

AMENDED IN SENATE AUGUST 12, 2010

AMENDED IN SENATE JUNE 21, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 153

Introduced by Assembly Member ~~Ma~~ Members *Hernandez and Eng*

January 23, 2009

~~An act to add Section 65083 to, and to repeal and add Section 65040.6 of, the Government Code, and to amend Section 9250.17 of the Vehicle Code, relating to land use and planning. An act to amend Section 79770 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 153, as amended, ~~Ma Hernandez. Land use and planning; environmental quality. Safe, Clean, and Reliable Drinking Water Supply Act of 2012: groundwater contamination.~~

Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program.

The bond act, among other things, would make \$1,000,000,000 available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water, and would require funds appropriated pursuant to that authority to be available to the State Department of Public Health for groundwater contamination projects. Of that amount, the bond act would require not less than

\$100,000,000 to be available for projects that meet prescribed requirements and criteria, including addressing contamination at a site on a specified list maintained by the Department of Toxic Substances Control or a site listed on the National Priorities List.

This bill would instead require not less than \$100,000,000 to be available for costs associated with projects, programs, or activities that meet those prescribed requirements and criteria.

The bill would require the Secretary of State to include the changes made by this bill when submitting the bond act to the voters at the November 6, 2012, statewide general election.

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

~~(1) The Planning and Zoning Law establishes the Planning Advisory and Assistance Council in the Office of Planning and Research, and prescribes the membership and duties of the council.~~

~~This bill would modify the membership of the council, establish new processes for selecting specified members of the council, and prescribe new duties on the council relating to the reduction of greenhouse gas emissions.~~

~~(2) The Planning and Zoning Law also requires certain transportation planning activities by regional transportation planning agencies designated by the Director of Transportation, including the development of a regional transportation plan. That law requires the regional transportation plan to include, among other items, a sustainable communities strategy, to be prepared as specified.~~

~~This bill would authorize a metropolitan planning organization, a council of governments, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy, singularly titled an “authority” and collectively titled the “authorities,” to levy a mitigation fee of up to \$4 upon the registration or renewal of registration of any motor vehicle registered in a county or city and county within the jurisdiction of the authority, upon receiving voter approval to implement and impose the fee from a majority of the aggregate voters in all counties and cities and counties within the jurisdiction of the authority.~~

~~The bill would require an authority seeking to implement and impose the fee to adopt a measure containing specified findings of fact, and, upon the authority’s adoption of the measure and its written request to the counties and cities and counties within its jurisdiction, the board of supervisors of each of those counties and cities and counties to submit~~

to the voters, at a local election consolidated with a statewide primary or general election specified by the authority, the measure adopted by the authority.

The bill would authorize the authority, upon the approval of the measure by an aggregate majority of the voters of all counties and cities and counties within its jurisdiction, to implement and impose the fee. The bill would also authorize the authority, if the measure is not approved, to reuse this procedure to seek voter approval of the fee. The bill would require the authority to reimburse each county and city and county within its jurisdiction for the cost of submitting the measure to the voters, from the fee revenues it receives if the measure is approved, and from funds available through the Mills-Alquist-Deddeh Act if the measure is not approved.

The bill would require, if the authority's measure is adopted by a majority of the aggregate voters in all counties and cities and counties within the authority's jurisdiction, the Department of Motor Vehicles to collect and administer the fee, as specified, and the authority to deposit all fee revenues it receives from the department in the Regional Blueprint Plan Implementation Fund, to be created and administered by the authority. The bill would require the net revenues of the fee received by the authority to be used to identify land use strategies, reduce the use of motor vehicles within its jurisdiction, and to carry out specified transportation-related activities, for the purpose of achieving a specified greenhouse gas emission reduction target.

The bill would require, if the fee exceeds \$2, all revenue derived from the amount of the fee in excess of \$2 to be made available by the authority in the form of grants to specified entities within its jurisdiction, as specified. The bill would require the grants to be used exclusively for planning and projects relating to the implementation of a sustainable communities strategy or a regional blueprint plan.

The bill would authorize the authority to divide the fee revenues it receives with the local air quality management district that has responsibility over all or part of the same geographic area, pursuant to an agreement with that district, and would require the district to use all fee revenues it receives to assist local and regional governments in reducing greenhouse gas emissions.

(3) Existing law requires the Department of Motor Vehicles, if requested by a county air pollution control district, air quality management district, or unified or regional air pollution control district, to collect specified fees upon the registration or renewal of registration

~~of any motor vehicle in the district, except those vehicles which are expressly exempt from the payment of registration fees. Existing law requires the department, after deducting its costs, to distribute the revenues of the fees to the appropriate district.~~

~~This bill would additionally require the department, if requested by an authority, to collect the authority’s mitigation fee upon the registration or renewal of registration of any motor vehicle registered within the jurisdiction of the authority, and, after deducting its costs as specified, to distribute the revenues of the mitigation fee to the appropriate authority.~~

Vote: ~~majority~~^{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 79770 of the Water Code, as added by
 2 Chapter 3 of the Seventh Extraordinary Session of the Statutes of
 3 2009, is amended to read:

4 79770. (a) The sum of one billion dollars (\$1,000,000,000)
 5 shall be available, upon appropriation by the Legislature from the
 6 fund, for expenditures, grants, and loans for projects to prevent or
 7 reduce the contamination of groundwater that serves as a source
 8 of drinking water. Projects shall be consistent with an adopted
 9 integrated regional water management plan. Funds appropriated
 10 pursuant to this section shall be available to the State Department
 11 of Public Health for projects necessary to protect public health by
 12 preventing or reducing the contamination of groundwater that
 13 serves as a major source of drinking water for a community.

14 (b) Projects shall be prioritized based upon the following criteria:

15 (1) The threat posed by groundwater contamination to the
 16 affected community’s overall drinking water supplies, including
 17 the need for treatment of alternative supplies if groundwater is not
 18 available due to contamination.

19 (2) The potential for groundwater contamination to spread and
 20 reduce drinking water supply and water storage for nearby
 21 population areas.

22 (3) The potential of the project, if fully implemented, to enhance
 23 local water supply reliability.

24 (4) The potential of the project to increase opportunities for
 25 groundwater recharge and optimization of groundwater supplies.

- 1 (c) The State Department of Public Health shall give additional
2 consideration to projects that meet any of the following criteria:
- 3 (1) The project is implemented pursuant to a comprehensive
4 basinwide groundwater quality management and remediation plan
5 or is necessary to develop a comprehensive groundwater plan.
- 6 (2) Affected groundwater provides a local supply that, if
7 contaminated and not remediated, will require import of additional
8 water from outside the region.
- 9 (3) The project will serve an economically disadvantaged
10 community or an economically distressed area.
- 11 (4) The project addresses contamination at a site where the
12 responsible parties have not been identified, or where the
13 responsible parties are unwilling or unable to pay for cleanup.
- 14 (d) Of the amount made available by this section, not less than
15 one hundred million dollars (\$100,000,000) shall be available for
16 ~~projects~~ *costs associated with projects, programs, or activities* that
17 meet the requirements of this section and both of the following
18 criteria:
- 19 (1) ~~The project is~~ *costs are* part of a basinwide management
20 and remediation plan for which federal funds have been allocated.
- 21 (2) ~~The project addresses~~ *costs address* contamination at a site
22 on the list maintained by the Department of Toxic Substances
23 Control pursuant to Section 25356 of the Health and Safety Code
24 or a site listed on the National Priorities List pursuant to the
25 Comprehensive Environmental Response, Compensation, and
26 Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).
- 27 (e) Of the amount made available by this section, one hundred
28 million dollars (\$100,000,000) shall be available to the State
29 Department of Public Health for grants and direct expenditures to
30 finance emergency and urgent actions in accordance with this
31 section on behalf of disadvantaged communities and economically
32 distressed areas to ensure that safe drinking water supplies are
33 available to all Californians.
- 34 (f) The Legislature, by statute, shall establish both of the
35 following:
- 36 (1) Requirements for repayment of grant funds in the event of
37 cost recovery from parties responsible for the groundwater
38 contamination.

1 (2) Requirements for recipients of grants to make reasonable
2 efforts to recover costs from parties responsible for groundwater
3 contamination.

4 *SEC. 2. The Secretary of State shall submit Section 79770 of*
5 *the Water Code, as amended by Section 1 of this act, in place of*
6 *Section 79770 of the Water Code, as added by Section 1 of Chapter*
7 *3 of the Seventh Extraordinary Session of the Statutes of 2009, in*
8 *order that it is voted upon as part of the Safe, Clean, and Reliable*
9 *Drinking Water Supply Act of 2012 at the November 6, 2012,*
10 *statewide general election.*

11 *SEC. 3. This act is an urgency statute necessary for the*
12 *immediate preservation of the public peace, health, or safety within*
13 *the meaning of Article IV of the Constitution and shall go into*
14 *immediate effect. The facts constituting the necessity are:*

15 *In order to enable the Secretary of State to make the changes*
16 *required by this act at the earliest possible date, it is necessary*
17 *that this act take effect immediately.*

18 ~~SECTION 1. (a) The Legislature finds and declares the~~
19 ~~following:~~

20 ~~(1) Uncoordinated and unplanned growth together with a lack~~
21 ~~of common goals to effect the public's interest in the conservation~~
22 ~~and wise use of our lands pose a threat to the environment,~~
23 ~~sustainable economic development, and the health, safety, and~~
24 ~~high quality of life enjoyed by residents of this state.~~

25 ~~(2) The enactment of Senate Bill 375 of the 2007-08 Regular~~
26 ~~Session (Chapter 728 of the Statutes of 2008) and the establishment~~
27 ~~of requirements for regional transportation plans to address~~
28 ~~greenhouse gases can only be successfully implemented if regional~~
29 ~~and local governments have the tools they need to collaboratively~~
30 ~~plan for the type of growth that can achieve these goals, and if that~~
31 ~~collaborative planning is coordinated with the efforts of the~~
32 ~~Governor's Strategic Growth Council and other state agencies as~~
33 ~~required by the enactment of Senate Bill 732 of the 2007-08~~
34 ~~Regular Session (Chapter 729 of the Statutes of 2008):~~

35 ~~(3) The successful development of sustainable communities~~
36 ~~strategies as part of regional transportation plans and~~
37 ~~implementation of those strategies by the amendment of city and~~
38 ~~county general and specific plans will result in significantly~~
39 ~~reduced vehicle travel. The reduced vehicle travel will reduce~~
40 ~~greenhouse gas emissions and air pollution and provide~~

1 environmental benefits that mitigate the adverse impacts associated
2 with vehicle use. The resulting reduction in traffic congestion
3 provides a user benefit to all vehicle owners which is at least equal
4 in value to a fee of up to \$4 per vehicle annually.

5 (4) Cooperation between regional and local governments and
6 air districts is essential to the achievement of the greenhouse gas
7 emission reductions envisioned in regional transportation plans.

8 (5) Therefore, it is in the public interest that state residents,
9 communities, local governments, air districts, and the private sector
10 cooperate and coordinate with one another in comprehensive,
11 sustainable land use planning.

12 (b) It is the intent of the Legislature to update the duties and
13 composition of the Planning Advisory and Assistance Council to
14 assist in the state's land use planning processes by providing
15 funding to support the development and implementation of regional
16 blueprints and related planning and to work with state agencies
17 providing funding for resource protection and local infrastructure
18 to facilitate coordination between state planning, funding decisions,
19 and regional blueprint plans.

20 SEC. 2. Section 65040.6 of the Government Code is repealed.

21 SEC. 3. Section 65040.6 is added to the Government Code, to
22 read:

23 65040.6. (a) (1) The Planning Advisory and Assistance
24 Council is hereby created within the office. The membership of
25 the council shall include all of the following:

- 26 (A) Three city representatives.
- 27 (B) Three county representatives.
- 28 (C) Seven representatives of regional planning organizations.
- 29 (D) One member of the State Air Resources Board.
- 30 (E) One member of the California Transportation Commission.
- 31 (F) One member of the State Energy Resources Conservation
32 and Development Commission.
- 33 (G) One member appointed by the Speaker of the Assembly.
- 34 (H) One member appointed by the Senate Committee on Rules.
- 35 (I) One representative of Indian tribes and bands which have
36 reservations or rancherias within the state.

37 (2) (A) The city and county representatives appointed pursuant
38 to paragraph (1) shall be selected by the Director of State Planning
39 and Research from nominees submitted by the League of California
40 Cities and by the California State Association of Counties.

1 ~~(B) Representatives of regional planning organizations appointed~~
2 ~~pursuant to paragraph (1) shall be selected by the director from~~
3 ~~nominees submitted by the regional planning organizations~~
4 ~~specified in clauses (i) to (v), inclusive, and from nominees~~
5 ~~submitted by the California Association of Councils of~~
6 ~~Governments for those specified in clauses (vi) and (vii).~~

- 7 ~~(i) The Southern California Association of Governments.~~
- 8 ~~(ii) The Metropolitan Transportation Commission or the~~
9 ~~Association of Bay Area Governments.~~
- 10 ~~(iii) The San Diego Association of Governments.~~
- 11 ~~(iv) The Sacramento Area Council of Governments.~~
- 12 ~~(v) The San Joaquin Valley Regional Policy Council.~~
- 13 ~~(vi) A metropolitan planning organization or council of~~
14 ~~governments that is not identified in clauses (i) to (v), inclusive.~~
- 15 ~~(vii) A regional transportation planning agency, as defined in~~
16 ~~Section 65080, that is neither a metropolitan planning organization~~
17 ~~nor a council of governments.~~

18 ~~(C) The representative of Indian tribes and bands shall be a~~
19 ~~member of one tribe or band, and shall be selected by the director.~~

20 ~~(3) Appointment to the council shall be for a term of two years,~~
21 ~~provided that the members of the first council shall classify~~
22 ~~themselves by lot so that one-half shall serve an initial term of one~~
23 ~~year and one-half shall serve an initial term of two years. Vacancies~~
24 ~~shall be filled in the same manner provided for the original~~
25 ~~appointment.~~

26 ~~(b) The council shall provide advice as may be necessary to~~
27 ~~assist the office in discharging the requirements of Sections 65040~~
28 ~~to 65040.4, inclusive. In particular, the council shall do all of the~~
29 ~~following:~~

- 30 ~~(1) Assist the office in the preparation of the state long-range~~
31 ~~goals and policies, in the manner specified in subdivision (a) of~~
32 ~~Section 65040.~~
- 33 ~~(2) Evaluate the planning functions of the various state agencies~~
34 ~~involved in planning, in the manner specified in subdivision (c)~~
35 ~~of Section 65040.~~
- 36 ~~(3) Make appropriate decisions and provide advice and~~
37 ~~assistance as required by federal statute or regulation in connection~~
38 ~~with any federal program administered by the office.~~
- 39 ~~(4) Work with the Strategic Growth Council, established~~
40 ~~pursuant to Section 75121 of the Public Resources Code, regional~~

1 agencies, including, but not limited to, metropolitan planning
2 organizations or councils of governments, and with cities and
3 counties to facilitate the implementation of regional blueprint
4 plans.

5 (5) Develop and propose recommendations to the Strategic
6 Growth Council, the Department of General Services, the State
7 Allocation Board, the Department of Housing and Community
8 Development, the Department of Transportation, the California
9 Transportation Commission, and any other state agencies that
10 affect land use, housing, or transportation in order to facilitate
11 coordination among regional blueprint plans, state growth and
12 infrastructure funding plans, and programs that facilitate the
13 implementation of regional blueprint plans.

14 (6) Receive reports, including, but not limited to, a copy of the
15 five-year infrastructure plan described in Section 13102.

16 (7) Report to the Legislature, in consultation and coordination
17 with the Strategic Growth Council, on the manner in which state
18 agencies are implementing the requirements of Chapter 1016 of
19 the Statutes of 2002.

20 (8) Report to the Legislature on regional performance measures,
21 evaluating the progress of each region of the state in improving
22 results for its residents in employment, environmental protection,
23 education, housing, mobility, and other criteria as determined by
24 the council. The council shall provide the Legislature with updates
25 to the report periodically, as the council deems necessary.

26 (e) The council shall meet on call of the director, who shall
27 convene at least two council meetings during each year.

28 (d) Council members shall serve without compensation, but
29 they may be reimbursed for actual expenses incurred in connection
30 with their duties.

31 SEC. 4. Section 65083 is added to the Government Code, to
32 read:

33 65083. (a) In addition to any other fees provided for by law,
34 and subject to approval of the voters pursuant to subdivision (b),
35 a metropolitan planning organization, as defined in Section 134
36 of Title 23 of the United States Code, a council of governments,
37 as defined in Section 65582, or a county transportation commission
38 and a subregional council of governments jointly preparing a
39 subregional sustainable communities strategy pursuant to
40 subparagraph (D) of paragraph (2) of subdivision (b) of Section

1 65080, singularly titled an “authority” and collectively titled the
2 “authorities,” may levy a mitigation fee of up to four dollars (\$4)
3 upon the registration or renewal of registration of any motor vehicle
4 registered in a county or city and county within the jurisdiction of
5 the authority, to be collected and administrated as specified in
6 Section 9250.17 of the Vehicle Code.

7 (b) (1) In order to implement and impose the fee provided for
8 by subdivision (a), the authority shall adopt a measure authorizing
9 it to implement and impose the fee in every county or city and
10 county within its jurisdiction.

11 (2) A measure adopted pursuant to paragraph (1) by the
12 Metropolitan Transportation Commission or the Association of
13 Bay Area Governments, or a county transportation commission or
14 a subregional council of governments within the jurisdiction of
15 the Southern California Association of Governments, shall be
16 jointly adopted by both entities, and revenue derived from the fee
17 shall be divided in accordance with an agreement between both
18 entities.

19 (3) The authority’s measure shall contain all of the following
20 findings of fact:

21 (A) That the programs and projects to be funded by the fee are
22 consistent with the sustainable communities strategies and regional
23 blueprint plans applicable in the jurisdiction of the authority
24 levying the fee.

25 (B) That the amount of the fee assessed and paid does not exceed
26 the reasonable cost of providing those programs and projects.

27 (C) That the fee is not for unrelated revenue purposes.

28 (D) That a clear nexus exists between the payer’s activities and
29 the alleged adverse effects addressed by the fee.

30 (E) That the amount of the fee bears a reasonable relationship
31 to the social or economic burdens created by the feepayer’s
32 activities.

33 (4) Following the adoption of the measure by the authority and
34 its submission of a written request to each county and city and
35 county within its jurisdiction to do so, the board of supervisors of
36 each of those counties and cities and counties shall submit the
37 measure adopted by the authority to the voters at a local election
38 consolidated with a statewide primary or general election specified
39 by the authority.

1 ~~(5) The authority shall reimburse each county or city and county~~
2 ~~within its jurisdiction for the cost of submitting the measure to the~~
3 ~~voters. These costs shall be reimbursed from revenues derived~~
4 ~~from the fee if the measure is approved by the voters, or if the~~
5 ~~measure is not approved, from funds available through the~~
6 ~~Mills-Alquist-Deddeh Act (Chapter 4 (commencing with Section~~
7 ~~99200) of Part 11 of Division 10 of the Public Utilities Code).~~

8 ~~(e) (1) Upon the approval of the measure by an aggregate~~
9 ~~majority of all voters in all counties and cities and counties within~~
10 ~~the authority's jurisdiction, the authority may implement and~~
11 ~~impose the fee in those counties and cities and counties. Upon the~~
12 ~~request of the authority, the Department of Motor Vehicles shall~~
13 ~~collect and administer the fee as specified in Section 9250.17 of~~
14 ~~the Vehicle Code. All fee revenues received by the authority from~~
15 ~~the Department of Motor Vehicles pursuant to Section 9250.17 of~~
16 ~~the Vehicle Code shall be deposited in the Regional Blueprint Plan~~
17 ~~Implementation Fund, to be created and administered by the~~
18 ~~authority, and shall be expended only as authorized by this section.~~

19 ~~(2) If an aggregate majority of all voters of all counties and~~
20 ~~cities and counties within the authority's jurisdiction does not~~
21 ~~approve of the measure, the authority may reuse the procedure set~~
22 ~~forth in subdivision (b) to seek the requisite voter approval of the~~
23 ~~fee.~~

24 ~~(d) The net revenues of the fee received by an authority shall~~
25 ~~be used to identify land use strategies, reduce the use of motor~~
26 ~~vehicles within its jurisdiction, and carry out applicable~~
27 ~~transportation-related activities necessary to implement a regional~~
28 ~~blueprint plan, a sustainable communities strategy, or an alternative~~
29 ~~planning strategy, and to thereby work towards achievement of~~
30 ~~the greenhouse gas emission reduction target specified in Section~~
31 ~~65080.~~

32 ~~(e) If the fee exceeds two dollars (\$2), all revenue derived from~~
33 ~~the amount of the fee exceeding two dollars (\$2) shall be made~~
34 ~~available by the authority in the form of grants to entities within~~
35 ~~its jurisdiction as follows:~~

36 ~~(1) Revenues generated in a county or city and county with a~~
37 ~~population of greater than 300,000 shall be reserved for grants~~
38 ~~which may only be made to a county or city and county of that~~
39 ~~type, pursuant to an eligible county's or city and county's~~
40 ~~application to the authority.~~

1 ~~(2) Revenues generated in areas outside a county or city and~~
2 ~~county with a population of greater than 300,000 shall be~~
3 ~~apportioned among the counties and cities and counties within the~~
4 ~~jurisdiction of the authority in the proportion that the number of~~
5 ~~fee-paid and exempt vehicles in each county or city and county~~
6 ~~area bears to the number of fee-paid and exempt vehicles registered~~
7 ~~in the authority, excluding those vehicles registered in a city with~~
8 ~~a population greater than 300,000. These revenues shall be reserved~~
9 ~~for grants which may be made to cities, counties, cities and~~
10 ~~counties, or congestion management agencies, pursuant to an~~
11 ~~application of one of those entities to the authority.~~

12 ~~(3) Grants made pursuant to this subdivision shall be used~~
13 ~~exclusively for planning and projects related to the implementation~~
14 ~~of a sustainable communities strategy or a regional blueprint plan.~~

15 ~~(f) The authority may divide revenues received pursuant to this~~
16 ~~his section jointly with the local air quality management district~~
17 ~~that has responsibility over all or part of the same geographic area,~~
18 ~~pursuant to an agreement with that district.~~

19 ~~(g) All revenues received by the local air quality management~~
20 ~~district pursuant to subdivision (f) shall be used to assist local and~~
21 ~~regional governments in reducing greenhouse gas emissions.~~
22 ~~Appropriate manners of assistance include, but are not limited to,~~
23 ~~all of the following:~~

24 ~~(1) Assistance in the development of a subregional sustainable~~
25 ~~communities strategy.~~

26 ~~(2) Assistance in the development of local greenhouse gas~~
27 ~~emission inventories.~~

28 ~~(3) Assistance in the development of greenhouse gas emission~~
29 ~~reduction strategies in general plans.~~

30 ~~(4) Development and assistance of California Environmental~~
31 ~~Quality Act (CEQA) guidelines and review of greenhouse gas~~
32 ~~emissions in CEQA analyses.~~

33 ~~(5) Consultation and development of local climate action plans.~~

34 ~~(6) Project-specific consultation work to reduce greenhouse gas~~
35 ~~emissions from local transportation and land use decisions.~~

36 ~~(h) For purposes of this section, a sustainable communities~~
37 ~~strategy and an alternative planning strategy shall both be~~
38 ~~considered to be a regional blueprint plan.~~

39 ~~SEC. 5. Section 9250.17 of the Vehicle Code is amended to~~
40 ~~read:~~

1 9250.17.— (a) The department shall, if requested by a county
2 air pollution control district, air quality management district, or
3 unified or regional air pollution control district, collect fees
4 established pursuant to Sections 44223 and 44225 of the Health
5 and Safety Code upon the registration or renewal of registration
6 of any motor vehicle registered in the district, except those vehicles
7 which are expressly exempted under this code from the payment
8 of registration fees.

9 (b) The department shall, if requested by an authority, as
10 described in subdivision (a) of Section 65083 of the Government
11 Code, collect the fee established pursuant to Section 65083 of the
12 Government Code upon the registration or renewal of registration
13 of any motor vehicle registered within the jurisdiction of the
14 authority, except those vehicles which are expressly exempted
15 under this code from the payment of registration fees.

16 (c) After deducting all costs incurred pursuant to this section,
17 the department shall distribute the revenues to the appropriate
18 district or authority based upon the amount of fees collected from
19 motor vehicles registered within that district or authority.

20 (d) The department may annually expend for its costs not more
21 than the following percentages of the fees collected pursuant to
22 subdivision (a) or (b):

23 (1) Five percent during the first year after the operative date the
24 fee is imposed or increased.

25 (2) Three percent during the second year after the operative date
26 the fee is imposed or increased.

27 (3) One percent during any subsequent year.

28 (e) The first authority that imposes the fee established pursuant
29 to Section 65083 of the Government Code shall contract with the
30 department to pay for the initial setup and programming costs to
31 be deducted from the fee revenue by the department pursuant to
32 subdivision (c). The department shall require from each subsequent
33 authority that imposes the fee an additional amount reflecting each
34 authority's per capita share of the initial setup and programming
35 costs if the costs for the first-in-time authorities are substantially
36 higher than those for the subsequent authorities. These additional
37 amounts shall be paid pro rata to the authorities that have already

1 ~~imposed and established the fee and contracted with the~~
2 ~~department.~~

O