section 39510 is added to the Health and Safety
32 Code, to read:

33 39510. (a) The State Air Resources Board is continued in
34 existence in the California Environmental Protection Agency. The
35 state board shall consist of ~~13~~ 11 members.

36 (b) The members shall be appointed by the Governor, with the
37 consent of the Senate, on the basis of their demonstrated interest
38 and proven ability in the field of air pollution control and their
39 understanding of the needs of the general public in connection
40 with air pollution problems.

1 (c) ~~Seven~~*Six* members shall have the following qualifications:

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

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

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

9 ~~(4) One member shall have training and experience in climate
10 change and the reduction of greenhouse gas emissions.~~

11 ~~(5)~~

12 (4) Two members shall be public members.

13 ~~(6)~~

14 (5) One member shall have the qualifications specified in
15 paragraph (1), (2), ~~(3), or (4)~~ *or (3)* or shall have experience in the
16 field of air pollution control.

17 (d) ~~Six~~*Five* members shall be board members from districts
18 who shall reflect the qualitative requirements of subdivision (c)
19 to the extent practicable. Of these ~~six~~ members:

20 (1) One shall be a board member from the south coast district.

21 (2) One shall be a board member from the bay district.

22 (3) One shall be a board member from the San Joaquin Valley
23 Unified Air Pollution Control District.

24 (4) One shall be a board member from the San Diego County
25 Air Pollution Control District.

26 ~~(5) One shall be a board member from a district within the
27 Sacramento federal nonattainment area for ozone in either the
28 Sacramento district, the Placer County Air Pollution Control
29 District, the Yolo-Solano Air Quality Management District, the
30 Feather River Air Quality Management District, or the El Dorado
31 County Air Pollution Control District.~~

32 ~~(6) One shall be a board member of any other district.~~

33 (5) *One member shall alternate between a member from a
34 district within the Sacramento federal nonattainment area for
35 ozone in either the Sacramento Metropolitan Air Quality
36 Management District, the Placer County Air Pollution Control
37 District, the Yolo-Solano Air Quality Management District, the
38 Feather River Air Quality Management District, or the El Dorado
39 County Air Pollution Control District, and a member from any
40 other district.*

1 (e) 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 (f) 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. A member of the state board shall not 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 a member of the state
13 board who is also a member of a district board shall not participate
14 in any action regarding his or her district taken by the state board
15 pursuant to Sections 41503 to 41505, inclusive.

16 (g) This section shall become operative on January 1, 2017.

17 SEC. 2. Sections 1.5 and 1.7 of this bill incorporates
18 amendments to Section 39510 of the Health and Safety Code
19 proposed by both this bill and ~~AB~~ *Assembly Bill 135*. Those
20 sections shall only become operative if (1) both bills are enacted
21 and become effective on or before January 1, 2012, (2) each bill
22 amends Section 39510 of the Health and Safety Code, and (3) this
23 bill is enacted after ~~AB~~ *Assembly Bill 135*, in which case Section
24 1 of this bill, and Sections 1 and 2 of ~~AB~~ *Assembly Bill 135*, shall
25 not become operative.