

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JULY 1, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 135

Introduced by Assembly Members Hagman and Valadao

(Principal coauthor: Assembly Member Grove)

**(Coauthors: Assembly Members Achadjian, Conway, *Beth Gaines*,
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

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 an owner within the past 5 years of a small

business, as defined. The bill would also make various technical, nonsubstantive changes.

This bill would incorporate additional changes in Section 39510 of the Health and Safety Code, proposed by AB 146, to be operative only if AB 146 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 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) 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) 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 (d) Five members shall be board members from districts who
24 shall reflect the qualitative requirements of subdivision (c) to the
25 extent practicable. Of these five members:
26 (1) One shall be a board member from the south coast district.
27 (2) One shall be a board member from the bay district.
28 (3) One shall be a board member from the San Joaquin Valley
29 Unified Air Pollution Control District.

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

3 (5) One shall be a board member from any other district.

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

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

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

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

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

28 39510. (a) The State Air Resources Board is continued in
29 existence in the California Environmental Protection Agency. The
30 state board shall consist of 11 members.

31 (b) The members shall be appointed by the Governor, with the
32 consent of the Senate, on the basis of their demonstrated interest
33 and proven ability in the field of air pollution control and their
34 understanding of the needs of the general public in connection
35 with air pollution problems.

36 (c) Six members shall have the following qualifications:

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

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

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

6 (4) Two members shall be public members.

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

10 (d) Five members shall be board members from districts who
11 shall reflect the qualitative requirements of subdivision (c) to the
12 extent practicable. Of these five members:

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

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

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

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

19 (5) One shall be a board member from any other district.

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

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

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

36 SEC. 2.5. 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 13 members.

1 (b) The members shall be appointed by the Governor, with the
2 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) Seven members shall have the following qualifications:

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

9 (2) One member shall have training and experience in
10 chemistry, meteorology, or related scientific fields, including
11 agriculture or law.

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

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

16 (5) Two members shall be public members.

17 (6) One member shall have the qualifications specified in
18 paragraph (1), (2), (3), or (4) or shall have experience in the field
19 of air pollution control.

20 (d) Six members shall be board members from districts who
21 shall reflect the qualitative requirements of subdivision (c) to the
22 extent practicable. Of these six 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 a district within the
30 Sacramento federal nonattainment area for ozone in either the
31 Sacramento district, the Placer County Air Pollution Control
32 District, the Yolo-Solano Air Quality Management District, the
33 Feather River Air Quality Management District, or the El Dorado
34 County Air Pollution Control District.

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

36 (e) Commencing on and after January 1, 2012, at least one of
37 the ~~11~~ 13 board members appointed pursuant to this section shall
38 be an owner within the past five years of a small business, as
39 defined in Section 14837 of the Government Code.

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

19 SEC. 2.7. Section 39510 is added to the Health and Safety
20 Code, to read:

21 39510. (a) The State Air Resources Board is continued in
22 existence in the California Environmental Protection Agency. The
23 state board shall consist of 13 members.

24 (b) The members shall be appointed by the Governor, with the
25 consent of the Senate, on the basis of their demonstrated interest
26 and proven ability in the field of air pollution control and their
27 understanding of the needs of the general public in connection
28 with air pollution problems.

29 (c) Seven members shall have the following qualifications:

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

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

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

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

39 (5) Two members shall be public members.

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

4 (d) Six members shall be board members from districts who
5 shall reflect the qualitative requirements of subdivision (c) to the
6 extent practicable. Of these six members:

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

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

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

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

13 (5) One shall be a board member from a district within the
14 Sacramento federal nonattainment area for ozone in either the
15 Sacramento district, the Placer County Air Pollution Control
16 District, the Yolo-Solano Air Quality Management District, the
17 Feather River Air Quality Management District, or the El Dorado
18 County Air Pollution Control District.

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

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

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

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

36 ~~SEC. 2.~~

37 *SEC. 3.* Sections 2.5 and 2.7 of this bill incorporate
38 amendments to Section 39510 of the Health and Safety Code
39 proposed by both this bill and ~~AB~~ *Assembly Bill* 146. Those
40 sections shall only become operative if (1) both bills are enacted

1 and become effective on or before January 1, 2012, (2) each bill
2 amends Section 39510 of the Health and Safety Code, and (3) this
3 bill is enacted after ~~AB~~ *Assembly Bill* 146, in which case Sections
4 1 and 2 of this bill shall not become operative.

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7 CORRECTIONS:

8 Coauthors—Page 1.

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