

AMENDED IN ASSEMBLY MARCH 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 135**

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**Introduced by Assembly Member Hagman Members Hagman and  
Valadao**

**(Principal coauthor: Assembly Member Grove)**

**(Coauthors: Assembly Members Achadjian, Conway, Garrick, Gorell,  
Halderman, Harkey, Jeffries, Logue, Mansoor, Miller, Nestande,  
Nielsen, Olsen, Silva, Smyth, and Wagner)**

**(Coauthors: Senators Cannella, Dutton, Fuller, Harman, and Runner)**

January 12, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Hagman. State Air Resources Board: membership: small business owner.

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.

This bill, until January 1, 2017, would require one appointed member of the state board to be a current owner of a small business, as defined, who has ~~worked for~~, owned, or worked for and owned, that small business for at least 10 years. The bill would also make various technical, nonsubstantive changes.

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 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 members shall be board members from districts who  
24    shall reflect the qualitative requirements of subdivision (b) to the  
25    extent practicable. Of these five members, one shall be a board  
26    member from the south coast district, one shall be a board member  
27    from the bay district, one shall be a board member from the San  
28    Joaquin Valley Unified Air Pollution Control District, one shall  
29    be a board member from the San Diego County Air Pollution  
30    Control District, and one shall be a board member of any other  
31    district.  
32    (d) Commencing on and after January 1, 2012, at least one of  
33    the 11 board members appointed pursuant to subdivision (b) or (c)  
34    shall be a current owner of a small business, as defined in Section

1 14837 of the Government Code, who has ~~worked for~~, owned, or  
2 worked for and owned, that small business for at least 10 years.

3 (e) 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 (f) 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 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 (g) This section shall remain in effect only until January 1, 2017,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2017, deletes or extends that date.

21 SEC. 2. Section 39510 is added to the Health and Safety Code,  
22 to read:

23 39510. (a) The State Air Resources Board is continued in  
24 existence in the California Environmental Protection Agency. The  
25 state board shall consist of 11 members.

26 (b) The members shall be appointed by the Governor, with the  
27 consent of the Senate, on the basis of their demonstrated interest  
28 and proven ability in the field of air pollution control and their  
29 understanding of the needs of the general public in connection  
30 with air pollution problems. Six members shall have the following  
31 qualifications:

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

34 (2) One member shall have training and experience in chemistry,  
35 meteorology, or related scientific fields, including agriculture or  
36 law.

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

39 (4) Two members shall be public members.

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

4 (c) Five members shall be board members from districts who  
5 shall reflect the qualitative requirements of subdivision (b) to the  
6 extent practicable. Of these five members, one shall be a board  
7 member from the south coast district, one shall be a board member  
8 from the bay district, one shall be a board member from the San  
9 Joaquin Valley Unified Air Pollution Control District, one shall  
10 be a board member from the San Diego County Air Pollution  
11 Control District, and one shall be a board member of any other  
12 district.

13 (d) 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 (e) 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 no member of the state  
25 board who is also a member of a district board shall participate in  
26 any action regarding his or her district taken by the state board  
27 pursuant to Sections 41503 to 41505, inclusive.

28 (f) This section shall become operative on January 1, 2017.