

AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY MARCH 31, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1095**

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**Introduced by Assembly Member Members Bill Berryhill, Fuentes,  
and Hill**  
*(Coauthor: Assembly Member Perea)*

February 18, 2011

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An act to add ~~Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of Section 38582~~ to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1095, as amended, Bill Berryhill. Air pollution: hearing board: State Air Resources Board.

Existing law grants air pollution control districts and air quality management districts the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes one or more hearing boards in each district for the purposes of performing specified functions, including issuing interim variances from specified provisions of law relating to excess emissions. Existing law, *the California Global Warming Solutions Act of 2006*, grants the State Air Resources Board with authority over the regulation of emissions from motor vehicles and emissions of greenhouse gases.

This bill would require the creation of a hearing board within the state board, based on the provisions applicable to district hearing boards, *for the resolution of disputes arising from the enforcement of rules and*

regulations adopted by the state board pursuant to the California Global Warming Solutions Act of 2006.

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. Chapter 9 (commencing with Section 39950) is~~  
2 ~~added to Part 2 of Division 26 of the Health and Safety Code, to~~  
3 ~~read:~~

4  
5                                   ~~CHAPTER 9. HEARING BOARD~~  
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7     ~~39950. There shall be a hearing board within the state board.~~  
8 ~~The provisions of Chapter 8 (commencing with Section 40800) of~~  
9 ~~Part 3 shall apply to the hearing board created pursuant to this~~  
10 ~~section, to the extent those provisions can be made applicable.~~

11     ~~SECTION 1. Section 38582 is added to the Health and Safety~~  
12 ~~Code, to read:~~

13     ~~38582. (a) There shall be a hearing board within the state~~  
14 ~~board for the resolution of disputes arising from the enforcement~~  
15 ~~of rules and regulations adopted by the state board pursuant to~~  
16 ~~this division.~~

17     ~~(b) The provisions of Chapter 8 (commencing with Section~~  
18 ~~40800) of Part 3 of Division 26 shall apply to the hearing board~~  
19 ~~created pursuant to this section, to the extent those provisions can~~  
20 ~~be made applicable.~~