

**ASSEMBLY BILL**

**No. 2242**

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**Introduced by Assembly Member Perea**

February 21, 2014

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An act to amend Section 40612 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2242, as introduced, Perea. San Joaquin Valley Clean Air Attainment Program.

Existing law establishes the San Joaquin Valley Clean Air Attainment Program for the purpose of the San Joaquin Valley achieving state and federal ambient air quality standards by the earliest practicable date. The program authorizes, in order to provide funding for air pollution control programs, the air pollution control district for that area to increase specified motor vehicle fees and adopt rules and regulations to reduce vehicle trips in order to reduce air pollution from vehicular sources.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

1 SECTION 1. Section 40612 of the Health and Safety Code is  
2 amended to read:

1 40612. (a) ~~In order to~~ *To* provide funding for air pollution  
2 control programs needed to achieve and maintain state and federal  
3 air quality, the district may do both of the following:

4 (1) Notwithstanding the limits on the amount of the motor  
5 vehicle fee specified in Sections 44223 and 44225, increase the  
6 fee established pursuant to these sections to up to, but not  
7 exceeding, thirty dollars (\$30) per motor vehicle per year for the  
8 purposes of establishing and implementing incentive-based  
9 programs to achieve surplus emissions reductions that the district  
10 determines are needed to remediate air pollution harms created by  
11 motor vehicles on which the fee is imposed and that are intended  
12 to achieve and maintain state and federal ambient air quality  
13 standards required by the federal Clean Air Act (42 U.S.C. Sec.  
14 7401 et seq.). Except for the amount of the fee, any increase shall  
15 be subject to Chapter 7 (commencing with Section 44220) of Part  
16 5, including, but not limited to, the adoption of a resolution  
17 providing for both the fee increase and a corresponding program  
18 for expenditure of the moneys raised by the increased fees for the  
19 reduction of mobile source emissions.

20 (2) Notwithstanding Section 40717.9, adopt rules and regulations  
21 to reduce vehicle trips in order to reduce air pollution from  
22 vehicular sources.

23 (b) Fees adopted pursuant to this section are in addition to any  
24 other fees imposed by the district, and may be charged in any of  
25 fiscal years 2009–10 to 2023–24, inclusive. Fees may be assessed  
26 after the 2012–13 fiscal year only if the United States  
27 Environmental Protection Agency approves the district’s proposed  
28 reclassification of its nonattainment status for ozone from severe  
29 to extreme. The fees adopted pursuant to this section are for the  
30 district portion of the total amount needed to achieve and maintain  
31 state and federal ambient air quality standards. At least ten million  
32 dollars (\$10,000,000) shall be used to mitigate the impacts of air  
33 pollution on public health and the environment in  
34 disproportionately impacted environmental justice communities  
35 in the San Joaquin Valley. The district board shall convene an  
36 environmental justice advisory committee, selected from a list  
37 given to the board by environmental justice groups from the San  
38 Joaquin Valley, to recommend the neighborhoods in the district  
39 that constitute environmental justice communities, and how to  
40 expend funds within these communities.

1 (c) (1) The fees adopted pursuant to this section shall become  
2 effective after the state board makes both of the following findings:

3 (A) The district has undertaken all feasible measures to reduce  
4 nonattainment air pollutants from sources within the district's  
5 jurisdiction and regulatory control.

6 (B) The district has notified the state board that fees have been  
7 adopted pursuant to this section and provided the state board with  
8 an estimate of the total funds that will be provided annually by  
9 each of those fees.

10 (2) The state board shall file a written copy of its findings made  
11 pursuant to this subdivision with the Secretary of State within two  
12 days of its determination.

13 (3) The fees adopted pursuant to this section shall be collected  
14 nine months after the requirements of paragraph (2) are met.

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