

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 8, 2016

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 197

Introduced by Assembly Member Eduardo Garcia

January 28, 2015

An act to add Article 7.6 (commencing with Section 9147.10) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, and to amend Section 39510 of, and to add Sections 38562.5 and 38562.7 to, the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 197, as amended, Eduardo Garcia. State Air Resources Board: greenhouse gases.

(1) Existing law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues.

This bill would add 2 Members of the Legislature to the state board as ~~ex-officio~~, *ex officio*, nonvoting members. The bill would provide that the voting members of the state board are appointed for staggered 6-year ~~terms~~. *terms and upon expiration of the term of office of a voting member, the appointing authority may reappoint that member to a new term of office, subject to specified requirements.* The bill would require the state board to establish the initial staggered terms. The bill would create the Joint Legislative Committee on Climate Change Policies

consisting of 3 Members of the Senate and 3 Members of the Assembly and would require the committee to ascertain facts and make recommendations to the Legislature and to the houses of the Legislature concerning the state’s programs and policies related to climate change

(2) The California Global Warming Solutions Act of 2006 designates the state board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the board to adopt greenhouse gas emissions limits and emission reduction measures by regulation, and authorizes the state board to include the use of market-based compliance mechanisms to comply with the regulations.

This bill would require the state board to consider adopting measures to meet the greenhouse gas emissions limits based on a specified priority. The bill would require the state board to rank all greenhouse gas emissions reduction measures, as specified. The bill would require the state board to make available to the public all data related to the ranking and to provide annually a presentation of the ranking at one of its regular meeting.

(3) This bill would become operative only if SB 32 of the 2015–16 Regular Session is enacted and becomes effective on or before January 1, 2017.

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. Article 7.6 (commencing with Section 9147.10)
2 is added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
3 Government Code, to read:

4
5 Article 7.6. Joint Legislative Committee on Climate Change
6 Policies

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8 9147.10. (a) The Joint Legislative Committee on Climate
9 Change Policies is hereby created. The committee shall ascertain
10 facts and make recommendations to the Legislature concerning
11 the state’s programs and policies related to climate change.

12 (b) The committee shall consist of three Members of the Senate
13 and three Members of the Assembly who shall be selected in the
14 manner provided for in the Joint Rules of the Senate and Assembly.

1 The committee shall elect its own chair. A vacancy occurring in
2 the membership of the committee shall be filled in the manner
3 provided for in the Joint Rules of the Senate and Assembly. A
4 vacancy is deemed to exist as to any member of the committee
5 whose term is expiring whenever the member is not reelected at
6 the general election.

7 SEC. 2. Section 38562.5 is added to the Health and Safety
8 Code, to read:

9 38562.5. The state board shall consider adopting measures to
10 achieve the statewide greenhouse gas emissions limits adopted
11 pursuant to this division based on the following priority:

12 (a) Measures that result in direct reductions in the emissions of
13 greenhouse gases from large stationary sources, such as oil
14 refineries, and the transportation sector in the most technologically
15 feasible and ~~cost-effective~~ *cost-effective* manner possible that
16 accounts for the societal costs of the emissions of greenhouse
17 gases.

18 (b) Measures that result in direct reductions in the emissions of
19 greenhouse gases from sources other than those specified in
20 subdivision (a) in the most technologically feasible and ~~cost~~
21 ~~effective~~ *cost-effective* manner possible that accounts for the
22 societal costs of the emissions of greenhouse gases.

23 SEC. 3. Section 38562.7 is added to the Health and Safety
24 Code, to read:

25 38562.7. (a) The state board shall rank all emission reduction
26 measures adopted pursuant to this part based on both of the
27 following:

28 (1) The reductions in the emissions of greenhouse gases, criteria
29 pollutants, and toxic air contaminants resulting from the
30 implementation of the measure.

31 (2) The cost-effectiveness of the measure.

32 (b) The state board shall make available to the public all data
33 related to its ranking pursuant to subdivision (a) and annually
34 provide a presentation on the ranking at a regular meeting of the
35 state board.

36 SEC. 4. Section 39510 of the Health and Safety Code is
37 amended to read:

38 39510. (a) The State Air Resources Board is continued in
39 existence in the California Environmental Protection Agency. The
40 state board shall consist of 14 voting members.

- 1 (b) Twelve members shall be appointed by the Governor, with
2 the consent of the Senate, on the basis of their demonstrated interest
3 and proven ability in the field of air pollution control and their
4 understanding of the needs of the general public in connection
5 with air pollution problems.
- 6 (c) Of the members appointed pursuant to subdivision (b), six
7 members shall have the following qualifications:
- 8 (1) One member shall have training and experience in
9 automotive engineering or closely related fields.
- 10 (2) One member shall have training and experience in chemistry,
11 meteorology, or related scientific fields, including agriculture or
12 law.
- 13 (3) One member shall be a physician and surgeon or an authority
14 on health effects of air pollution.
- 15 (4) Two members shall be public members.
- 16 (5) One member shall have the qualifications specified in
17 paragraph (1), (2), or (3) or shall have experience in the field of
18 air pollution control.
- 19 (d) Of the members appointed pursuant to subdivision (b), six
20 members shall be board members from districts who shall reflect
21 the qualitative requirements of subdivision (c) to the extent
22 practicable. Of these members:
- 23 (1) One shall be a board member from the south coast district.
24 (2) One shall be a board member from the bay district.
25 (3) One shall be a board member from the San Joaquin Valley
26 Unified Air Pollution Control District.
27 (4) One shall be a board member from the San Diego County
28 Air Pollution Control District.
29 (5) One shall be a board member from the Sacramento district,
30 the Placer County Air Pollution Control District, the Yolo-Solano
31 Air Quality Management District, the Feather River Air Quality
32 Management District, or the El Dorado County Air Pollution
33 Control District.
34 (6) One shall be a board member of any other district.
- 35 (e) The Senate Committee on Rules and the Speaker of the
36 Assembly shall each appoint one member to the state board who
37 shall be a person who works directly with communities in the state
38 that are most significantly burdened by, and vulnerable to, high
39 levels of pollution, including, but not limited to, communities with

1 diverse racial and ethnic populations and communities with
2 low-income populations.

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

8 (g) 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. A member of the state board shall not 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 a member of the state
15 board who is also a member of a district board shall not participate
16 in any action regarding his or her district taken by the state board
17 pursuant to Sections 41503 to 41505, inclusive.

18 (h) (1) Except for initial staggered terms that shall be
19 established by the state board, the term of office for the voting
20 members shall be six years. *Upon expiration of the term of office*
21 *of a voting member, the appointing authority may reappoint that*
22 *member to a new term of office, subject to the requirement of*
23 *subdivision (b), if applicable.*

24 (2) Notwithstanding paragraph (1), a person who is a member
25 of the state board pursuant to subdivision (d) shall not continue as
26 a member if he or she ceases to hold the membership that qualifies
27 that person to be appointed as a member of the state board. The
28 membership on the state board held by that person shall terminate
29 immediately upon ceasing to hold that qualifying membership.

30 (i) In addition to subdivision (a), two Members of the Legislature
31 shall serve as ~~ex-officio~~, *ex officio*, nonvoting members of the state
32 board. One member shall be appointed by the Senate Committee
33 on Rules. One member shall be appointed by the Speaker of the
34 Assembly.

35 SEC. 5. This act shall become operative only if Senate Bill 32
36 of the 2015–16 Regular Session is enacted and becomes effective
37 on or before January 1, 2017.

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