

AMENDED IN ASSEMBLY JANUARY 30, 2012

AMENDED IN ASSEMBLY JUNE 28, 2011

SENATE BILL

No. 95

Introduced by Committee on Budget and Fiscal Review

January 10, 2011

~~An act to add Section 71622.5 to the Government Code, to amend Sections 11356, 11381, and 115215 of the Health and Safety Code, to amend Sections 17.5, 186.22, 186.26, 186.33, 245, 273.4, 290.018, 298.2, 299.5, 422, 455, 598c, 598d, 600, 666, 667.5, 800, 1170, 1170.1, 1203.018, 1230, 1230.1, 2057, 2932, 3000, 3000.09, 3000.1, 3001, 3003, 3015, 3056, 3057, 3451, 3453, 3454, 3455, 3456, 4011.10, 4016.5, 4019, 11418, 12021.5, 12022, 12022.5, 12022.9, and 12025 of, to amend and repeal Section 830.5 of, to amend, repeal, and add Section 3000.08 of, to add Section 3073.1 to, and to add and repeal Sections 3060 and 4115.55 of, the Penal Code, to amend Sections 23109 and 23110 of the Vehicle Code, to amend Section 1766.01 of, and to repeal Section 1710.5 of, the Welfare and Institutions Code, and to amend Section 636 of Chapter 15 of the Statutes of 2011, relating to criminal justice realignment, making an appropriation therefor, to take effect immediately, bill related to the budget. An act to amend Sections 16310 and 16429 of, and to add Section 16312.1 to, the Government Code, to amend Sections 7104.2 and 8351 of the Revenue and Taxation Code, and to amend Sections 181, 182, 2100, 2101, 2103, 2104, 2104.1, 2105, 2106, 2107, 2107.5, 2107.6, 2108, 2110, and 2110.5 of the Streets and Highways Code, relating to state cash resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 95, as amended, Committee on Budget and Fiscal Review. ~~Criminal justice realignment—State cash resources.~~

(1) Existing law establishes the Condemnation Deposits Fund in the State Treasury, consisting of all money deposited in the State Treasury pursuant to the Eminent Domain Law, including interest derived from its investment. Existing law requires the Treasurer to receive all money intended for the fund and to duly receipt for, and safe keep all money in the fund.

This bill would instead require the Treasurer to receive and duly account for all money in the fund, and would authorize the Controller to use any money in the fund for cash flow loans to the General Fund, as specified.

(2) Existing law requires the Controller to notify the Governor and the Pooled Money Investment Board when the General Fund in the Treasury is, or will be, exhausted, and authorizes the Governor to transfer all or part of the moneys not needed in other funds or accounts to the General Fund, as determined by the Pooled Money Investment Board. Existing law provides that all moneys in the State Treasury may be loaned for these purposes except, among others, money that the Controller is prohibited from transferring pursuant to the Constitution, bond indenture, or statutory or case law.

This bill would instead authorize all moneys in the State treasury to be loaned for these purposes except, among others, money that the Controller is prohibited from transferring pursuant to the Constitution, bond indenture, or case law. The bill would also make a technical, nonsubstantive change to these provisions.

(3) Existing law creates the Highway Users Tax Account, in which are deposited motor vehicle fuel tax and diesel fuel tax revenues available for allocation to transportation purposes. Existing law creates the Transportation Investment Fund, in which are deposited a portion of gasoline sales tax revenues to the extent a gasoline sales tax is imposed.

This bill would authorize the Controller to use the funds in the Highway Users Tax Account and the Transportation Investment Fund for cash flow loans to the General Fund, as specified. The bill would also authorize similar cash flow loans to the General Fund from the Motor Vehicle Fuel Account, the Transportation Revolving Account, and the State Highway Account.

(4) Existing law authorizes the Pooled Money Investment Board to make loans from the Pooled Money Investment Account to fund projects financed by general obligation bond acts or other indebtedness until the bonds are issued and sold, at which time existing law requires the loans to be repaid, as specified.

This bill would authorize the Director of Finance to designate up to 15% of the cash balances of the Highway Users Tax Account, the Transportation Investment Fund, the Motor Vehicle Fuel Account, the Transportation Revolving Account, and the State Highway Account to be available to provide contingency interim financing for critical state highway and local road projects that would otherwise be financed by general obligation bonds. The bill would authorize state agencies to request these funds and would require the loans to be recommended by the Department of Finance. The loan program would be administered by the Pooled Money Investment Board, with loans to be repaid consistent with existing law.

(5) Existing law appropriates moneys in the Highway Users Tax Account for specified transportation purposes and provides for apportionment by the Controller of certain moneys to cities and counties. The remaining moneys in the account, after various other transfers, are transferred to the State Highway Account and are subject to appropriation for state transportation purposes. Existing law generally provides that moneys in a continuously appropriated fund may not be encumbered unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance.

This bill, with respect to moneys that are appropriated from the Highway Users Tax Account and moneys to be apportioned or transferred from that account, would exempt that appropriation and those apportionments from the prohibition against encumbrance without statutory authorization described above, thereby allowing those moneys to be encumbered in the absence of statutory authorization.

(6) This bill would appropriate \$1,000 from the General Fund to the Controller for administrative costs associated with this bill.

(7) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~Existing law provides that certain specified felonies are punishable by incarceration in state prison. If Chapter 15 of the Statutes of 2011 becomes operative, certain of those felonies shall instead be punishable by incarceration in a county jail.~~

~~This bill would provide that, if Chapter 15 of the Statutes of 2011 becomes operative, certain specified felonies would continue to be punishable by incarceration in state prison. The bill would make other technical changes.~~

~~Existing law provides that petty theft is a misdemeanor, except that every person who, having been convicted 3 or more times of petty theft, grand theft, auto theft, burglary, carjacking, robbery, or receiving stolen property and having served time in a penal institution therefor, is subsequently convicted of petty theft, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison. Existing law also provides that persons required to register as sex offenders, or with a prior serious or violent felony conviction who have been convicted and imprisoned for the commission of specified crimes, including, among others, petty theft, auto theft, burglary, carjacking, or robbery, are subject to imprisonment in the state prison with one prior qualifying offense, rather than 3. If Chapter 15 of the Statutes of 2011 becomes operative, those provisions subjecting persons to imprisonment in the state prison with one prior qualifying offense would be deleted.~~

~~This bill would, if Chapter 15 of the Statutes of 2011 becomes operative, restore those provisions subjecting persons to imprisonment in the state prison with one prior qualifying offense and thereby maintain existing law.~~

~~Existing law provides that, except as specified, when any person is convicted of 2 or more felonies, whether in the same proceeding or court or in different proceedings or courts, and whether by judgment rendered by the same or by a different court, and a consecutive term of imprisonment is imposed under specified provisions, the aggregate term of imprisonment for all these convictions shall be the sum of the principal term, the subordinate term, and any additional term imposed for applicable enhancements, as specified.~~

~~This bill would require that whenever a court imposes a term of imprisonment in the state prison, whether the term is a principal or subordinate term, the aggregate term shall be served in the state prison regardless as to whether or not one of the terms requires imprisonment in a county jail pursuant to specified provisions.~~

~~Existing law provides for the dismissal of criminal actions by the judge or magistrate on his or her own motion or upon the application of the prosecuting attorney, as specified. Existing law, if Chapter 15 of~~

the Statutes of 2011 becomes operative, provides that certain felonies shall be punishable by incarceration in a county jail.

This bill would provide that any allegation that a defendant is eligible for state prison due to a prior or current conviction, sentence enhancement, or is required to register as a sex offender shall not be subject to dismissal pursuant to the above-referenced provision.

Existing law, amended by Proposition 83, as approved by the voters at the November 7, 2006, statewide general election, provides for the enhancement of prison terms for new offenses because of prior prison terms. Existing law provides that, except as specified, where the new offense is any felony for which a prison sentence or a sentence of imprisonment in a county jail for more than one year is imposed, in addition and consecutive to any other prison terms therefor, the court shall impose a one-year term for each prior separate prison term or county jail term of more than one year served for any felony. The Legislature may amend the provisions of Proposition 83 by majority vote if the amendments expand the scope of the proposition's application.

This bill would expand the scope of the application of Proposition 83 and provide that where the new offense is any felony for which a prison sentence or a sentence of imprisonment in a county jail for more than one year is imposed or is not suspended, in addition and consecutive to any other prison terms therefor, the court shall impose a one-year term for each prior separate prison term or county jail term of more than one year imposed or when sentence is not suspended for any felony.

Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, provides that prisoners on parole shall remain under the legal custody of the Department of Corrections and Rehabilitation but shall not be returned to prison, except as specified.

This bill would instead provide that prisoners on parole shall remain under the supervision of the department. The bill would provide that, except as specified, upon revocation of parole, a parolee may be housed in a county jail for a maximum of 180 days. The bill would provide that when housed in county facilities, parolees shall be under the legal custody and jurisdiction of local county facilities and when released from custody, parolees will be returned to the parole supervision of the department for the duration of parole. By imposing additional duties on local agencies, this bill would impose a state-mandated local program. Additionally, the bill would authorize the superior court of any county to appoint as many hearing officers as deemed necessary to conduct

parole revocation hearings and to determine violations of conditions of postrelease supervision, as specified.

~~Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, provides that persons released from state prison on or after July 1, 2011, after serving a prison term for a serious or violent felony or specified sex crimes shall be subject to parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county into which the parolee is released. Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, provides specified parole procedures for parolees who are paroled from state prison prior to July 1, 2011.~~

~~This bill would provide, until July 1, 2013, that those persons who serve a prison term or whose sentence has been deemed served, as specified, for any of the above-referenced crimes, as well as any crime for which the person is required as a condition of parole to undergo treatment by the State Department of Mental Health, shall be subject to parole supervision and jurisdiction of the department. The bill would provide, as of July 1, 2013, the court in the county in which the parolee resides or commits a violation of the terms and conditions of parole shall have the limited jurisdiction to hear petitions to revoke parole and impose a term of custody. The bill would provide that parolees subject to these provisions who are being held for a parole violation in a county jail on October 1, 2011, may, upon revocation, be remanded to the state prison. The bill would make other related changes.~~

~~Existing law establishes the Parole Reentry Accountability Program for the purpose of promoting public safety, holding parolees accountable, and reducing recidivism. Existing law, pursuant to this program and subject to funding being made available, requires the Secretary of the Department of Corrections and Rehabilitation to enter into a memorandum of understanding with the Administrative Office of the Courts for the establishment and operation of parolee reentry programs. Existing law provides that parolees subject to this program with a history of substance abuse or mental illness who violate their conditions of parole may be referred by the department to a parolee reentry program.~~

~~This bill would make offenders subject to postrelease supervision as established by the Postrelease Community Supervision Act of 2011 eligible to participate in reentry court programs, as specified. The bill would authorize counties to contract with the Department of Corrections and Rehabilitation in order to obtain day treatment and crisis care~~

~~services for inmates with mental health problems who are released on postrelease community supervision.~~

~~Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, creates the Postrelease Community Supervision Act of 2011 to provide that any person released from prison, after serving a term in prison for certain felonies shall be subject to community supervision provided by a county agency. The act requires the court to establish a process to determine violations of conditions of postrelease supervision.~~

~~This bill would instead provide that if the supervising county agency has determined that intermediate sanctions are not appropriate, the supervising county agency shall petition the revocation hearing officer to revoke and terminate postrelease supervision. Because the bill would impose additional duties on local agencies, it would create a state-mandated local program. The bill would make other related changes.~~

~~Existing law, if Chapter 15 of the Statutes of 2011 becomes operative, requires that for prisoners whose crimes are committed on or after July 1, 2011, except those who are limited to 15% credit against sentenced time, and who are confined to a county jail, city jail, industrial farm, or road camp, a term of 4 days be deemed to have been served for every 2 days spent in actual custody, as specified.~~

~~This bill would make these provisions applicable to prisoners whose crimes are committed on or after October 1, 2011, and would additionally make these provisions applicable to prisoners confined in a county jail, industrial farm, or road camp, or a city jail, industrial farm, or road camp as part of custodial sanction imposed following a violation of postrelease community supervision or parole.~~

~~Existing law provides that Chapter 15 of the Statutes of 2011 is to become operative no later than July 1, 2011, and only upon the creation of a community corrections grant program.~~

~~This bill would make that act operative no later than September 1, 2011, and upon the creation of that grant program.~~

~~Existing law, notwithstanding any other provision of law, authorizes a county sheriff, police chief, or other public agency that contracts for emergency health services to contract with providers of emergency health care services for care to local law enforcement patients. Existing law provides that hospitals that do not contract with these entities shall provide emergency health care services to local law enforcement patients at a rate equal to 110% of the hospital's actual costs, as provided. Existing law repeals these provisions as of January 1, 2014.~~

~~This bill would recast these provisions to apply to health care services generally, instead of emergency health care services. The bill would delete the provision making the bill inoperative as of January 1, 2014.~~

~~Existing law authorizes counties to contract with the Department of Corrections and Rehabilitation for the commitment to the department of persons who have suffered a felony conviction.~~

~~This bill would provide that offenders sentenced to a county jail that serve their sentence in state prison pursuant to these provisions are required to comply with the rules and regulations of the department, as provided.~~

~~The bill would, until January 1, 2015, permit a county board of supervisors to enter into a contract with other public agencies to provide housing for inmates, as specified.~~

~~The bill would incorporate additional changes to Section 830.5 of the Penal Code, proposed by AB 116, to be operative as specified.~~

~~The bill would appropriate \$27,000,000 from the General Fund to the Department of Corrections and Rehabilitation for the purpose of state operations.~~

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~The bill would declare that it is to take effect immediately as a bill providing appropriations related to the budget bill.~~

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

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

- 1 *SECTION 1. The Legislature finds and declares that the*
- 2 *amendments made by this act further the purposes of the Local*
- 3 *Taxpayer, Public Safety, and Transportation Protection Act of*
- 4 *2010, approved by the voters as Proposition 22 at the November*
- 5 *2, 2010, statewide general election, and are consistent with the*
- 6 *purposes of that act.*
- 7 *SEC. 2. Section 16310 of the Government Code is amended to*
- 8 *read:*

1 16310. (a) When the General Fund in the Treasury is or will
2 be exhausted, the Controller shall notify the Governor and the
3 Pooled Money Investment Board. The Governor may order the
4 Controller to direct the transfer of all or any part of the moneys
5 not needed in other funds or accounts to the General Fund from
6 those funds or accounts, as determined by the Pooled Money
7 Investment Board, including the Surplus Money Investment Fund
8 or the Pooled Money Investment Account. All moneys so
9 transferred shall be returned to the funds or accounts from which
10 they were transferred as soon as there are sufficient moneys in the
11 General Fund to return them. No interest shall be charged or paid
12 on any transfer authorized by this section, exclusive of the Pooled
13 Money Investment Account, except as provided in this section.
14 This section does not authorize any transfer that will interfere with
15 the object for which a special fund was created or any transfer
16 from the Central Valley Water Project Construction Fund, the
17 Central Valley Water Project Revenue Fund, or the California
18 Water Resources Development Bond Fund.

19 (b) (1) Interest shall be paid on all moneys transferred to the
20 General Fund from the following funds:

21 (A) The Department of Food and Agriculture Fund.

22 (B) The DNA Identification Fund.

23 (C) The Mental Health Services Fund.

24 (D) All funds created pursuant to the California Children and
25 Families Act of 1998, enacted by Proposition 10 at the November
26 3, 1998, statewide general election.

27 (E) Any funds retained by or in the possession of the California
28 Exposition and State Fair pursuant to this section.

29 (2) With respect to all other funds, and unless otherwise
30 specified, if the total moneys transferred to the General Fund in
31 any fiscal year from any special fund pursuant to this section
32 exceed an amount equal to 10 percent of the total additions to
33 surplus available for appropriation as shown in the statement of
34 operations of a prior fiscal year as set forth in the most recent
35 published annual report of the Controller, interest shall be paid on
36 the excess. Interest payable under this section shall be computed
37 at a rate determined by the Pooled Money Investment Board to be
38 the current earning rate of the fund from which transferred.

1 (c) ~~Except~~ *Notwithstanding any other provision of law, except*
2 *as described in subdivision (d), all moneys in the State Treasury*
3 *may be loaned for the purposes described in subdivision (a).*

4 (d) Subdivision (c) shall not apply to any of the following:

5 (1) The Local Agency Investment Fund.

6 (2) Funds classified in the State of California Uniform Codes
7 Manual as bond funds or retirement funds.

8 (3) All or part of the moneys not needed in other funds or
9 accounts for purposes of subdivision (a) where the Controller is
10 prohibited by the California Constitution, bond indenture, or
11 ~~statutory~~ or case law from transferring all or any part of those
12 moneys.

13 *SEC. 3. Section 16312.1 is added to the Government Code, to*
14 *read:*

15 *16312.1. (a) (1) It is in the best interest of the state to ensure*
16 *that there are adequate resources to fund critical state highway*
17 *and local road projects in a timely manner. The Director of*
18 *Finance may designate up to 15 percent of projected cash balances,*
19 *as determined by the Department of Finance, in funds and accounts*
20 *specified in paragraph (2), to provide a contingency interim*
21 *financing amount for critical highway and road projects in the*
22 *event there are insufficient general obligation bond proceeds that*
23 *otherwise would fund those projects, or in the event there is*
24 *inadequate access to the commercial paper market to ensure timely*
25 *progress of those projects.*

26 (2) *The eligible funds and accounts for purposes of paragraph*
27 *(1) are the Transportation Investment Fund, the Motor Vehicle*
28 *Fuel Account, the Transportation Revolving Account, the State*
29 *Highway Account, and the Highway Users Tax Account.*

30 (b) *Upon a designation by the Director of Finance pursuant to*
31 *subdivision (a), the Pooled Money Investment Board may provide*
32 *funds to state agencies requesting loans for critical state highway*
33 *and local road projects, as recommended by the Department of*
34 *Finance.*

35 (c) *Any amount designated by the Director of Finance pursuant*
36 *to subdivision (a) may be provided as an alternative funding*
37 *mechanism to any other provision of law permitting loans to state*
38 *agencies from the Pooled Money Investment Account for the same*
39 *purpose.*

1 (d) State agencies requesting a loan pursuant to this section
2 shall follow the process as prescribed by the Pooled Money
3 Investment Board, which shall be consistent with the process for
4 loans under Section 16312.

5 SEC. 4. Section 16429 of the Government Code is amended to
6 read:

7 16429. (a) The Condemnation Deposits Fund in the State
8 Treasury is continued in existence. The fund consists of all money
9 deposited in the State Treasury pursuant to Title 7 (commencing
10 with Section 1230.010) of Part 3 of the Code of Civil Procedure
11 and all interest earned or other increment derived from its
12 investment. The Treasurer shall receive *and duly account for* all
13 such moneys, ~~duly receipt for, and safely keep the same in the~~
14 ~~fund, and for that duty he or she is liable upon his or her official~~
15 ~~bond.~~ *Notwithstanding any other law, the Controller may use the*
16 *funds in the Condemnation Deposits Fund for cash flow loans to*
17 *the General Fund as provided in Sections 16310 and 16381.*

18 (b) Money in the Condemnation Deposits Fund shall be invested
19 under the provisions of Article 4 (commencing with Section 16470)
20 of Chapter 3.

21 (c) The Controller shall apportion at the conclusion of each
22 calendar quarter, the interest earned or increment derived and
23 deposited in the fund during the three calendar months ending with
24 those dates. There shall be apportioned and paid to each plaintiff
25 having a deposit in the fund during the three-month period for
26 which an apportionment is made an amount directly proportionate
27 to the total deposits in the fund and the length of time the deposits
28 remained therein, except that no payment shall be made of any
29 interest in the amount of five dollars (\$5) or less. These amounts
30 shall be transferred to the General Fund by the Controller. The
31 Treasurer shall pay out the money deposited by a plaintiff in the
32 manner and at the times the court or a judge thereof may, by order
33 or decree, direct. Any residual amount after all required payments
34 have been made shall be paid to the plaintiff if that amount is more
35 than five dollars (\$5). If the amount is five dollars (\$5) or less, it
36 shall be transferred to the General Fund by the Controller.

37 SEC. 5. Section 7104.2 of the Revenue and Taxation Code is
38 amended to read:

39 7104.2. (a) The Transportation Investment Fund (hereafter
40 the fund) in the State Treasury is hereby continued in existence.

1 All revenues transferred to the fund pursuant to Article XIX B of
2 the California Constitution beginning with the 2008–09 fiscal year
3 shall be available for expenditure as provided in this section.
4 Notwithstanding Section 13340 of the Government Code or any
5 other provision of law, moneys in the fund are continuously
6 appropriated without regard to fiscal years for disbursement in the
7 manner and for the purposes set forth in this section.

8 (b) All of the following shall occur on a quarterly basis:

9 (1) The State Board of Equalization, in consultation with the
10 Department of Finance, shall estimate the amount that is transferred
11 to the General Fund under subdivision (b) of Section 7102 that is
12 attributable to revenue collected for the sale, storage, use, or other
13 consumption in this state of motor vehicle fuel, as defined in
14 Section 7326.

15 (2) The State Board of Equalization shall inform the Controller,
16 in writing, of the amount estimated under paragraph (1).

17 (3) Commencing with the 2008–09 fiscal year, the Controller
18 shall transfer the amount estimated under paragraph (1) from the
19 General Fund to the fund.

20 (c) For each quarter, commencing with the 2008–09 fiscal year,
21 the Controller shall make all of the following transfers and
22 apportionments from the fund:

23 (1) To the Public Transportation Account, a trust fund in the
24 State Transportation Fund, 20 percent of the revenues deposited
25 in the fund. Funds transferred under this paragraph shall be made
26 available as follows:

27 (A) Twenty-five percent for purposes of Section 99315 of the
28 Public Utilities Code, subject to appropriation by the Legislature.

29 (B) Thirty-seven and one-half percent to the Controller, for
30 allocation pursuant to Section 99314 of the Public Utilities Code.
31 Funds allocated under this subparagraph shall be subject to all of
32 the provisions governing funds allocated under Section 99314 of
33 the Public Utilities Code. These funds are continuously
34 appropriated to the Controller for purposes of this subparagraph.

35 (C) Thirty-seven and one-half percent to the Controller, for
36 allocation pursuant to Section 99313 of the Public Utilities Code.
37 Funds allocated under this subparagraph shall be subject to all of
38 the provisions governing funds allocated under Section 99313 of
39 the Public Utilities Code. These funds are continuously
40 appropriated to the Controller for purposes of this subparagraph.

1 (D) Notwithstanding subparagraphs (A), (B), and (C), for the
2 2009–10 to 2012–13 fiscal years, inclusive, all funds transferred
3 under this paragraph shall be made available only for purposes of
4 Section 99315 of the Public Utilities Code, subject to appropriation
5 by the Legislature.

6 (2) To the Department of Transportation for expenditure for
7 transportation capital improvement projects subject to all of the
8 rules governing the State Transportation Improvement Program,
9 40 percent of the revenues deposited in the fund.

10 (3) To the Controller for apportionment pursuant to
11 subparagraphs (A) and (B), 40 percent of the revenues deposited
12 in the fund.

13 (A) Of the amount available under this paragraph, 50 percent
14 shall be apportioned by the Controller to the counties, including
15 a city and county, in accordance with the following formulas:

16 (i) Seventy-five percent of the funds payable under this
17 subparagraph shall be apportioned among the counties in the
18 proportion that the number of fee-paid and exempt vehicles that
19 are registered in the county bears to the number of fee-paid and
20 exempt vehicles registered in the state.

21 (ii) Twenty-five percent of the funds payable under this
22 subparagraph shall be apportioned among the counties in the
23 proportion that the number of miles of maintained county roads
24 in each county bears to the total number of miles of maintained
25 county roads in the state. For the purposes of apportioning funds
26 under this subparagraph, any roads within the boundaries of a city
27 and county that are not state highways shall be deemed to be county
28 roads.

29 (B) Of the amount available under this paragraph, 50 percent
30 shall be apportioned by the Controller to cities, including a city
31 and county, in the proportion that the total population of the city
32 bears to the total population of all the cities in the state.

33 (d) Funds received under subparagraph (A) or (B) of paragraph
34 (3) of subdivision (c) shall be deposited as follows in order to avoid
35 the commingling of those funds with other local funds:

36 (1) In the case of a city, into the city account that is designated
37 for the receipt of state funds allocated for transportation purposes.

38 (2) In the case of a county, into the county road fund.

1 (3) In the case of a city and county, into a local account that is
2 designated for the receipt of state funds allocated for transportation
3 purposes.

4 (e) Funds allocated to a city, county, or city and county under
5 subparagraph (A) or (B) of paragraph (3) of subdivision (c) shall
6 be used only for street and highway maintenance, rehabilitation,
7 reconstruction, and storm damage repair. For purposes of this
8 section, the following terms have the following meanings:

9 (1) “Maintenance” means either or both of the following:

10 (A) Patching.

11 (B) Overlay and sealing.

12 (2) “Reconstruction” includes any overlay, sealing, or widening
13 of the roadway, if the widening is necessary to bring the roadway
14 width to the desirable minimum width consistent with the
15 geometric design criteria of the department for 3R (reconstruction,
16 resurfacing, and rehabilitation) projects that are not on a freeway,
17 but does not include widening for the purpose of increasing the
18 traffic capacity of a street or highway.

19 (3) “Storm damage repair” is repair or reconstruction of local
20 streets and highways and related drainage improvements that have
21 been damaged due to winter storms and flooding, and construction
22 of drainage improvements to mitigate future roadway flooding and
23 damage problems, in those jurisdictions that have been declared
24 disaster areas by the President of the United States, where the costs
25 of those repairs are ineligible for emergency funding with Federal
26 Emergency Relief (ER) funds or Federal Emergency Management
27 Administration (FEMA) funds.

28 (f) (1) Cities and counties shall maintain their existing
29 commitment of local funds for street and highway maintenance,
30 rehabilitation, reconstruction, and storm damage repair in order to
31 remain eligible for the allocation of funds pursuant to subparagraph
32 (A) or (B) of paragraph (3) of subdivision (c).

33 (2) In order to receive any allocation pursuant to subparagraph
34 (A) or (B) of paragraph (3) of subdivision (c), the city or county
35 shall annually expend from its general fund for street, road, and
36 highway purposes an amount not less than the annual average of
37 its expenditures from its general fund during the 1996–97,
38 1997–98, and 1998–99 fiscal years, as reported to the Controller
39 pursuant to Section 2151 of the Streets and Highways Code. For
40 purposes of this paragraph, in calculating a city’s or county’s

1 annual general fund expenditures and its average general fund
2 expenditures for the 1996–97, 1997–98, and 1998–99 fiscal years,
3 any unrestricted funds that the city or county may expend at its
4 discretion, including vehicle in-lieu tax revenues and revenues
5 from fines and forfeitures, expended for street and highway
6 purposes shall be considered expenditures from the general fund.
7 One-time allocations that have been expended for street and
8 highway purposes, but which may not be available on an ongoing
9 basis, including revenue provided under the Teeter Plan Bond Law
10 of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1
11 of Division 2 of Title 5 of the Government Code, may not be
12 considered when calculating a city’s or county’s annual general
13 fund expenditures.

14 (3) For any city incorporated after July 1, 1996, the Controller
15 shall calculate an annual average of expenditure for the period
16 between July 1, 1996, and December 31, 2000, inclusive, that the
17 city was incorporated.

18 (4) For purposes of paragraph (2), the Controller may request
19 fiscal data from cities and counties in addition to data provided
20 pursuant to Section 2151, for the 1996–97, 1997–98, and 1998–99
21 fiscal years. Each city and county shall furnish the data to the
22 Controller not later than 120 days after receiving the request. The
23 Controller may withhold payment to cities and counties that do
24 not comply with the request for information or that provide
25 incomplete data.

26 (5) The Controller may perform audits to ensure compliance
27 with paragraph (2) when deemed necessary. Any city or county
28 that has not complied with paragraph (2) shall reimburse the state
29 for the funds it received during that fiscal year. Any funds withheld
30 or returned as a result of a failure to comply with paragraph (2)
31 shall be reallocated to the other counties and cities whose
32 expenditures are in compliance.

33 (6) If a city or county fails to comply with the requirements of
34 paragraph (2) in a particular fiscal year, the city or county may
35 expend during that fiscal year and the following fiscal year a total
36 amount that is not less than the total amount required to be
37 expended for those fiscal years for purposes of complying with
38 paragraph (2).

39 (7) The allocation made under subparagraph (A) or (B) of
40 paragraph (3) of subdivision (c) shall be expended not later than

1 the end of the fiscal year following the fiscal year in which the
2 allocation was made, and any funds not expended within that period
3 shall be returned to the Controller and shall be reallocated to the
4 other cities and counties pursuant to the allocation formulas set
5 forth in subparagraph (A) or (B) of paragraph (3) of subdivision
6 (c).

7 (g) For the purpose of allocating funds under subparagraph (A)
8 or (B) of paragraph (3) of subdivision (c) to counties, cities, and
9 a city and county, the Controller shall use the most recent
10 population estimates prepared by the Demographic Research Unit
11 of the Department of Finance. For a city that incorporated after
12 January 1, 2008, that does not appear on the most recent population
13 estimates prepared by the Demographic Research Unit, the
14 Controller shall use the population determined for that city under
15 Section 11005.3.

16 (h) (1) Notwithstanding any other law, the quarterly
17 apportionments scheduled to be made in October 2009 and January
18 2010 pursuant to paragraph (3) of subdivision (c) shall be
19 suspended and deferred until May 31, 2010.

20 (2) For the purpose of meeting the cash obligations associated
21 with ongoing budgeted costs, a city or county may make use of
22 any cash balance in its city or county road fund, including that
23 resulting from the receipt of funds pursuant to the Highway Safety,
24 Traffic Reduction, Air Quality, and Port Security Bond Act of
25 2006 (Chapter 12.49 (commencing with Section 8879.20) of
26 Division 1 of Title 2 of the Government Code (hereafter bond act))
27 for local street and road maintenance, during the period of this
28 suspension, without the use of this cash being reflected as an
29 expenditure of bond act funds, provided the cash is replaced once
30 this suspension is repaid. Nothing in this paragraph shall change
31 the fact that expenditures must be accrued and reflected from the
32 appropriate funding sources for which the moneys were received
33 and meet all requirements of those funding sources.

34 (i) *Notwithstanding any other provision of law, the Controller*
35 *may use the funds in the Transportation Investment Fund for cash*
36 *flow loans to the General Fund as provided in Sections 16310 and*
37 *16381 of the Government Code. Any such loan shall be exempt*
38 *from paragraph (2) of subdivision (b) of Section 16310 of the*
39 *Government Code. Interest shall be paid on all moneys loaned to*
40 *the General Fund and shall be computed at a rate determined by*

1 *the Pooled Money Investment Board to be the current earning rate*
2 *of the fund from which the money is loaned. This subdivision does*
3 *not authorize any transfer that would interfere with the carrying*
4 *out of the object for which these funds were created.*

5 *SEC. 6. Section 8351 of the Revenue and Taxation Code is*
6 *amended to read:*

7 8351. The Controller shall transmit all money received by him
8 or her in payment of taxes, interest, and penalties due under this
9 part, and restitution orders or any other amounts otherwise
10 authorized by law to be collected by the Controller, or any other
11 amounts imposed by a court of competent jurisdiction to be paid
12 to the Controller, to the State Treasurer who shall deposit it in the
13 State Treasury and credit it to the Motor Vehicle Fuel Fund, which
14 is continued in existence as the Motor Vehicle Fuel Account in
15 the Transportation Tax Fund, which fund is hereby created. All
16 fees paid and accepted for issuance or reinstatement of licenses
17 under this part shall be deposited by the board in the State Treasury
18 to the credit of the same account.

19 Any reference in any law or regulation to the Motor Vehicle
20 Fuel Fund shall be deemed to refer to the Motor Vehicle Fuel
21 Account in the Transportation Tax Fund.

22 *Notwithstanding any other provision of law, the Controller may*
23 *use the funds in the Motor Vehicle Fuel Account in the*
24 *Transportation Tax Fund for cash flow loans to the General Fund*
25 *as provided in Sections 16310 and 16381 of the Government Code.*
26 *Any such loan shall be exempt from paragraph (2) of subdivision*
27 *(b) of Section 16310 of the Government Code. Interest shall be*
28 *paid on all moneys loaned to the General Fund and shall be*
29 *computed at a rate determined by the Pooled Money Investment*
30 *Board to be the current earning rate of the fund from which the*
31 *money is loaned. This subdivision does not authorize any transfer*
32 *that would interfere with the carrying out of the object for which*
33 *these funds were created.*

34 *SEC. 7. Section 181 of the Streets and Highways Code is*
35 *amended to read:*

36 181. (a) The Transportation Revolving Account in the State
37 Transportation Fund is hereby created. With the approval of the
38 Department of Finance, there shall be transferred to, or deposited
39 in, the account all money appropriated, contributed, or made
40 available from any source, including sources other than state

1 appropriations, for expenditure on work within the powers and
2 duties of the Department of Transportation, including, but not
3 limited to, services, surveys, reports, major and minor construction,
4 maintenance, improvements, and equipment as authorized by the
5 state agency for which such an appropriation is made or, as to
6 funds from sources other than state appropriations, as may be
7 authorized by written agreement between the contributor of such
8 funds and the Department of Transportation when approved by
9 the Department of Finance.

10 (b) Money so transferred or deposited is continuously
11 appropriated for expenditure by the Department of Transportation
12 for the purposes for which appropriated, contributed, or made
13 available without regard to fiscal years and Section 16304 of the
14 Government Code. The Department of Transportation may
15 withdraw from the account for use in work for other public
16 agencies, local, state, or federal, such sums as may be necessary
17 for such work where the money to be paid by such other agencies
18 is not deposited in the account in advance of the work being done.

19 (c) The Department of Transportation shall file against the
20 account all claims covering expenditures incurred, including
21 expenditures incurred prior to the effective date of the act enacting
22 this section, in connection with services, surveys, reports, major
23 and minor construction, maintenance, improvements, and
24 equipment, and the State Controller shall draw his warrant therefor
25 against the account.

26 (d) The Department of Transportation shall keep a record of all
27 expenditures chargeable against each specific portion of the
28 account, and any unused balance in any portion of the account
29 shall, on approval by the Department of Finance, be withdrawn
30 from the account and transferred to the credit of the appropriation
31 from which it was transferred or, as to funds from other than state
32 appropriations, be paid out or refunded as provided in the
33 agreement relating to the contribution.

34 (e) The Director of Transportation may authorize the refund of
35 money received or collected by the department in payment of fees,
36 licenses, permits, tolls, or for rentals, property, or services, wherein
37 the license, permit, rental, property, or service cannot lawfully be
38 issued, furnished, or transferred to the person making the payment,
39 or in cases where the payment, in whole or in part, represents
40 overpayment or payment in duplicate.

1 (f) The provisions of this section shall only be operative during
2 those fiscal years in which funds in the State Highway Account
3 in the State Transportation Fund are appropriated by the Budget
4 Act for such fiscal years.

5 (g) *Notwithstanding any other provision of law, the Controller*
6 *may use the funds in the Transportation Revolving Account in the*
7 *State Transportation Fund for cash flow loans to the General Fund*
8 *as provided in Sections 16310 and 16381 of the Government Code.*
9 *Any such loan shall be exempt from paragraph (2) of subdivision*
10 *(b) of Section 16310 of the Government Code. Interest shall be*
11 *paid on all moneys loaned to the General Fund and shall be*
12 *computed at a rate determined by the Pooled Money Investment*
13 *Board to be the current earning rate of the fund from which the*
14 *money is loaned. This subdivision does not authorize any transfer*
15 *that would interfere with the carrying out of the object for which*
16 *these funds were created.*

17 *SEC. 8. Section 182 of the Streets and Highways Code is*
18 *amended to read:*

19 182. The “State Highway Fund” is continued in existence as
20 the State Highway Account in the State Transportation Fund. Any
21 reference in any law or regulation to the State Highway Fund shall
22 be deemed to refer to the State Highway Account in the State
23 Transportation Fund.

24 There shall be transferred to, or deposited in, the State Highway
25 Account all money appropriated, contributed, or made available
26 from any source, including sources other than state appropriations,
27 for expenditure on work within the powers and duties of the
28 department, including, but not limited to, services, investigations,
29 surveys, experiments, reports, right-of-way acquisitions, major
30 and minor construction, maintenance, improvements, and
31 equipment, as authorized by the state agency for which such an
32 appropriation is made, or as to funds from sources other than state
33 appropriations, as may be authorized by written agreement between
34 the contributor of such funds and the department.

35 Money so transferred or deposited is available for expenditure
36 by the department for the purposes for which appropriated,
37 contributed, or made available without regard to fiscal years and
38 Section 16304 of the Government Code. The department may
39 withdraw from the account for use in work for other public
40 agencies, local, state, or federal, such sums as may be necessary

1 for such work where the money to be paid by such other agencies
2 is not deposited in the account in advance of the work being done.

3 *Notwithstanding any other provision of law, the Controller may*
4 *use the funds in the State Highway Account in the State*
5 *Transportation Fund for cash flow loans to the General Fund as*
6 *provided in Sections 16310 and 16381 of the Government Code.*
7 *Any such loan shall be exempt from paragraph (2) of subdivision*
8 *(b) of Section 16310 of the Government Code. Interest shall be*
9 *paid on all moneys loaned to the General Fund and shall be*
10 *computed at a rate determined by the Pooled Money Investment*
11 *Board to be the current earning rate of the fund from which the*
12 *money is loaned. This subdivision does not authorize any transfer*
13 *that would interfere with the carrying out of the object for which*
14 *these funds were created.*

15 *SEC. 9. Section 2100 of the Streets and Highways Code is*
16 *amended to read:*

17 2100. The Highway Users Tax Fund is continued in existence
18 as the Highway Users Tax Account in the Transportation Tax
19 Fund.

20 Any reference in any law or regulation to the Highway Users
21 Tax Fund shall be deemed to refer to the Highway Users Tax
22 Account in the Transportation Tax Fund.

23 *Notwithstanding any other provision of law, the Controller may*
24 *use the funds in the Highway Users Tax Account in the*
25 *Transportation Tax Fund for cash flow loans to the General Fund*
26 *as provided in Sections 16310 and 16381 of the Government Code.*
27 *Any such loan shall be exempt from paragraph (2) of subdivision*
28 *(b) of Section 16310 of the Government Code. Interest shall be*
29 *paid on all moneys loaned to the General Fund and shall be*
30 *computed at a rate determined by the Pooled Money Investment*
31 *Board to be the current earning rate of the fund from which the*
32 *money is loaned. This subdivision does not authorize any transfer*
33 *that would interfere with the carrying out of the object for which*
34 *these funds were created.*

35 *SEC. 10. Section 2101 of the Streets and Highways Code is*
36 *amended to read:*

37 2101. ~~All~~ *Notwithstanding Section 13340 of the Government*
38 *Code, all moneys in the Highway Users Tax Account in the*
39 *Transportation Tax Fund and hereafter received in the account are*
40 *appropriated for all of the following:*

1 (a) The research, planning, construction, improvement,
2 maintenance, and operation of public streets and highways (and
3 their related public facilities for nonmotorized traffic), including
4 the mitigation of their environmental effects, the payment for
5 property taken or damaged for such purposes, and the
6 administrative costs necessarily incurred in the foregoing purposes.

7 (b) The research and planning for exclusive public mass transit
8 guideways (and their related fixed facilities), the payment for
9 property taken or damaged for such purposes, and the
10 administrative costs necessarily incurred in the foregoing purposes.

11 (c) The construction and improvement of exclusive public mass
12 transit guideways (and their related fixed facilities), including the
13 mitigation of their environmental effects, the payment for property
14 taken or damaged for such purposes, the administrative costs
15 necessarily incurred in the foregoing purposes, and the maintenance
16 of the structures and the immediate right-of-way for the public
17 mass transit guideways, but excluding the maintenance and
18 operating costs for mass transit power systems and mass transit
19 passenger facilities, vehicles, equipment, and services, in any area
20 where the voters thereof have approved a proposition pursuant to
21 Section 4 of Article XIX of the California Constitution.

22 (d) The payment of principal and interest on voter-approved
23 bonds issued for the purposes specified in subdivision (c).

24 *SEC. 11. Section 2103 of the Streets and Highways Code is*
25 *amended to read:*

26 2103. (a) ~~Of~~*Notwithstanding Section 13340 of the Government*
27 *Code, of* the net revenues deposited to the credit of the Highway
28 Users Tax Account that are derived from the increases in the rates
29 of taxes that are imposed pursuant to subdivision (b) of Section
30 7360 and Section 7361.1 of the Revenue and Taxation Code, all
31 of the following shall occur on a monthly basis:

32 (1) (A) By the 15th day of every month, the Treasurer's office,
33 in consultation with the Department of Finance, shall notify the
34 Controller of the amount of debt service that will be paid on each
35 transportation bond during that month.

36 (B) Within two business days following the 28th day of each
37 month, the Controller shall transfer to the Transportation Debt
38 Service Fund an amount equal to the amount of monthly debt
39 service paid by the General Fund on any bonds issued pursuant to
40 the Seismic Retrofit Bond Act of 1996 (Chapter 12.48

1 (commencing with Section 8879) of Division 1 of Title 2 of the
2 Government Code) or any other highway bonds, and three-quarters
3 of the amount of monthly debt service paid on any bonds issued
4 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
5 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
6 with Section 8879.20) of Division 1 of Title 2) for reimbursement
7 of the General Fund for these costs. If revenues available pursuant
8 to this subdivision in any given month are insufficient to fully
9 reimburse the General Fund for the debt service payments made,
10 the first revenues available pursuant to this subdivision in the
11 following month or months shall be transferred to the
12 Transportation Debt Service Fund so that all debt service payments
13 made on these bonds from the General Fund in a given fiscal year
14 are fully reimbursed. However, no further transfers shall be made
15 pursuant to this subparagraph once the transfers for the months of
16 July to October, inclusive, in 2010 have been made. Any transfers
17 made from the net revenues identified in this paragraph for highway
18 bond debt service for months after October 2010 shall be reversed
19 and shall instead be made from weight fee revenues in the State
20 Highway Account, as described in subparagraph (D).

21 (C) Beginning November 2, 2010, the Controller shall transfer
22 to the State Highway Account within two business days following
23 the 28th day of each month all of the monthly net revenues
24 identified in subparagraph (B) that were designated for highway
25 bond debt service reimbursement but that have not been transferred,
26 or that were transferred by means of a transfer that was reversed,
27 pursuant to that subparagraph. However, beginning July 1, 2011,
28 transfers made under this subparagraph during a fiscal year shall
29 not exceed the annual revenue generated from vehicle weight fees,
30 as determined by Sections 9400.4 and 42205 of the Vehicle Code,
31 at the rates in effect as of March 24, 2011, as determined by the
32 Director of Finance. To the extent the Controller has distributed
33 any of those net revenues to cities and counties pursuant to
34 subparagraph (C) of paragraph (3) between November 2, 2010,
35 and the effective date of this subparagraph, the Controller shall
36 subsequently reduce the amount transferred to cities and counties
37 on a monthly basis pursuant to subparagraph (C) of paragraph (3)
38 and shall instead transfer these funds to the State Highway Account
39 until all of the revenues that would otherwise have been transferred

1 to the State Highway Account on and after November 2, 2010,
2 pursuant to this subparagraph have been so transferred.

3 (D) Any remaining amount of the highway bond debt service
4 reimbursement authorized by this paragraph that has not been made
5 pursuant to subparagraph (B) on and after November 2, 2010, shall
6 instead be made pursuant to subdivisions (a) and (b) of Section
7 9400.4 of the Vehicle Code from revenues in the State Highway
8 Account derived from weight fees deposited in the account
9 pursuant to subdivision (e) of Section 9400.1 and Section 42205
10 of the Vehicle Code.

11 (2) (A) In the 2010–11 fiscal year, after the monthly transfer
12 made pursuant to paragraph (1), the sum of fifty-four million one
13 hundred sixty-seven thousand dollars (\$54,167,000) per month
14 shall be held in the account for future appropriation by the
15 Legislature.

16 (B) Notwithstanding any other provision of law, with respect
17 to the monthly net revenues described in subparagraph (A), no
18 further transfers of these revenues for the purpose of loans to the
19 General Fund shall be made pursuant to Item 2660-011-0062 of
20 Section 2.00 of the Budget Act of 2010 once the loan transfers for
21 the months of July to October, inclusive, in 2010 have been made.
22 Notwithstanding the loan repayment date specified in the
23 provisional language for that item, the funds loaned shall be repaid
24 by June 30, 2021. Any transfers made from the monthly net
25 revenues in subparagraph (A) for months after October 2010 shall
26 be reversed and shall instead be made from weight fee revenues
27 in the State Highway Account, as described in subparagraph (D).
28 The revenues from loan repayments shall be held in the Highway
29 Users Tax Account for future appropriation by the Legislature.

30 (C) Beginning November 2, 2010, all of the monthly net
31 revenues described in subparagraph (A) shall instead be transferred
32 by the Controller to the State Highway Account within two
33 business days following the 28th day of each month. To the extent
34 that the Controller has distributed any of the revenues identified
35 in this paragraph to cities and counties pursuant to subparagraph
36 (C) of paragraph (3) between October 14, 2010, and the effective
37 date of this subparagraph, the Controller shall subsequently reduce
38 the amount transferred to cities and counties on a monthly basis
39 pursuant to subparagraph (C) of paragraph (3) and shall instead
40 transfer these funds to the State Highway Account until all of the

1 revenues that would have been transferred to the General Fund as
2 a loan pursuant to Item 2660-011-0062 of Section 2.00 of the
3 Budget Act of 2010 on and after November 2, 2010, have instead
4 been transferred to the State Highway Account.

5 (D) Any remaining amount of the loans to the General Fund
6 authorized pursuant to Item 2660-011-0062 of Section 2.00 of the
7 Budget Act of 2010 that has not been made pursuant to
8 subparagraph (B) on and after November 2, 2010, shall instead be
9 made pursuant to subdivisions (a) and (b) of Section 9400.4 of the
10 Vehicle Code from revenues in the State Highway Account derived
11 from weight fees deposited in the account pursuant to subdivision
12 (e) of Section 9400.1 and Section 42205 of the Vehicle Code.

13 (3) The Controller shall transfer any remaining net revenues
14 subject to this subdivision as follows:

15 (A) Forty-four percent shall be transferred to the State Highway
16 Account to fund projects in the State Transportation Improvement
17 Program that are consistent with Section 1 of Article XIX of the
18 California Constitution, except in the 2010–11 fiscal year, 50
19 percent shall be transferred for purposes of this subparagraph.

20 (B) Twelve percent shall be transferred to the State Highway
21 Account to fund projects in the State Highway Operation and
22 Protection Program, except in the 2010–11 fiscal year, no revenues
23 shall be transferred for purposes of this subparagraph.

24 (C) Forty-four percent shall be apportioned by the Controller
25 for local street and road purposes, except in the 2010–11 fiscal
26 year, 50 percent shall be transferred for purposes of this
27 subparagraph as follows:

28 (i) Fifty percent shall be apportioned by the Controller to cities,
29 including a city and county, in the proportion that the total
30 population of the city bears to the total population of all the cities
31 in the state.

32 (ii) Fifty percent shall be apportioned by the Controller to
33 counties, including a city and county, in accordance with the
34 following formulas:

35 (I) Seventy-five percent shall be apportioned among the counties
36 in the proportion that the number of fee-paid and exempt vehicles
37 that are registered in the county bear to the number of fee-paid and
38 exempt vehicles registered in the state.

39 (II) Twenty-five percent shall be apportioned among the counties
40 in the proportion that the number of miles of maintained county

1 roads in each county bear to the total number of miles of
2 maintained county roads in the state. For the purposes of
3 apportioning funds under this subparagraph, any roads within the
4 boundaries of a city and county that are not state highways shall
5 be deemed to be county roads.

6 (b) After the transfers or other actions pursuant to subdivision
7 (a), at least 90 percent of the balance deposited to the credit of the
8 Highway Users Tax Account in the Transportation Tax Fund by
9 the 28th day of each month shall be apportioned or transferred, as
10 applicable, by the Controller by the second working day thereafter,
11 except for June, in which case the apportionment or transfer shall
12 be made the same day. These apportionments or transfers shall be
13 made as provided for in Sections 2104 to 2122, inclusive. If
14 information is not available to make the apportionment or transfer
15 as required, the apportionment or transfer shall be made on the
16 basis of the information of the previous month. Amounts not
17 apportioned or transferred shall be included in the apportionment
18 or transfer of the subsequent month.

19 (c) Notwithstanding any other law, the funds apportioned by
20 the Controller to cities and counties pursuant to subparagraph (C)
21 of paragraph (3) of subdivision (a) are not subject to Section 7104
22 or 7104.2 of the Revenue and Taxation Code. These funds may
23 be expended for any street and road purpose consistent with the
24 requirements of this chapter.

25 *SEC. 12. Section 2104 of the Streets and Highways Code is*
26 *amended to read:*

27 2104. ~~A~~ *Notwithstanding Section 13340 of the Government*
28 *Code, a sum equal to the net revenue derived from a per gallon*
29 *tax of 2.035 cents (\$0.02035) under the Motor Vehicle Fuel License*
30 *Tax Law (Part 2 (commencing with Section 7301) of Division 2),*
31 *1.80 cents (\$0.0180) under the Use Fuel Tax Law (Part 3*
32 *(commencing with Section 8601) of Division 2), and 1.80 cents*
33 *(\$0.0180) under the Diesel Fuel Tax Law (Part 31 (commencing*
34 *with Section 60001) of Division 2) of the Revenue and Taxation*
35 *Code, shall be apportioned among the counties, as follows:*

36 (a) Each county shall be paid one thousand six hundred
37 sixty-seven dollars (\$1,667) during each calendar month, which
38 amount shall be expended exclusively for engineering costs and
39 administrative expenses with respect to county roads.

1 (b) A sum equal to the total of all reimbursable snow removal
2 or snow grooming, or both, costs filed pursuant to subdivision (d)
3 of Section 2152, or seven million dollars (\$7,000,000), whichever
4 is less, shall be apportioned in 12 approximately equal monthly
5 apportionments for snow removal or snow grooming, or both, on
6 county roads, as provided in Section 2110.

7 (c) A sum equal to five hundred thousand dollars (\$500,000)
8 shall be apportioned in 12 approximately equal monthly
9 apportionments, as provided in Section 2110.5.

10 (d) (1) Seventy-five percent of the funds payable under this
11 section shall be apportioned among the counties monthly in the
12 respective proportions that the number of fee-paid and exempt
13 vehicles which are registered in each county bears to the total
14 number of fee-paid and exempt vehicles registered in the state.

15 (2) For purposes of apportionment under this subdivision, the
16 Department of Motor Vehicles shall, as soon as possible after the
17 last day of each calendar month, furnish to the Controller a verified
18 statement showing the number of fee-paid and exempt vehicles
19 which are registered in each county and in the state as of the last
20 day of each calendar month as reflected by the records of the
21 Department of Motor Vehicles.

22 (e) Of the remaining money payable, there shall be paid to each
23 eligible county an amount that is computed monthly as follows:
24 The number of miles of maintained county roads in each county
25 shall be multiplied by sixty dollars (\$60); from the resultant
26 amount, there shall be deducted the amount received by each
27 county under subdivision (d) and the remainder, if any, shall be
28 paid to each county.

29 (f) The remaining money payable, after the foregoing
30 apportionments, shall be apportioned among the counties in the
31 same proportion as the money referred to in subdivision (d).

32 (g) (1) Transfers of revenues from the Highway Users Tax
33 Account to counties pursuant to this section collected during the
34 months of March, April, May, June, and July of 2008, shall be
35 made with the transfer of August 2008 revenues in September of
36 2008. This suspension shall not apply to a county with a population
37 of less than 40,000.

38 (2) For the purpose of meeting the cash obligations associated
39 with ongoing budgeted costs, a county may make use of any cash
40 balance in its county road fund, including that resulting from the

1 receipt of funds pursuant to the Highway Safety, Traffic Reduction,
2 Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49
3 (commencing with Section 8879.20) of Division 1 of Title 2 of
4 the Government Code (hereafter bond act)) for local streets and
5 roads maintenance, during the period of this suspension, without
6 the use of this cash being reflected as an expenditure of bond act
7 funds, provided the cash is replaced once this suspension is repaid
8 in September of 2008. Counties may accrue the revenue received
9 in September 2008 as repayment of these suspensions for the
10 months of April, May, and June of 2008 back to the 2007–08 fiscal
11 year. Nothing in this paragraph shall change the fact that
12 expenditures must be accrued and reflected from the appropriate
13 funding sources for which the moneys were received and meet all
14 the requirements of those funding sources.

15 (h) (1) The transfer of revenues from the Highway Users Tax
16 Account to counties pursuant to this section that are collected
17 during the months of January, February, and March 2009, shall be
18 made with the transfer of April 2009 revenues in May 2009.

19 (2) For the purpose of meeting the cash obligations associated
20 with ongoing budgeted costs, a county may make use of any cash
21 balance in its county road fund, including that resulting from the
22 receipt of funds pursuant to the Highway Safety, Traffic Reduction,
23 Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49
24 (commencing with Section 8879.20) of Division 1 of Title 2 of
25 the Government Code (bond act)) for local streets and roads
26 maintenance during the period of this suspension, provided the
27 cash is replaced once this suspension is repaid in May of 2009.

28 (3) This subdivision shall not affect any requirement that an
29 expenditure is required to be accrued and reflected from the
30 appropriate funding source for which the money was received and
31 to meet all the requirements of its funding source.

32 *SEC. 13. Section 2104.1 of the Streets and Highways Code is*
33 *amended to read:*

34 2104.1. ~~The~~ *Notwithstanding Section 13340 of the Government*
35 *Code, the* Controller shall deduct annually, from the amount
36 apportioned pursuant to Section 2104, the amount identified as
37 applicable to counties in the report submitted in the preceding
38 fiscal year pursuant to Section 191, and shall transfer the amount
39 to the State Highway Account. *The transferred amount shall be*

1 *subject to appropriation pursuant to Section 183 for expenditure*
2 *in accordance with Section 163.*

3 *SEC. 14. Section 2105 of the Streets and Highways Code is*
4 *amended to read:*

5 2105. ~~In~~ *Notwithstanding Section 13340 of the Government*
6 *Code, in addition to the apportionments prescribed by Sections*
7 *2104, 2106, and 2107, from the revenues derived from a per gallon*
8 *tax imposed pursuant to Section 7360 of the Revenue and Taxation*
9 *Code, and a per gallon tax imposed pursuant to Section 8651 of*
10 *the Revenue and Taxation Code, and a per gallon tax imposed*
11 *pursuant to Sections 60050 and 60115 of the Revenue and Taxation*
12 *Code, the following apportionments shall be made:*

13 (a) A sum equal to 1.035 cents (\$0.01035) per gallon from the
14 tax under Section 7360 of the Revenue and Taxation Code, 11.5
15 percent of any per gallon tax in excess of nine cents (\$0.09) per
16 gallon under Section 8651 of the Revenue and Taxation Code, and
17 1.035 cents (\$0.01035) per gallon from the tax under Sections
18 60050 and 60115 of the Revenue and Taxation Code, shall be
19 apportioned among the counties, including a city and county.

20 The amount of apportionment to each county, including a city
21 and county, during a fiscal year shall be calculated as follows:

22 (1) One million dollars (\$1,000,000) for apportionment to all
23 counties, including a city and county, in proportion to each county's
24 receipts during the prior fiscal year under Sections 2104 and 2106.

25 (2) One million dollars (\$1,000,000) for apportionment to all
26 counties, including a city and county, as follows:

27 (A) Seventy-five percent in the proportion that the number of
28 fee-paid and exempt vehicles which are registered in the county
29 bears to the number of fee-paid and exempt vehicles registered in
30 the state.

31 (B) Twenty-five percent in the proportion that the number of
32 miles of maintained county roads in the county bears to the miles
33 of maintained county roads in the state.

34 (3) For each county, determine its factor which is the higher
35 amount calculated pursuant to paragraph (1) or (2) divided by the
36 sum of the higher amounts for all of the counties.

37 (4) The amount to be apportioned to each county is equal to its
38 factor multiplied by the amount available for apportionment.

39 (b) A sum equal to 1.035 cents (\$0.01035) per gallon from the
40 tax under Section 7360 of the Revenue and Taxation Code, 11.5

1 percent of any per gallon tax in excess of nine cents (\$0.09) per
2 gallon under Section 8651 of the Revenue and Taxation Code, and
3 1.035 cents (\$0.01035) per gallon from the tax under Sections
4 60050 and 60115 of the Revenue and Taxation Code, shall be
5 apportioned to cities, including a city and county, in the proportion
6 that the total population of the city bears to the total population of
7 all the cities in the state.

8 (c) (1) Transfers of revenues from the Highway Users Tax
9 Account to counties or cities pursuant to this section collected
10 during the months of March, April, May, June, and July of 2008,
11 shall be made with the transfer of August 2008 revenues in
12 September of 2008. This suspension shall not apply to a county
13 with a population of less than 40,000.

14 (2) For the purpose of meeting the cash obligations associated
15 with ongoing budgeted costs, a city or county may make use of
16 any cash balance in the city account that is designated for the
17 receipt of state funds allocated for local streets and roads or the
18 county road fund, including that resulting from the receipt of funds
19 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
20 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
21 with Section 8879.20) of Division 1 of Title 2 of the Government
22 Code (hereafter bond act)) for local streets and roads maintenance,
23 during the period of this suspension, without the use of this cash
24 being reflected as an expenditure of bond act funds, provided the
25 cash is replaced once this suspension is repaid in September of
26 2008. Counties and cities may accrue the revenue received in
27 September 2008 as repayment of these suspensions for the months
28 of April, May, and June of 2008 back to the 2007–08 fiscal year.
29 Nothing in this paragraph shall change the fact that expenditures
30 must be accrued and reflected from the appropriate funding sources
31 for which the moneys were received and meet all the requirements
32 of those funding sources.

33 (d) (1) The transfer of revenues from the Highway Users Tax
34 Account to counties or cities pursuant to this section collected
35 during the months of January, February, and March 2009 shall be
36 made with the transfer of April 2009 revenues in May 2009.

37 (2) For the purpose of meeting the cash obligations associated
38 with ongoing budgeted costs, a city or county may make use of
39 any cash balance in the city account that is designated for the
40 receipt of state funds allocated for local streets and roads or the

1 county road fund, including that resulting from the receipt of funds
2 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
3 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
4 with Section 8879.20) of Division 1 of Title 2 of the Government
5 Code (bond act)) for local streets and roads maintenance, during
6 the period of this suspension, and the use of this cash shall not be
7 considered as an expenditure of bond act funds, if the cash is
8 replaced when the payments that are suspended pursuant to this
9 subdivision are repaid in May 2009.

10 (3) This subdivision shall not affect any requirement that an
11 expenditure is required to be accrued and reflected from the
12 appropriate funding source for which the money was received and
13 to meet all the requirements of its funding source.

14 *SEC. 15. Section 2106 of the Streets and Highways Code is*
15 *amended to read:*

16 2106. ~~A~~*Notwithstanding Section 13340 of the Government*
17 *Code, a sum equal to the net revenue derived from one and four*
18 *one-hundredths cent (\$0.0104) per gallon tax under the Motor*
19 *Vehicle Fuel License Tax Law (Part 2 (commencing with Section*
20 *7301) of Division 2 of the Revenue and Taxation Code) shall be*
21 *apportioned monthly from the Highway Users Tax Account in the*
22 *Transportation Tax Fund among the counties and cities as follows:*

23 (a) Four hundred dollars (\$400) per month shall be apportioned
24 to each city and city and county and eight hundred dollars (\$800)
25 per month shall be apportioned to each county and city and county.

26 (b) Commencing on July 31, 2007, and on the last day of each
27 month after that date, the sum of six hundred thousand dollars
28 (\$600,000) per month shall be transferred to the Bicycle
29 Transportation Account in the State Transportation Fund.

30 (c) The balance shall be apportioned, as follows:

31 (1) A base sum shall be computed for each county by using the
32 same proportions of fee-paid and exempt vehicles as are established
33 for purposes of apportionment of funds under subdivision (d) of
34 Section 2104.

35 (2) For each county, the percentage of the total assessed
36 valuation of tangible property subject to local tax levies within the
37 county which is represented by the assessed valuation of tangible
38 property outside the incorporated cities of the county shall be
39 applied to its base sum, and the resulting amount shall be
40 apportioned to the county. The assessed valuation of taxable

1 tangible property, for purposes of this computation, shall be that
2 most recently used for countywide tax levies as reported to the
3 Controller by the State Board of Equalization. If an incorporation
4 or annexation is legally completed following the base sum
5 computation, the new city's assessed valuation shall be deducted
6 from the county's assessed valuation, the estimate of which may
7 be provided by the State Board of Equalization.

8 (3) The difference between the base sum for each county and
9 the amount apportioned to the county shall be apportioned to the
10 cities of that county in the proportion that the population of each
11 city bears to the total population of all the cities in the county.
12 Populations used for determining apportionment of money under
13 Section 2107 are to be used for purposes of this section.

14 (d) (1) Transfers of revenues from the Highway Users Tax
15 Account to counties or cities pursuant to this section collected
16 during the months of March, April, May, June, and July of 2008,
17 shall be made with the transfer of August 2008 revenues in
18 September of 2008. This suspension shall not apply to a county
19 with a population of less than 40,000.

20 (2) For the purpose of meeting the cash obligations associated
21 with ongoing budgeted costs, a city or county may make use of
22 any cash balance in the city account that is designated for the
23 receipt of state funds allocated for local streets and roads or the
24 county road fund, including that resulting from the receipt of funds
25 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
26 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
27 with Section 8879.20) of Division 1 of Title 2 of the Government
28 Code (hereafter bond act)) for local streets and roads maintenance,
29 during the period of this suspension, without the use of this cash
30 being reflected as an expenditure of bond act funds, provided the
31 cash is replaced once this suspension is repaid in September of
32 2008. Counties and cities may accrue the revenue received in
33 September 2008 as repayment of these suspensions for the months
34 of April, May, and June of 2008 back to the 2007–08 fiscal year.
35 Nothing in this paragraph shall change the fact that expenditures
36 must be accrued and reflected from the appropriate funding sources
37 for which the moneys were received and meet all the requirements
38 of those funding sources.

39 (e) (1) The transfer of revenues from the Highway Users Tax
40 Account to counties or cities pursuant to this section collected

1 during the months of January, February, and March 2009, shall be
2 made with the transfer of April 2009 revenues in May 2009.

3 (2) For the purpose of meeting the cash obligations associated
4 with ongoing budgeted costs, a city or county may make use of
5 any cash balance in the city account that is designated for the
6 receipt of state funds allocated for local streets and roads or the
7 county road fund, including that resulting from the receipt of funds
8 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
9 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
10 with Section 8879.20) of Division 1 of Title 2 of the Government
11 Code (bond act)) for local streets and roads maintenance, during
12 the period of this suspension, and the use of this cash shall not be
13 considered as an expenditure of bond act funds, if the cash is
14 replaced when the payments that are suspended pursuant to this
15 subdivision are repaid in May 2009.

16 (3) This subdivision shall not affect any requirement that an
17 expenditure is required to be accrued and reflected from the
18 appropriate funding source for which the money was received and
19 to meet all the requirements of its funding source.

20 *SEC. 16. Section 2107 of the Streets and Highways Code is*
21 *amended to read:*

22 2107. (a) ~~A~~ *Notwithstanding Section 13340 of the Government*
23 *Code, a sum equal to the net revenues derived from a per gallon*
24 *tax of 1.315 cents (\$0.01315) under the Motor Vehicle Fuel License*
25 *Tax Law (Part 2 (commencing with Section 7301) of Division 2),*
26 *2.59 cents (\$0.0259) under the Use Fuel Tax Law (Part 3*
27 *(commencing with Section 8601) of Division 2), and 1.80 cents*
28 *(\$0.0180) under the Diesel Fuel Tax Law (Part 31 (commencing*
29 *with Section 60001) of Division 2) of the Revenue and Taxation*
30 *Code, shall be apportioned monthly to the cities and cities and*
31 *counties of this state from the Highway Users Tax Account in the*
32 *Transportation Tax Fund as provided in this section.*

33 (b) From the sum determined pursuant to subdivision (a), the
34 Controller shall allocate annually to each city that has filed a report
35 containing the information prescribed by subdivision (c) of Section
36 2152, and that had expenditures in excess of five thousand dollars
37 (\$5,000) during the preceding fiscal year for snow removal, an
38 amount equal to one-half of the amount of its expenditures for
39 snow removal in excess of five thousand dollars (\$5,000) during
40 that fiscal year.

1 (c) The balance of the sum determined pursuant to subdivision
2 (a) from the Highway Users Tax Account shall be allocated to
3 each city, including city and county, in the proportion that the total
4 population of the city bears to the total population of all the cities
5 in this state.

6 (d) (1) For the purpose of this section, except as otherwise
7 provided in paragraph (2), the population in each city is the
8 population determined for that city in the manner specified in
9 Section 11005.3 of the Revenue and Taxation Code.

10 (2) Commencing with the ninth fiscal year of a city described
11 in subdivision (a) of Section 11005.3 of the Revenue and Taxation
12 Code, the sixth fiscal year of a city described in subdivision (b) of
13 Section 11005.3 of the Revenue and Taxation Code, and the 61st
14 month of the city described in subdivision (c) of Section 11005.3
15 of the Revenue and Taxation Code, the population in each city is
16 the actual population of that city, as defined in subdivision (e) of
17 Section 11005.3 of the Revenue and Taxation Code.

18 (e) (1) Transfers of revenues from the Highway Users Tax
19 Account to cities pursuant to this section collected during the
20 months of March, April, May, June, and July of 2008, shall be
21 made with the transfer of August 2008 revenues in September of
22 2008.

23 (2) For the purpose of meeting the cash obligations associated
24 with ongoing budgeted costs, a city may make use of any cash
25 balance in the city account that is designated for the receipt of state
26 funds allocated for local streets and roads, including that resulting
27 from the receipt of funds pursuant to the Highway Safety, Traffic
28 Reduction, Air Quality, and Port Security Bond Act of 2006
29 (Chapter 12.49 (commencing with Section 8879.20) of Division
30 1 of Title 2 of the Government Code (hereafter bond act)) for local
31 streets and roads maintenance, during the period of this suspension,
32 without the use of this cash being reflected as an expenditure of
33 bond act funds, provided the cash is replaced once this suspension
34 is repaid in September of 2008. Cities may accrue the revenue
35 received in September 2008 as repayment of these suspensions for
36 the months of April, May, and June of 2008 back to the 2007–08
37 fiscal year. Nothing in this paragraph shall change the fact that
38 expenditures must be accrued and reflected from the appropriate
39 funding sources for which the moneys were received and meet all
40 the requirements of those funding sources.

1 (f) (1) A transfer of revenues from the Highway Users Tax
2 Account to cities pursuant to this section collected during the
3 months of January, February, and March 2009, shall be made with
4 the transfer of April 2009 revenues in May 2009.

5 (2) For the purpose of meeting the cash obligations associated
6 with ongoing budgeted costs, a city may make use of any cash
7 balance in the city account that is designated for the receipt of state
8 funds allocated for local streets and roads, including that resulting
9 from the receipt of funds pursuant to the Highway Safety, Traffic
10 Reduction, Air Quality, and Port Security Bond Act of 2006
11 (Chapter 12.49 (commencing with Section 8879.20) of Division
12 1 of Title 2 of the Government Code (bond act)) for local streets
13 and roads maintenance, during the period of this suspension, and
14 the use of this cash shall not be reflected as an expenditure of bond
15 act funds, if the cash is replaced once this suspension is repaid in
16 May 2009.

17 (3) This subdivision shall not affect any requirement that an
18 expenditure is required to be accrued and reflected from the
19 appropriate funding sources for which the moneys were received
20 and to meet all the requirements of those funding sources.

21 *SEC. 17. Section 2107.5 of the Streets and Highways Code is*
22 *amended to read:*

23 2107.5. ~~In~~ *Notwithstanding Section 13340 of the Government*
24 *Code, in addition to the amounts apportioned to cities from the*
25 *Highway Users Tax Fund under Sections 2106 and 2107, the*
26 *following amounts shall be allocated annually during the month*
27 *of July of each fiscal year for expenditure exclusively for*
28 *engineering costs and administrative expenses in respect to city*
29 *streets:*

30		
31	(a) For each city with a population of over 500,000	
32	inhabitants.....	\$20,000
33	(b) For each city with a population of 100,000 to	
34	500,000 inhabitants.....	10,000
35	(c) For each city with a population of 50,000 to 99,999	
36	inhabitants.....	7,500
37	(d) For each city with a population of 25,000 to 49,999	
38	inhabitants.....	6,000
39	(e) For each city with a population of 20,000 to 24,999	
40	inhabitants.....	5,000

1	(f) For each city with a population of 15,000 to 19,999	
2	inhabitants.....	4,000
3	(g) For each city with a population of 10,000 to 14,999	
4	inhabitants.....	3,000
5	(h) For each city with a population of 5,000 to 9,999	
6	inhabitants.....	2,000
7	(i) For each city with a population of less than 5,000	
8	inhabitants.....	1,000
9		

10 For the purpose of this section the population in each city shall
 11 be determined in accordance with Sections 2107, 2107.1, and
 12 2107.2 at the time of allocation. Any city incorporated after the
 13 first day of July of any year shall receive the full annual allocation
 14 prescribed in this section, such allocation to be made during the
 15 month succeeding the filing or certification of the incorporation
 16 by the Secretary of State.

17 Any city under subdivision (h) or (i) above may expend the
 18 moneys allocated to it hereunder for acquisition of rights-of-way
 19 for and construction of its street system.

20 Transfers of revenues from the Highway Users Tax Account to
 21 cities pursuant to this section that are to be allocated during the
 22 month of July 2008, shall be made in September of 2008.

23 For the purpose of meeting the cash obligations associated with
 24 ongoing budgeted costs, a city may make use of any cash balance
 25 in the city account that is designated for the receipt of state funds
 26 allocated for local streets and roads, including that resulting from
 27 the receipt of funds pursuant to the Highway Safety, Traffic
 28 Reduction, Air Quality, and Port Security Bond Act of 2006
 29 (Chapter 12.49 (commencing with Section 8879.20) of Division
 30 1 of Title 2 of the Government Code (hereafter bond act)) for local
 31 streets and roads maintenance, during the period of this suspension,
 32 without the use of this cash being reflected as an expenditure of
 33 bond act funds, provided the cash is replaced once this suspension
 34 is repaid in September of 2008. Nothing in this paragraph shall
 35 change the fact that expenditures must be accrued and reflected
 36 from the appropriate funding sources for which the moneys were
 37 received and meet all the requirements of those funding sources.

38 *SEC. 18. Section 2107.6 of the Streets and Highways Code is*
 39 *amended to read:*

1 2107.6. ~~The~~ *Notwithstanding Section 13340 of the Government*
2 *Code, the* Controller shall deduct annually, from the amount
3 apportioned pursuant to Section 2107, the amount identified as
4 applicable to cities in the report submitted in the preceding fiscal
5 year pursuant to Section 191, and shall transfer the amount to the
6 State Highway Account. *The transferred amount shall be subject*
7 *to appropriation pursuant to Section 183 for expenditure in*
8 *accordance with Section 163.*

9 *SEC. 19. Section 2108 of the Streets and Highways Code is*
10 *amended to read:*

11 2108. ~~The~~ *Notwithstanding Section 13340 of the Government*
12 *Code, the* balance of the money in the Highway Users Tax Account
13 in the Transportation Tax Fund, after making the apportionments
14 or appropriations, as the case may be, pursuant to Sections 2104
15 to 2107.7, inclusive, shall be transferred to the State Highway
16 Account in the State Transportation Fund *and shall be subject to*
17 *appropriation pursuant to Section 183 for expenditure in*
18 *accordance with Section 163.*

19 *SEC. 20. Section 2110 of the Streets and Highways Code is*
20 *amended to read:*

21 2110. (a) ~~The~~ *Notwithstanding Section 13340 of the*
22 *Government Code, the* moneys payable to the counties under
23 subdivision (b) of Section 2104 shall be apportioned monthly
24 among the several counties as follows:

25 (1) A sum equal to the total of all reimbursable snow removal
26 costs filed pursuant to subdivision (d) of Section 2152, or seven
27 million dollars (\$7,000,000), whichever is less, shall be apportioned
28 in 12 approximately equal monthly apportionments for snow
29 removal or snow grooming, or both, on county roads as follows:

30 (2) If the total is less than seven million dollars (\$7,000,000),
31 the full amount of reimbursable snow removal or snow grooming,
32 or both, costs shall be apportioned to the several counties in an
33 amount equal to that computed pursuant to the report filed by each
34 county pursuant to subdivision (d) of Section 2152.

35 (3) If the total is seven million dollars (\$7,000,000) or more for
36 the fiscal year, the Controller shall compute percentages for the
37 apportionment of seven million dollars (\$7,000,000) to the several
38 counties in the state for snow removal or snow grooming, or both,
39 on county roads, including the purchase of snow removal
40 equipment therefor, and shall apportion the amount to the counties

1 in the computed percentages. The percentage each county is to be
 2 apportioned during the fiscal year shall be derived by adding its
 3 reimbursable snow removal or snow grooming, or both,
 4 expenditures for the three preceding fiscal years as to which the
 5 Controller has received snow removal or snow grooming, or both,
 6 expenditure reports pursuant to Section 2152, and dividing the
 7 sum by the total amount of reimbursable snow removal or snow
 8 grooming, or both, expenditures by all counties in the state during
 9 those fiscal years.

10 (b) On or before the first day of March of each year, the
 11 Controller shall notify each county of the amount apportioned to
 12 it pursuant to this section for expenditure for snow removal or
 13 snow grooming, or both, on county roads during the following
 14 fiscal year.

15 *SEC. 21. Section 2110.5 of the Streets and Highways Code is*
 16 *amended to read:*

17 2110.5. ~~The~~ *Notwithstanding Section 13340 of the Government*
 18 *Code, the money payable to the counties under subdivision (c) of*
 19 *Section 2104 shall be apportioned monthly for heavy rainfall and*
 20 *storm damage on county roads to the following counties in the*
 21 *named percentages:*

22		
23	Alameda.....	2.629
24	Amador.....	.135
25	Butte.....	.161
26	Colusa.....	.339
27	Contra Costa.....	10.575
28	Del Norte.....	.251
29	Fresno.....	.639
30	Humboldt.....	4.935
31	Los Angeles.....	9.913
32	Marin.....	3.781
33	Mendocino.....	2.084
34	Monterey.....	3.701
35	Napa.....	1.950
36	Nevada.....	.718
37	Orange.....	.051
38	Placer.....	.085
39	Plumas.....	.897
40	Riverside.....	1.185

1	San Benito.....	1.070
2	San Bernardino.....	2.609
3	San Francisco.....	1.016
4	San Diego.....	2.760
5	San Luis Obispo.....	5.782
6	Santa Barbara.....	7.661
7	Santa Cruz.....	12.162
8	Sierra.....	.333
9	Siskiyou.....	.814
10	Sonoma.....	10.238
11	Trinity.....	2.137
12	Ventura.....	8.543
13	Yuba.....	.846

14

15 *SEC. 22. The sum of one thousand dollars (\$1,000) is hereby*
16 *appropriated to the Controller from the General Fund for*
17 *administrative costs associated with this act.*

18 *SEC. 23. This act is a bill providing for appropriations related*
19 *to the Budget Bill within the meaning of subdivision (e) of Section*
20 *12 of Article IV of the California Constitution, has been identified*
21 *as related to the budget in the Budget Bill, and shall take effect*
22 *immediately.*

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<p>All matter omitted in this version of the bill appears in the bill as amended in the Assembly, June 28, 2011. (JR11)</p>
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