

AMENDED IN ASSEMBLY SEPTEMBER 13, 2001

AMENDED IN ASSEMBLY SEPTEMBER 12, 2001

AMENDED IN ASSEMBLY JUNE 30, 2001

AMENDED IN ASSEMBLY JUNE 12, 2001

AMENDED IN SENATE MARCH 29, 2001

SENATE BILL

No. 759

Introduced by Senator Murray
(Principal coauthor: Assembly Member Dutra)

February 23, 2001

An act to add Sections 13103.5 and 14532 to the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 759, as amended, Murray. Transportation: traffic congestion relief.

Existing law provides for the establishment and annual update of a 5-year plan for funding infrastructure.

This bill, on and after the date that Assembly Constitutional Amendment No. 4 (Res. Ch. 87, Stats. 2001) is approved by the voters, would require the Department of Finance to prepare an annual audit report examining any expenditures made pursuant to the allocations authorized under proposed Article XIX B of the California Constitution. The bill would require the report to be made available to the public and to be submitted to both houses of the Legislature.

The bill would require the funds allocated under certain provisions of proposed Article XIX B of the California Constitution, when appropriated, to be apportioned in accordance with, and subject to, certain apportionment formulas and other requirements set forth in specified provisions of existing law relating to allocations from the Transportation Investment Fund.

The bill would require all ballots for the election during which ACA 4 is submitted to the voters for approval to contain certain information relating to that measure.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 13103.5 is added to the Government
2 Code, to read:

3 13103.5. (a) The department shall prepare an annual audit
4 report examining any expenditures made pursuant to the
5 allocations authorized under Article XIX B of the California
6 Constitution.

7 (b) The report shall be made available to the public and shall be
8 submitted to both houses of the Legislature.

9 (c) This section shall become operative on the date that
10 Assembly Constitutional Amendment No. 4 (Res. Ch. 87, Stats.
11 2001) is approved by the voters.

12 SEC. 2. Section 14532 is added to the Government Code, to
13 read:

14 14532. (a) In appropriating the funds allocated under
15 paragraph (C) of subdivision (c) of Article XIX B of the California
16 Constitution, the funds shall be apportioned in accordance with the
17 apportionment formula set forth in paragraph (5) of subdivision
18 (c) of Section 7104 of the Revenue and Taxation Code.

19 (b) In appropriating the funds allocated under paragraph (D) of
20 subdivision (c) of Article XIX B of the California Constitution, the
21 funds shall be apportioned in accordance with the apportionment
22 formulas set forth in subparagraphs (A) and (B) of paragraph (4)
23 of subdivision (c) of Section 7104 of the Revenue and Taxation
24 Code.



1 (c) The funds appropriated in accordance with subdivisions (a)
2 and (b) are subject to subdivisions (d) to (f), inclusive, and
3 subdivision (h), of Section 7104 of the Revenue and Taxation
4 Code.

5 (d) This section shall become operative on the date that
6 Assembly Constitutional Amendment No. 4 (Res. Ch. 87, Stats.
7 2001) is approved by the voters.

8 SEC. 3. (a) Notwithstanding any other provision of law, with
9 respect to Assembly Constitutional Amendment No. 4 (Res. Ch.
10 87, Stats. 2001), all ballots of the election shall have printed
11 thereon and in a square thereof, exclusively the words:
12 ~~“TRANSPORTATION IMPROVEMENT ACT. ALLOCATION~~
13 ~~OF EXISTING MOTOR VEHICLE FUEL SALES AND USE~~
14 ~~TAX REVENUES. LEGISLATIVE CONSTITUTIONAL~~
15 ~~AMENDMENT.”~~ and in the same square under those words, the
16 following in 8-point type: ~~“Effective July 1, 2003, requires~~
17 ~~existing revenues resulting from sales and use taxes imposed by~~
18 ~~the state on motor vehicle fuel to be used for transportation~~
19 ~~congestion relief purposes as provided by law. Effective July 1,~~
20 ~~2008, requires existing revenues resulting from sales and use taxes~~
21 ~~imposed by the state on motor vehicle fuel to be used as follows:~~
22 ~~20 percent for public transit and mass transportation, 20 percent~~
23 ~~for city and 20 percent for county street and highway repair,~~
24 ~~reconstruction and rehabilitation, and 40 percent for state~~
25 ~~transportation improvement projects. Requires a two-thirds vote~~
26 ~~of the “TRANSPORTATION CONGESTION IMPROVEMENT~~
27 ~~ACT. ALLOCATION OF EXISTING MOTOR VEHICLE FUEL~~
28 ~~SALES AND USE TAX REVENUES FOR TRANSPORTATION~~
29 ~~PURPOSES ONLY. LEGISLATIVE CONSTITUTIONAL~~
30 ~~AMENDMENT.”~~ and in the same square under those words, the
31 following in 8-point type: *“Requires, effective July 1, 2003,*
32 *existing revenues resulting from state sales and use taxes on the*
33 *sale of motor vehicle fuel be used for transportation purposes as*
34 *provided by law until June 30, 2008. Requires, effective July 1,*
35 *2008, existing revenues resulting from state sales and use taxes be*
36 *used for public transit and mass transportation; city and county*
37 *street and road repairs and improvements; and state highway*
38 *improvements. Imposes the requirement for a two-thirds of the*
39 *Legislature to suspend or modify the percentage allocation of the*
40 *revenues. (At this point, the Attorney General shall include the*



1 financial impact summary prepared pursuant to Section 9087 of
 2 the Elections Code and Section 88003 of the Government Code).”
 3 Opposite the square, there shall be left spaces in which the voters
 4 may place a cross in the manner required by law to indicate
 5 whether they vote for or against the act.

6 (b) Notwithstanding Sections 13247 and 13281 of the
 7 Elections Code, the language in subdivision (a) shall be the only
 8 language included in the ballot label for the condensed statement
 9 of the ballot title, and the Attorney General may not supplement,
 10 subtract from, or revise that language, except that the Attorney
 11 General may include the financial impact summary prepared
 12 pursuant to Section 9087 of the Elections Code and Section 88003
 13 of the Government Code. The ballot label is the condensed
 14 statement of the ballot title and the financial impact summary.

15 (c) Where the voting in the election is done by means of voting
 16 machines used pursuant to law in a manner that carries out the
 17 intent of this section, the use of the voting machines and the
 18 expression of the voter’s choice by means thereof are in
 19 compliance with this section.

20 SEC. 4. This act is an urgency statute necessary for the
 21 immediate preservation of the public peace, health, or safety
 22 within the meaning of Article IV of the Constitution and shall go
 23 into immediate effect. The facts constituting the necessity are:

24 In order to enact, at the earliest possible time, legislation
 25 necessary for the implementation of Article XIX B of the
 26 California Constitution, as proposed to be added by Assembly
 27 Constitutional Amendment No. 4 (Res. Ch. 87, Stats. 2001), it is
 28 necessary that this act take effect immediately.

