

AMENDED IN ASSEMBLY APRIL 2, 2013

AMENDED IN ASSEMBLY MARCH 5, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 431

Introduced by Assembly Member Mullin

February 15, 2013

An act to add Chapter 2.55 (commencing with Section 65087) to Division 1 of Title 7 of the Government Code, relating to regional planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 431, as amended, Mullin. Regional transportation plan: sustainable communities strategy: funding.

Existing law requires certain transportation planning activities by designated transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated by federal law as metropolitan planning organizations ~~to adopt~~. Existing law requires metropolitan planning organizations *to adopt*, as part of the regional transportation plan in urban areas, a sustainable communities strategy, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region.

Existing law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy a transactions and use tax for specified purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law,

including a requirement that the combined rate of all taxes that may be imposed under that law in the county may not exceed 2%.

This bill would authorize a transportation planning agency that is designated as a metropolitan planning organization to impose a transactions and use tax ~~within all or a specified portion of its jurisdiction upon approval of an ordinance and subject to voter approval~~ tax, *as specified, at a rate of no more than 0.5% even if the combined rate of this tax and other specified taxes imposed in the county, exceeds, if certain requirements are met.* The bill would require the ordinance to contain an expenditure plan, with not less than 25% of available net revenues to be spent on each of the 3 categories of transportation, affordable housing, and parks and open space, in conformity with the sustainable communities strategy, with the remaining net available revenues to be spent for purposes determined by the transportation planning agency to help attain the goals of the sustainable communities strategy.

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

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

1 SECTION 1. Chapter 2.55 (commencing with Section 65087)
2 is added to Division 1 of Title 7 of the Government Code, to read:

3
4 CHAPTER 2.55. SUSTAINABLE COMMUNITIES STRATEGY
5 TRANSACTIONS AND USE TAX
6

7 65087. (a) (1) A transportation planning agency that is
8 designated as a metropolitan planning organization pursuant to
9 Section 134 of Title 23 of the United States Code may, subject to
10 approval of an ordinance pursuant to Section 65087.1 and voter
11 approval pursuant to Section 65087.2, impose a transactions and
12 use tax within all or a portion of its jurisdiction for the purpose of
13 achieving the goals of the sustainable communities strategy
14 required pursuant to paragraph (2) of subdivision (b) of Section
15 65080 *at a rate of no more than 0.5 percent.*

16 (2) *Notwithstanding any other law, this transactions and use*
17 *tax may be imposed even if the combined rate of this tax and all*
18 *taxes imposed in accordance with Part 1.6 (commencing with*

1 *Section 7251) of the Revenue and Taxation Code, exceed the limit*
2 *established in Section 7251.1 of the Revenue and Taxation Code*

3 (b) A transportation planning agency that includes territory of
4 more than one county, or portions of a county, may elect to exclude
5 one or more counties from the transactions and use tax ordinance.

6 (c) As part of the ordinance under Section 65087.1, the
7 transportation planning agency shall adopt an expenditure plan for
8 the net revenues to be generated by the transactions and use tax.

9 The expenditure plan shall include funding for transportation,
10 affordable housing, and parks and open space in conformity with
11 the sustainable communities strategy for the region and its
12 priorities. Not less than 25 percent of available net revenues shall
13 be allocated under the expenditure plan to each of these three
14 categories. Available net revenues not used for these purposes
15 shall be available for purposes determined by the transportation
16 planning agency to assist in attaining the goals of the sustainable
17 communities strategy adopted for the region.

18 65087.1. To impose the transactions and use tax authorized
19 under this chapter, ~~both~~ *all* of the following shall be required:

20 (a) An ordinance proposing the tax and the expenditure plan
21 and submitting the tax and expenditure plan to the voters for
22 approval shall be approved by a majority of the governing board
23 of the transportation planning agency.

24 (b) The voters within the jurisdiction of the transportation
25 planning agency, or a portion of that jurisdiction pursuant to
26 subdivision (b) of Section 65087, approve the ballot measure
27 pursuant to Section 65087.2. For purposes of voter approval, the
28 ordinance will be approved if the requisite number of voters from
29 all areas cumulatively voting on the measure approve the ordinance
30 *in accordance with Article XIII C of the California Constitution.*

31 (c) *With the exception of Section 7251.1 of the Revenue and*
32 *Taxation Code, the transaction and use tax is levied in accordance*
33 *with the Transaction and Use Tax Law (Part 1.6 (commencing*
34 *with Section 7251) of the Revenue and Tax Code).*

35 65087.2. The transportation planning agency may call a special
36 election for the purposes of submitting the ordinance containing
37 the tax and the expenditure plan to the voters within the jurisdiction
38 of the transportation planning agency, or a portion of that
39 jurisdiction pursuant to subdivision (b) of Section 65087. The

- 1 election shall be consolidated with a statewide primary or general
- 2 election specified by the transportation planning agency.

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