

ASSEMBLY BILL

No. 1308

Introduced by Assembly Member Miller
(Coauthors: Assembly Members Galgiani and Portantino)
(Coauthor: Senator Huff)

February 18, 2011

An act to amend Section 2101 of, and to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1308, as introduced, Miller. Highway Users Tax Account: appropriation of funds.

Article XIX of the California Constitution requires revenues from state excise taxes on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the cost of collection and any refunds authorized by law, to be used for various street and highway purposes and for certain mass transit guideway purposes. Existing law requires state excise fuel tax revenues to be deposited in various accounts and to be allocated, in part, for various purposes, including the cost of collection and authorized refunds. Existing law requires the balance of these funds remaining after authorized deductions to be transferred to and deposited monthly in the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for formula apportionment of specified revenues in the Highway Users Tax Account to cities and counties for the transportation purposes authorized by Article XIX of the California Constitution, and requires other portions of those revenues to be transferred to and deposited in the State Highway

Account in the State Transportation Fund. Existing law provides that the money in the Highway Users Tax Account is appropriated for the above-described transportation purposes, but also generally provides that the money in the State Highway Account may not be expended until appropriated by the Legislature.

This bill, in any year in which the Budget Act has not been enacted by July 1, would provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund, except as specified, are continuously appropriated and may be encumbered for certain purposes until the Budget Act is enacted. The bill would thereby make an appropriation. The bill would authorize the Controller to make estimates in order to implement these provisions.

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

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

1 SECTION 1. The heading of Chapter 3 (commencing with
2 Section 2100) of Division 3 of the Streets and Highways Code is
3 amended to read:

4
5 CHAPTER 3. HIGHWAY USERS TAX-~~FUND~~ ACCOUNT
6

7 SEC. 2. Section 2101 of the Streets and Highways Code is
8 amended to read:

9 2101. (a) All moneys in the Highway Users Tax Account in
10 the Transportation Tax Fund and hereafter received in the account
11 are appropriated for all of the following:

12 ~~(a)~~
13 (1) The research, planning, construction, improvement,
14 maintenance, and operation of public streets and highways (and
15 their related public facilities for nonmotorized traffic), including
16 the mitigation of their environmental effects, the payment for
17 property taken or damaged for-~~such~~ those purposes, and the
18 administrative costs necessarily incurred in the foregoing purposes.

19 ~~(b)~~
20 (2) The research and planning for exclusive public mass transit
21 guideways (and their related fixed facilities), the payment for
22 property taken or damaged for-~~such~~ those purposes, and the
23 administrative costs necessarily incurred in the foregoing purposes.

1 (e)

2 (3) The construction and improvement of exclusive public mass
3 transit guideways (and their related fixed facilities), including the
4 mitigation of their environmental effects, the payment for property
5 taken or damaged for ~~such~~ those purposes, the administrative costs
6 necessarily incurred in the foregoing purposes, and the maintenance
7 of the structures and the immediate right-of-way for the public
8 mass transit guideways, but excluding the maintenance and
9 operating costs for mass transit power systems and mass transit
10 passenger facilities, vehicles, equipment, and services, in any area
11 where the voters thereof have approved a proposition pursuant to
12 Section 4 of Article XIX of the California Constitution.

13 (d)

14 (4) The payment of principal and interest on voter-approved
15 bonds issued for the purposes specified in ~~subdivision (e)~~
16 *paragraph (3), consistent with Section 5 or 6 of Article XIX of the*
17 *California Constitution.*

18 *(b) Notwithstanding Section 13340 of the Government Code or*
19 *any other provision of law, in any year in which a Budget Act has*
20 *not been enacted by July 1 for the fiscal year beginning on July*
21 *1, all moneys in the Highway Users Tax Account in the*
22 *Transportation Tax Fund, except those moneys described in*
23 *paragraph (2) of subdivision (a) of Section 2103, are hereby*
24 *continuously appropriated and may be encumbered for the prior*
25 *fiscal year appropriations and for the purposes specified in this*
26 *section until the Budget Act for the fiscal year beginning July 1 is*
27 *enacted. To the extent necessary to implement this subdivision,*
28 *the Controller may make estimates of appropriations and*
29 *apportionments, as the case may be, for the purpose of making*
30 *apportionments or transfers specified in this chapter. Upon*
31 *enactment of a Budget Act for the fiscal year beginning July 1, the*
32 *Controller shall make necessary adjustments to reflect actual*
33 *appropriations and apportionments.*