

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1387

Introduced by ~~Senator De León~~ *Senators De León, Allen, and Lara*

February 19, 2016

An act to amend ~~Section 13104 of the Probate Code, relating to probate. Sections 39616, 40420, and 40424 of the Health and Safety Code, relating to nonvehicular air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1387, as amended, De León. ~~Collection or transfer of personal property: affidavit procedure. Nonvehicular air pollution: market-based incentive programs: South Coast Air Quality Management District board.~~

(1) Existing law authorizes the board of an air pollution control or air quality management district to adopt a market-based incentive program as an element of a district's plan for the attainment of the state or federal ambient air quality standards. Existing law requires a district board, within 5 years from the date of the adoption of a market-based incentive program, to commence public hearings to reassess the program and, within 7 years from the date of the air district's initial adoption of the program, to ratify specified findings with the concurrence of the State Air Resources Board.

This bill instead would require a district board to submit to the State Air Resources Board for review and approval the district's plan for attainment or a revision to that plan, as specified. The bill also would require a district board to submit to the state board for review and approval the district's market-based incentive program and any revisions to that program, as specified. The bill would prescribe specified actions for the state board to take if the state board determines

that a plan for attainment, a revision of a plan for attainment, a market-based incentive program, or a revision to a market-based incentive program do not comply with law. By adding to the duties of air districts, this bill would impose a state-mandated local program.

(2) Existing law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members.

This bill would add 3 members to the district board, as specified. The bill would make various conforming changes.

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 no reimbursement is required by this act for a specified reason.

Existing law requires, in order to collect money, receive tangible personal property, or have evidences of a debt, obligation, interest, right, security, or chose in action transferred under specified provisions, an affidavit or a declaration under penalty of perjury to be furnished to the holder of the decedent's property stating certain information. Existing law requires reasonable proof of the identity of each person executing the affidavit or declaration to be provided to the holder of the decedent's property, and authorizes the holder to, if the affidavit or declaration is executed in the presence of the holder, reasonably rely on specified information as reasonable proof of identity, including a passport issued by a foreign government that has been stamped by the United States Immigration and Naturalization Service, as specified.

This bill would make nonsubstantive, technical changes to those provisions.

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

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

- 1 SECTION 1. Section 39616 of the Health and Safety Code is
- 2 amended to read:
- 3 39616. (a) The Legislature hereby finds and declares all of
- 4 the following:

1 (1) Several regions in California suffer from some of the worst
2 air quality in the United States.

3 (2) While traditional command and control air quality regulatory
4 programs are effective in cleaning up the air, other options for
5 improvement in air quality, such as market-based incentive
6 programs, ~~should~~ *may* be explored, provided that those programs
7 result in ~~equivalent~~ *greater* emission reductions while ~~expending~~
8 ~~fewer resources and while maintaining or enhancing the state's~~
9 ~~economy.~~ *ensuring disadvantaged communities, as identified*
10 *pursuant to Section 39711, are not disproportionately impacted*
11 *by pollution.*

12 (3) The purpose of this section is to establish requirements
13 under which a district board may adopt market-based incentive
14 programs in a manner ~~which~~ *that* achieves the greatest air quality
15 improvement while strengthening the state's economy and
16 preserving jobs.

17 (b) (1) A district board may adopt a market-based incentive
18 program as an element of the district's plan for *the* attainment of
19 the state or federal ambient air quality standards.

20 (2) A market-based incentive program that satisfies the
21 conditions in this section may substitute for current command and
22 control regulations and future air quality measures that would
23 otherwise have been adopted as part of the district's plan for
24 attainment, and may be implemented in lieu of some or all of the
25 control measures adopted by the district pursuant to Chapter 10
26 (commencing with Section 40910) of Part 3.

27 (c) In adopting rules ~~and regulations~~ to implement a
28 market-based incentive program, a district board shall, at the time
29 that the rules ~~and regulations~~ are adopted, make express findings,
30 and shall, at the time that the rules ~~and regulations~~ are submitted
31 to the state board, submit appropriate ~~information,~~ *information* to
32 substantiate the basis for making the findings that each of the
33 following conditions is met on an overall districtwide basis:

34 (1) The program will result in an equivalent or greater reduction
35 in emissions at equivalent or less cost compared with current
36 command and control regulations and future air quality measures
37 that would otherwise have been adopted as part of the district's
38 plan for attainment.

39 (2) The program will provide a level of enforcement and
40 monitoring, to ensure compliance with emission reduction

1 requirements, comparable with command and control air quality
2 measures that would otherwise have been adopted by the district
3 for inclusion in the district's plan for attainment.

4 (3) The program will establish a baseline methodology that
5 provides appropriate credit so that stationary sources of air
6 pollution ~~which~~ *that* have been modified prior to implementation
7 of the program to reduce stationary source emissions are treated
8 equitably.

9 (4) The program will not result in a greater loss of jobs or more
10 significant shifts from higher to lower skilled jobs, on an overall
11 districtwide basis, than that which would exist under command
12 and control air quality measures that would otherwise have been
13 adopted as part of the district's plan for attainment. A finding of
14 compliance with this requirement may be made in the same manner
15 as the analyses made by the district to meet the requirements of
16 Section 40728.5.

17 (5) The program will promote the privatization of compliance
18 and the availability of data in computer format. The district shall
19 endeavor to provide sources with the option to keep records by
20 way of electronic or computer data storage systems, rather than
21 mechanical ~~devices~~ *devices*, such as strip chart recorders.

22 (6) The program will not in any manner delay, postpone, or
23 otherwise hinder district compliance with Chapter 10 (commencing
24 with Section 40910) of Part 3.

25 (7) The program will not result in disproportionate impacts,
26 measured on an aggregate basis, on those stationary sources
27 included in the program compared to other permitted stationary
28 sources in the district's plan for attainment.

29 (d) (1) A district's plan for attainment or plan revision
30 submitted to the state board ~~prior to January 1, 1993~~, shall ~~be~~
31 ~~designed to~~ achieve equivalent emission reductions and reduced
32 cost and job impacts compared to current command and control
33 regulations and future air quality measures that would otherwise
34 have been adopted as part of the district's plan for attainment. A
35 district shall not implement a market-based incentive program *or*
36 *any revisions to an adopted market-based incentive program* unless
37 the state board has determined that the plan or plan revision
38 complies with this paragraph.

39 (2) (A) A plan or plan revision ~~submitted on or after January~~
40 ~~1, 1993~~, shall ~~be designed to~~ meet the provisions of subdivision

1 (c) and Section 40440.1 if applicable. The state board shall ~~approve~~
2 *review, approve, disapprove, or amend and approve* the plan or
3 plan revision prior to program implementation, and shall make its
4 determination not later than ~~90~~ 60 days from the date of ~~submittal~~
5 *submission* of the plan or plan revision.

6 (B) (i) *If the state board determines that a plan or plan revision*
7 *submitted pursuant to this paragraph does not comply with this*
8 *section, the state board within 60 days of the date of the submission*
9 *of the plan or plan revision, shall do all of the following:*

10 (I) *Notify the district.*

11 (II) *Revise the plan or plan revision so that the plan or plan*
12 *revision complies with this section.*

13 (III) *Approve the plan or plan revision.*

14 (ii) *If the state board approves a plan or plan revision pursuant*
15 *to this subparagraph, the plan or plan revision shall take effect*
16 *immediately and be binding on the district.*

17 (3) (A) Upon the adoption of ~~rules and regulations~~ to
18 implement the program in accordance with subdivision (c), the
19 district shall submit the ~~rules and regulations~~ to the state board.
20 The state board shall, within 90 days from the date of ~~submittal~~,
21 *submission*, determine whether the ~~rules and regulations~~ meet the
22 requirements of this section and Section 40440.1, if applicable.
23 This paragraph does not prohibit the district from implementing
24 the program upon the approval of the plan or plan revision and
25 prior to ~~submittal~~ *submission* of the ~~rules and regulations~~; *rules*.

26 (B) (i) *If the state board determines that a district rule does*
27 *not comply with this section, the state board, within 60 days of the*
28 *date of the submission of the rule, shall do all of the following:*

29 (I) *Notify the district.*

30 (II) *Revise the rule so that the rule complies with this section.*

31 (III) *Adopt the rule.*

32 (ii) *If the state board approves a rule pursuant to this*
33 *subparagraph, the rule shall take effect immediately and have the*
34 *same legal force and effect as a district rule.*

35 (e) Within five years from the date of *the* adoption of a
36 market-based incentive program, the district board shall commence
37 public hearings to reassess the program and shall, not later than
38 seven years from the date of the district's initial adoption of the
39 program, ratify the findings required pursuant to paragraphs (1),
40 (2), (5), and (6) of subdivision (c) and the district's compliance

1 with Section 40440.1, if applicable, with the concurrence of the
 2 state board. If the district board fails to ratify the findings within
 3 the seven-year period, the district board shall make appropriate
 4 revisions to the district's plan for attainment.

5 (f) The district board shall reassess a market-based incentive
 6 program if the market price of emission trading units exceeds a
 7 predetermined level set by the district board. The district board
 8 may take action to revise the program. A predetermined market
 9 price review level shall be set in a public hearing in consideration
 10 of the costs of command and control air quality measures that
 11 would otherwise have been adopted as part of the district's plan
 12 for attainment, costs and factors submitted by interested parties,
 13 and any other factors considered appropriate by the district board.
 14 The district board may revise the market price review level for
 15 emission trading units every three years during attainment plan
 16 updates required under Section 40925. In revising the market price
 17 review level, the district board shall consider the factors used in
 18 setting the initial market price review level as well as other
 19 economic impacts, including the overall impact of the program on
 20 job loss, rate of business formation, and rate of business closure.

21 (g) For sources not included in market-based incentive
 22 programs, this section does not apply to, and shall in no way limit,
 23 existing district authority to facilitate compliance with particular
 24 emission control measures by imposing or authorizing sourcewide
 25 emission caps, alternative emission control plans, stationary for
 26 mobile source emission trades, mobile for mobile source emission
 27 trades, and similar measures, whether imposed or authorized by
 28 rule or permit condition.

29 (h) This section does not apply to the implementation of
 30 market-based transportation control measures ~~which~~ that do not
 31 involve emissions trading.

32 *SEC. 2. Section 40420 of the Health and Safety Code is*
 33 *amended to read:*

34 40420. (a) The south coast district shall be governed by a
 35 district board consisting of ~~13~~ 16 members appointed as follows:

36 (1) ~~One member~~ (A) *Two members* appointed by the Governor,
 37 with the advice and consent of the Senate.

38 (B) *One member appointed pursuant to this paragraph shall be*
 39 *a representative of a bona fide nonprofit environmental justice*

1 *organization that advocates for clean air and pollution reductions*
2 *in one or more communities within the South Coast Air Basin.*

3 ~~(2) One member-~~(A) *Two members* appointed by the Senate
4 Committee on Rules.

5 *(B) One member appointed pursuant to this paragraph shall be*
6 *a representative of a bona fide nonprofit environmental justice*
7 *organization that advocates for clean air and pollution reductions*
8 *in one or more communities within the South Coast Air Basin.*

9 ~~(3) One member-~~(A) *Two members* appointed by the Speaker
10 of the Assembly.

11 *(B) One member appointed pursuant to this paragraph shall be*
12 *a representative of a bona fide nonprofit environmental justice*
13 *organization that advocates for clean air and pollution reductions*
14 *in one or more communities within the South Coast Air Basin.*

15 (4) Four members appointed by the boards of supervisors of the
16 counties in the south coast district. Each board of supervisors shall
17 appoint one of these members, who shall be one of the following:

18 (A) A member of the board of supervisors of the county making
19 the appointment.

20 (B) A mayor or member of a city council from a city in the
21 portion of the county making the appointment that is included in
22 the south coast district.

23 (5) Three members appointed by cities in the south coast district.
24 The city selection committee of Orange, Riverside, and San
25 Bernardino Counties shall each appoint one of these members,
26 who shall be either a mayor or a member of the city council of a
27 city in the portion of the county included in the south coast district.

28 (6) A member appointed by the cities of the western region of
29 Los Angeles County, consisting of the Cities of Agoura Hills,
30 Artesia, Avalon, Bell, Bellflower, Bell Gardens, Beverly Hills,
31 Calabasas, Carson, Cerritos, Commerce, Compton, Cudahy, Culver
32 City, Downey, El Segundo, Gardena, Hawaiian Gardens,
33 Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park,
34 Inglewood, La Habra Heights, La Mirada, Lakewood, Lawndale,
35 Lomita, Long Beach, Lynwood, Malibu, Manhattan Beach,
36 Maywood, Montebello, Norwalk, Palos Verdes Estates, Paramount,
37 Pico Rivera, Rancho Palos Verdes, Redondo Beach, Rolling Hills,
38 Rolling Hills Estates, Santa Fe Springs, Santa Monica, Signal Hill,
39 South Gate, Torrance, Vernon, West Hollywood, Westlake Village,
40 and Whittier. These cities shall organize as a city selection

1 committee for the purposes of subdivision (f), and shall be known
2 as the city selection committee of the western region of Los
3 Angeles County. The member appointed shall be either a mayor
4 or a member of the city council of a city in the western region.

5 (7) A member appointed by the cities of the eastern region of
6 Los Angeles County, consisting of the cities in Los Angeles County
7 that are not listed in paragraph (6) or (8), and excluding the Cities
8 of Lancaster, Los Angeles, and Palmdale. These cities shall
9 organize as a city selection committee for the purposes of
10 subdivision (f), and shall be known as the city selection committee
11 of the eastern region of Los Angeles County. The member
12 appointed shall be either a mayor or a member of the city council
13 of a city in the eastern region.

14 (8) A member appointed by the Mayor of the City of Los
15 Angeles from among the members of the Los Angeles City
16 Council.

17 (b) All members shall be appointed on the basis of their
18 demonstrated interest and proven ability in the field of air pollution
19 control and their understanding of the needs of the general public
20 in connection with air pollution problems of the South Coast Air
21 Basin.

22 (c) The member appointed by the Governor *who is not the*
23 *member appointed pursuant to subparagraph (B) of paragraph*
24 *(1) of subdivision (a)* shall be either a physician who has training
25 and experience in the health effects of air pollution, an
26 environmental engineer, a chemist, a meteorologist, or a specialist
27 in air pollution control.

28 (d) Each member shall be appointed on the basis of his or her
29 ability to attend substantially all meetings of the south coast district
30 board, to discharge all duties and responsibilities of a member of
31 the south coast district board on a regular basis, and to participate
32 actively in the affairs of the south coast district. ~~No A member may~~
33 *shall not* designate an alternate for any purpose or otherwise be
34 represented by another in his or her capacity as a member of the
35 south coast district board.

36 (e) Each appointment by a board of supervisors shall be
37 considered and acted on at a duly noticed, regularly scheduled
38 hearing of the board of supervisors, which shall provide an
39 opportunity for testimony on the qualifications of the candidates
40 for appointment.

1 (f) The appointments by cities in the south coast district shall
2 be considered and acted on at a duly noticed meeting of the city
3 selection committee, which shall meet in a government building
4 and provide an opportunity for testimony on the qualifications of
5 the candidates for appointment. Each appointment shall be made
6 by not less than a majority of all the cities in the portion of the
7 county included in the south coast district having not less than a
8 majority of the population of all the cities in the portion of the
9 county included in the south coast district. Population shall be
10 determined on the basis of the most recent verifiable census data
11 developed by the Department of Finance. Persons residing in
12 unincorporated areas or areas of a county outside the south coast
13 district shall not be considered for the purposes of this subdivision.

14 (g) The members appointed by the Senate Committee on Rules
15 and the Speaker of the Assembly *who are not the members*
16 *appointed pursuant to subparagraph (B) of paragraph (2) or*
17 *subparagraph (B) of paragraph (3) of subdivision (a)* shall have
18 one or more of the qualifications specified in subdivision (c) or
19 shall be a public member. None of those appointed members may
20 be a locally elected official.

21 (h) All members shall be residents of the district.

22 (i) (1) The member who was serving on the district board as
23 of June 1, 2007, who had been appointed to represent the eastern
24 region of Los Angeles County shall be deemed on January 1, 2008,
25 to be the member appointed to represent the western region of Los
26 Angeles County pursuant to paragraph (6) of subdivision (a) and
27 shall serve from January 1, 2008, until the end of the term of office
28 for the member who had been appointed to represent the western
29 region of Los Angeles County. At the end of that term, the city
30 selection committee of the western region of Los Angeles County
31 shall make an appointment pursuant to paragraph (6) of subdivision
32 (a).

33 (2) The member who was serving on the district board as of
34 June 1, 2007, who had been appointed to represent the western
35 region of Los Angeles County shall be deemed on January 1, 2008,
36 to be the member appointed pursuant to paragraph (8) of
37 subdivision (a) until the end of that member's term. At the end of
38 that term, the Mayor of the City of Los Angeles shall make an
39 appointment pursuant to paragraph (8) of subdivision (a).

1 (3) On or after January 1, 2008, the city selection committee of
2 the eastern region of Los Angeles County shall convene promptly
3 to make an appointment pursuant to paragraph (7) of subdivision
4 (a).

5 *SEC. 3. Section 40424 of the Health and Safety Code is*
6 *amended to read:*

7 40424. (a) Except as provided in subdivision (b), ~~seven~~ *nine*
8 members of the south coast district board shall constitute a quorum,
9 and no official action shall be taken by the south coast district
10 board except in the presence of a quorum and upon the affirmative
11 votes of a majority of the members of the south coast district board.

12 (b) Notwithstanding subdivision (a), whenever there are two
13 or more vacancies on the south coast district board, ~~six~~ *eight*
14 members shall constitute a quorum, and the two vacant positions
15 shall not be counted toward the majority required for official action
16 by the south coast district board. Thereafter, whenever at least one
17 of those vacancies is filled, the quorum and voting requirements
18 of subdivision (a) shall apply.

19 *SEC. 4. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *a local agency or school district has the authority to levy service*
22 *charges, fees, or assessments sufficient to pay for the program or*
23 *level of service mandated by this act, within the meaning of Section*
24 *17556 of the Government Code.*

25 ~~SECTION 1. Section 13104 of the Probate Code is amended~~
26 ~~to read:~~

27 ~~13104. (a) Reasonable proof of the identity of each person~~
28 ~~executing the affidavit or declaration shall be provided to the holder~~
29 ~~of the decedent's property.~~

30 ~~(b) Reasonable proof of identity is provided for the purposes of~~
31 ~~this section if both of the following requirements are satisfied:~~

32 ~~(1) The person executing the affidavit or declaration is~~
33 ~~personally known to the holder.~~

34 ~~(2) The person executes the affidavit or declaration in the~~
35 ~~presence of the holder.~~

36 ~~(c) If the affidavit or declaration is executed in the presence of~~
37 ~~the holder, a written statement under penalty of perjury by a person~~
38 ~~personally known to the holder affirming the identity of the person~~
39 ~~executing the affidavit or declaration is reasonable proof of identity~~
40 ~~for the purposes of this section.~~

- 1 ~~(d) If the affidavit or declaration is executed in the presence of~~
2 ~~the holder, the holder may reasonably rely on any of the following~~
3 ~~as reasonable proof of identity for the purposes of this section:~~
4 ~~(1) An identification card or driver's license issued by the~~
5 ~~Department of Motor Vehicles that is current or was issued during~~
6 ~~the preceding five years.~~
7 ~~(2) A passport issued by the United States Department of State~~
8 ~~that is current or was issued during the preceding five years.~~
9 ~~(3) Any of the following documents if the document is current~~
10 ~~or was issued during the preceding five years and contains a~~
11 ~~photograph and description of the person named on it, is signed~~
12 ~~by the person, and bears a serial or other identifying number:~~
13 ~~(A) A passport issued by a foreign government that has been~~
14 ~~stamped by the United States Customs and Border Protection.~~
15 ~~(B) A driver's license issued by a state other than California.~~
16 ~~(C) An identification card issued by a state other than California.~~
17 ~~(D) An identification card issued by any branch of the armed~~
18 ~~forces of the United States.~~
19 ~~(e) For the purposes of this section, a notary public's certificate~~
20 ~~of acknowledgment identifying the person executing the affidavit~~
21 ~~or declaration is reasonable proof of identity of the person~~
22 ~~executing the affidavit or declaration.~~
23 ~~(f) Unless the affidavit or declaration contains a notary public's~~
24 ~~certificate of acknowledgment of the identity of the person, the~~
25 ~~holder shall note on the affidavit or declaration either that the~~
26 ~~person executing the affidavit or declaration is personally known~~
27 ~~or a description of the identification provided by the person~~
28 ~~executing the affidavit or declaration.~~