

AMENDED IN SENATE SEPTEMBER 10, 2015

AMENDED IN SENATE SEPTEMBER 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1288

Introduced by Assembly Member Atkins
(Principal coauthor: Senator Pavley)

February 27, 2015

An act to amend Section ~~38562~~ 39510 of the Health and Safety Code, relating to ~~greenhouse gases~~: *air resources*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1288, as amended, Atkins. ~~California Global Warming Solutions Act of 2006: regulations~~. *Air resources*.

Existing law establishes the State Air Resources Board, consisting of 12 members appointed by the Governor and confirmed by the Senate. Existing law requires the State Air Resources Board to take certain actions regarding air pollution.

This bill would increase the membership of the state board to 14, with the Senate Committee on Rules and the Speaker of the Assembly each appointing one member, as provided.

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.~~

~~The act authorizes the state board to include the use of market-based compliance mechanisms and to adopt a regulation that establishes a~~

~~system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases, applicable from January 1, 2012, to December 31, 2020, inclusive, as specified.~~

~~This bill would no longer limit the applicability of a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases from January 1, 2012, to December 31, 2020.~~

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 ~~12~~ 14 members.
6 (b) ~~The Twelve~~ members shall be appointed by the Governor,
7 with the consent of the Senate, on the basis of their demonstrated
8 interest and proven ability in the field of air pollution control and
9 their understanding of the needs of the general public in connection
10 with air pollution problems.
11 (c) ~~Six~~ Of the members appointed pursuant to subdivision (b),
12 six members shall have the following qualifications:
13 (1) One member shall have training and experience in
14 automotive engineering or closely related fields.
15 (2) One member shall have training and experience in chemistry,
16 meteorology, or related scientific fields, including agriculture or
17 law.
18 (3) One member shall be a physician and surgeon or an authority
19 on health effects of air pollution.
20 (4) Two members shall be public members.
21 (5) One member shall have the qualifications specified in
22 paragraph (1), (2), or (3) or shall have experience in the field of
23 air pollution control.
24 (d) ~~Six~~ Of the members appointed pursuant to subdivision (b),
25 six members shall be board members from districts who shall
26 reflect the qualitative requirements of subdivision (c) to the extent
27 practicable. Of these members:

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

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

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

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

7 (5) One shall be a board member from the Sacramento district,
8 the Placer County Air Pollution Control District, the Yolo-Solano
9 Air Quality Management District, the Feather River Air Quality
10 Management District, or the El Dorado County Air Pollution
11 Control District.

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

13 (e) *The Senate Committee on Rules and the Speaker of the*
14 *Assembly shall each appoint one member to the state board who*
15 *shall be a person who works directly with communities in the state*
16 *that are most significantly burdened by, and vulnerable to, high*
17 *levels of pollution, including, but not limited to, communities with*
18 *diverse racial and ethnic populations and communities with*
19 *low-income populations.*

20 (e)

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

26 (f)

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

37 ~~SECTION 1. It is the intent of the Legislature to ensure that~~
38 ~~disadvantaged communities, identified pursuant to Section 39711~~
39 ~~of the Health and Safety Code, continue to receive moneys from~~
40 ~~market-based compliance mechanisms that may be adopted by the~~

1 ~~State Air Resources Board beyond the year 2020, pursuant to~~
2 ~~Section 39713 of the Health and Safety Code.~~

3 ~~SEC. 2. Section 38562 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~38562. (a) On or before January 1, 2011, the state board shall~~
6 ~~adopt greenhouse gas emissions limits and emissions reduction~~
7 ~~measures by regulation to achieve the maximum technologically~~
8 ~~feasible and cost-effective reductions in greenhouse gas emissions~~
9 ~~in furtherance of achieving the statewide greenhouse gas emissions~~
10 ~~limit, to become operative beginning on January 1, 2012.~~

11 ~~(b) In adopting regulations pursuant to this section and Part 5~~
12 ~~(commencing with Section 38570), to the extent feasible and in~~
13 ~~furtherance of achieving the statewide greenhouse gas emissions~~
14 ~~limit, the state board shall do all of the following:~~

15 ~~(1) Design the regulations, including distribution of emissions~~
16 ~~allowances where appropriate, in a manner that is equitable, seeks~~
17 ~~to minimize costs and maximize the total benefits to California,~~
18 ~~and encourages early action to reduce greenhouse gas emissions.~~

19 ~~(2) Ensure that activities undertaken to comply with the~~
20 ~~regulations do not disproportionately impact low-income~~
21 ~~communities.~~

22 ~~(3) Ensure that entities that have voluntarily reduced their~~
23 ~~greenhouse gas emissions prior to the implementation of this~~
24 ~~section receive appropriate credit for early voluntary reductions.~~

25 ~~(4) Ensure that activities undertaken pursuant to the regulations~~
26 ~~complement, and do not interfere with, efforts to achieve and~~
27 ~~maintain federal and state ambient air quality standards and to~~
28 ~~reduce toxic air contaminant emissions.~~

29 ~~(5) Consider cost-effectiveness of these regulations.~~

30 ~~(6) Consider overall societal benefits, including reductions in~~
31 ~~other air pollutants, diversification of energy sources, and other~~
32 ~~benefits to the economy, environment, and public health.~~

33 ~~(7) Minimize the administrative burden of implementing and~~
34 ~~complying with these regulations.~~

35 ~~(8) Minimize leakage.~~

36 ~~(9) Consider the significance of the contribution of each source~~
37 ~~or category of sources to statewide emissions of greenhouse gases.~~

38 ~~(e) In furtherance of achieving the statewide greenhouse gas~~
39 ~~emissions limit, the state board may adopt a regulation that~~
40 ~~establishes a system of market-based declining annual aggregate~~

1 ~~emissions limits for sources or categories of sources that emit~~
2 ~~greenhouse gases that the state board determines will achieve the~~
3 ~~maximum technologically feasible and cost-effective reductions~~
4 ~~in greenhouse gas emissions, in the aggregate, from those sources~~
5 ~~or categories of sources.~~

6 ~~(d) Any regulation adopted by the state board pursuant to this~~
7 ~~part or Part 5 (commencing with Section 38570) shall ensure all~~
8 ~~of the following:~~

9 ~~(1) The greenhouse gas emissions reductions achieved are real,~~
10 ~~permanent, quantifiable, verifiable, and enforceable by the state~~
11 ~~board.~~

12 ~~(2) For regulations pursuant to Part 5 (commencing with Section~~
13 ~~38570), the reduction is in addition to any greenhouse gas~~
14 ~~emissions reduction otherwise required by law or regulation, and~~
15 ~~any other greenhouse gas emissions reduction that otherwise would~~
16 ~~occur.~~

17 ~~(3) If applicable, the greenhouse gas emissions reduction occurs~~
18 ~~over the same time period and is equivalent in amount to any direct~~
19 ~~emission reduction required pursuant to this division.~~

20 ~~(e) The state board shall rely upon the best available economic~~
21 ~~and scientific information and its assessment of existing and~~
22 ~~projected technological capabilities when adopting the regulations~~
23 ~~required by this section.~~

24 ~~(f) The state board shall consult with the Public Utilities~~
25 ~~Commission in the development of the regulations as they affect~~
26 ~~electricity and natural gas providers in order to minimize~~
27 ~~duplicative or inconsistent regulatory requirements.~~

28 ~~(g) The state board may revise regulations adopted pursuant to~~
29 ~~this section and adopt additional regulations to further the~~
30 ~~provisions of this division.~~