

AMENDED IN SENATE APRIL 29, 2014
AMENDED IN SENATE MARCH 24, 2014

SENATE BILL

No. 1415

Introduced by Senator Hill

February 21, 2014

An act to amend, *repeal, and add* Section 40262 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1415, as amended, Hill. Bay Area Air Quality Management District: advisory council.

(1) Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district.

Existing law also establishes the Bay Area Air Quality Management *Advisory Council*, which consists of *the chair of the district board and* 20 members appointed by the district board, as specified, for the purposes of advising and consulting with the district board and air pollution control officer in the implementation of their authority to regulate air emissions.

This bill, *beginning July 1, 2015, would abolish the membership of the council, would limit reconstitute the membership of the council to include 7 appointed members, would no longer allow for members of the general public to be appointed under specified circumstances, and would additionally require the inclusion of members who are to be skilled and experienced in the fields of air pollution, climate change,*

or the health impacts of air pollution. The bill would require members to be selected *pollution and* to include a diversity of perspectives, expertise, and backgrounds. By adding to the duties of the district, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. ~~Section 40262 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 40262. ~~The council shall consist of the following:~~

4 (a) ~~Chair of the bay district board, who shall serve as an ex~~
5 ~~officio member.~~

6 (b) ~~Seven members who shall be skilled and experienced in the~~
7 ~~fields of air pollution, climate change, or the health impacts of air~~
8 ~~pollution. Members shall be selected to include a diversity of~~
9 ~~perspectives, expertise, and backgrounds.~~

10 SECTION 1. *Section 40262 of the Health and Safety Code is*
11 *amended to read:*

12 40262. (a) (1) The council shall consist of the ~~chairman~~ *chair*
13 of the bay district board, who shall serve as an ex officio member,
14 and 20 members who preferably are skilled and experienced in the
15 field of air pollution, including at least three representatives of
16 public health agencies, at least four representatives of private
17 organizations active in conservation or protection of the
18 environment within the bay district, and at least one representative
19 of colleges or universities in the state and at least one representative
20 of each of the following groups within the bay district: regional
21 park district, park and recreation commissions or equivalent
22 agencies of any city, public mass transportation system, agriculture,
23 industry, community planning, transportation, registered

1 professional engineers, general contractors, architects, and
2 organized labor.

3 ~~To~~

4 (2) To the extent that suitable persons cannot be found for each
5 of the specified categories specified in paragraph (1), council
6 members may be appointed from the general public.

7 (b) *This section shall become inoperative on July 1, 2015, and,
8 as of January 1, 2016, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2016, deletes or
10 extends the dates on which it becomes inoperative and is repealed.*

11 *SEC. 2. Section 40262 is added to the Health and Safety Code,
12 to read:*

13 *40262. The council shall consist of the following:*

14 (a) *The chair of the bay district board, who shall serve as an
15 ex officio member.*

16 (b) *Seven members who shall be skilled and experienced in the
17 fields of air pollution, climate change, or the health impacts of air
18 pollution. Members shall be selected to include a diversity of
19 perspectives, expertise, and backgrounds.*

20 (c) *This section shall become operative on July 1, 2015.*

21 *SEC. 3. Notwithstanding Section 40263 of the Health and Safety
22 Code, the term appointments of the members of the Bay Area Air
23 Quality Management Advisory Council as it exists on June 30,
24 2015, shall terminate as of July 1, 2015.*

25 ~~SEC. 2.~~

26 *SEC. 4. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.*