

Introduced by Senator KehoeFebruary 22, 2008

An act to amend Sections 132320, 132322, 132324, 132328, 132330, 132332, and 132334 of, to amend the heading of Article 6 (commencing with Section 132320) of Chapter 2 of Division 12.7 of, and to add Section 132360.6 to, the Public Utilities Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1685, as introduced, Kehoe. Regional comprehensive plan: San Diego County.

The San Diego Regional Transportation Consolidation Act provides for the consolidation of certain transportation responsibilities in a single consolidated agency, as specified. Existing law requires the consolidated agency to prepare and adopt a regional comprehensive plan that integrates land uses, transportation systems, infrastructure needs, and public investment strategies within a regional framework and in cooperation with member agencies and the public. Existing law authorizes the consolidated agency, acting as the San Diego County Regional Transportation Commission, to impose up to a 1% retail transactions and use tax, subject to voter approval, for various purposes, and to expand the use of tax revenues to certain transportation, natural habitat and open space, watershed management, and storm water conveyance systems.

This bill would revise and expand the purposes for which revenues from the tax could be used to include implementation of the regional comprehensive plan, water quality improvement, beach sand nourishment projects, and various other projects and purposes. The bill would also authorize the consolidated agency to increase the tax rate

up to the maximum tax rate authorized under existing law, subject to voter approval. The bill would enact other related provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The regional comprehensive plan proposed by the
4 consolidated agency pursuant to the San Diego Regional
5 Transportation Consolidation Act is intended to preserve and
6 improve the quality of life in the San Diego region, to maximize
7 mobility and transportation choices, and to conserve and protect
8 natural resources.

9 (b) Alternative methods of funding and financing proposed
10 infrastructure areas identified in the regional comprehensive plan
11 prepared pursuant to Article 6.5 (commencing with Section
12 132360) of Chapter 3 of Division 12.7 of the Public Utilities Code
13 are necessary in order to implement the plan, and to increase
14 economic opportunities, contribute to economic development,
15 conserve and protect the environment, and promote social equity
16 within the San Diego region.

17 SEC. 2. The heading of Article 6 (commencing with Section
18 132320) of Chapter 2 of Division 12.7 of the Public Utilities Code
19 is amended to read:

20

21 Article 6. Extension-~~or~~, Expansion, *or Increase* of Transactions
22 and Use Tax
23

24 SEC. 3. Section 132320 of the Public Utilities Code is amended
25 to read:

26 132320. For the purposes of this article, the following terms
27 have the following meanings:

28 (a) To “expand” the transactions and use tax means to expand
29 the purposes for which the revenue derived from the tax may be
30 expended to include covering the costs of ~~implementing measures
31 to manage the impacts of regional transportation improvements,
32 including, but not limited to, impacts related to growth, and
33 maximize implementation of the regional comprehensive plan as~~

1 *referenced in Article 6.5 (commencing with Section 132360). These*
2 *projects could include, but need not be limited to, mitigation of*
3 *impacts related to growth, maximizing the efficiency of regional*
4 *transportation and transit systems, and funding of regional projects*
5 *that integrate land uses, transportation systems, infrastructure*
6 *needs, and public investment strategies, within a regional*
7 *framework. These measures may include, but need not be limited*
8 *to, any or all of the following:*

9 (1) Acquisition, management, maintenance, and monitoring of
10 natural habitat and open space, *and other projects that implement*
11 *protection and preservation programs consistent with adopted*
12 *natural community conservation plans and habitat conservation*
13 *plans.*

14 (2) Development and implementation of watershed management.

15 (3) Construction, repair, replacement, and maintenance of storm
16 water *management and conveyance systems, and water quality*
17 *improvement programs or projects.*

18 (4) *Construction, acquisition, maintenance, monitoring, and*
19 *operation of beach sand nourishment projects.*

20 (5) *Funding of operations and maintenance costs for public*
21 *transit projects that maximize mobility and transportation choices.*

22 (b) To “extend” the transactions and use tax means to extend
23 the imposition of the tax beyond any term stated in the tax
24 ordinance originally imposing the tax.

25 (c) To “increase” the transactions and use tax means to increase
26 the tax rate or the maximum tax rate authorized in the tax
27 ordinance originally imposing the tax to an amount that does not
28 exceed the maximum tax rate authorized under Section 132307.

29 (d) The “purposes” for which revenue derived from the
30 transactions and use tax may be expended, in addition to the other
31 purposes listed in this article and in Article 5 (commencing with
32 Section 132354) and Article 6 (commencing with Section 132355),
33 include funding one or more endowment funds held by other
34 entities, including nonprofit corporations, to fund future
35 expenditures authorized hereby.

36 SEC. 4. Section 132322 of the Public Utilities Code is amended
37 to read:

38 132322. (a) An ordinance expanding ~~or~~, extending, or ~~both~~,
39 *increasing* the retail transactions and use tax imposed under this
40 chapter shall be imposed by the commission and shall be applicable

1 in the incorporated and unincorporated territory of the county, if
 2 the constitutionally required percentage of the electors voting on
 3 the measure vote to approve its imposition at a special election
 4 called for that purpose by the commission. The ordinance shall
 5 take effect on the day immediately following the day of the election
 6 at which the proposition is adopted.

7 (b) If at any time the voters do not approve the imposition of
 8 the expansion ~~or, extension, or both,~~ *increase* of the transactions
 9 and use tax, ~~this chapter remains in full force and effect. The~~ *the*
 10 commission may, at any time thereafter, submit the same, or a
 11 different, measure to the voters in accordance with this article.

12 SEC. 5. Section 132324 of the Public Utilities Code is amended
 13 to read:

14 132324. (a) In the ordinance, the commission shall state the
 15 nature of the tax to be imposed, the tax rate or the maximum tax
 16 rate, and the purposes for which the revenue derived from the tax
 17 will be used. *In connection with the extension or expansion of the*
 18 *tax, the tax rate or the maximum tax rate may be increased from*
 19 *the tax rate or the maximum tax rate in effect at that time.*

20 (b) If the tax is extended, the ordinance shall set forth the new
 21 term during which the tax will be imposed.

22 (c) If the tax is expanded, the ordinance shall contain an
 23 expenditure plan that includes the allocation of revenues for the
 24 expanded purposes.

25 SEC. 6. Section 132328 of the Public Utilities Code is amended
 26 to read:

27 132328. (a) Any ordinance extending or expanding, or both,
 28 the transactions and use tax shall be operative on the day
 29 immediately following the day of the election at which the
 30 proposition is adopted. *Any increase in the tax rate or the maximum*
 31 *tax rate authorized by the ordinance shall be operative in*
 32 *accordance with Section 132304.*

33 (b) If the ordinance *expands, extends, or increases* the
 34 transactions and use tax, the commission shall contract with the
 35 State Board of Equalization to perform all functions incident to
 36 the ~~extended~~ administration and operation of the ordinance.

37 SEC. 7. Section 132330 of the Public Utilities Code is amended
 38 to read:

39 132330. Any action or proceeding wherein the validity of the
 40 adoption of the extension ~~or, expansion, or both,~~ *increase* of the

1 retail transactions and use tax, or the issuance of any bonds
2 thereunder, or any of the proceedings in relation thereto is
3 contested, questioned, or denied, shall be commenced within 60
4 days from the date of the election at which the ordinance is
5 approved; otherwise, the bonds and all proceedings in relation
6 thereto, including the adoption and approval of the ordinance and
7 the levy and collection of the retail transactions and use tax, shall
8 be held to be valid and in every respect legal and incontestable.

9 SEC. 8. Section 132332 of the Public Utilities Code is amended
10 to read:

11 132332. The commission has no power to extend-~~or~~, expand,
12 or-~~both~~, *increase* any tax other than the transactions and use tax
13 extended-~~or~~, expanded, *or increased* upon approval of the voters
14 in accordance with this chapter.

15 SEC. 9. Section 132334 of the Public Utilities Code is amended
16 to read:

17 132334. All provisions of Article 5 (commencing with Section
18 132300) relating to allocation of revenues, tax rates, and bonds
19 apply to the expanded-~~or~~, extended, or-~~both~~, *increased* transactions
20 and use tax, except that the revenues derived from the expanded
21 *or increased* tax may be used for the additional purposes described
22 in subdivision (a) of Section 132320.

23 SEC. 10. Section 132360.6 is added to the Public Utilities
24 Code, to read:

25 132360.6. The consolidated agency may use the authority for
26 the retail transactions and use tax provided under Sections 132301
27 and 132302 to fund and finance infrastructure needs identified in
28 the regional comprehensive plan developed in accordance with
29 this article. Development of the proposal and expenditure plan
30 shall be conducted using a public collaborative planning process
31 that is consistent with Section 132360.1.