

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Escutia

February 6, 1995

An act to amend Section 44243 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as introduced, Escutia. Air pollution: vehicles: south coast district.

(1) Existing law authorizes the South Coast Air Quality Management District to levy a specified fee on the registration of motor vehicles, and requires the fee revenues to be collected by the Department of Motor Vehicles and, after deduction of the department's administrative costs, to be subvented to the south coast district and used by the south coast district or distributed to cities and counties located in the south coast district to reduce air pollution from motor vehicles and for related matters, as specified.

This bill would require a specified portion of those revenues that are to be used by the south coast district to also be used to provide technical assistance to cities receiving revenues from the south coast district. The bill would impose a state-mandated local program by imposing new duties on the south coast district.

(2) 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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 44243 of the Health and Safety
2 Code is amended to read:

3 44243. Fee revenues generated under this chapter in
4 the south coast district shall be subvned to the south
5 coast district by the Department of Motor Vehicles, after
6 deducting its administrative costs pursuant to Section
7 44229, for expenditure in the following manner:

8 (a) (1) Thirty cents (\$0.30) of every dollar subvned
9 shall be used by the south coast district for programs to
10 reduce air pollution from motor vehicles and to carry out
11 related planning, monitoring, enforcement, and
12 technical studies which are authorized by, or necessary to
13 implement, the Clean Air Act Amendments of 1990 (P.L.
14 101-549), the California Clean Air Act of 1988, or the plan
15 prepared pursuant to Article 5 (commencing with
16 Section 40460) of Chapter 5.5 of Part 3.

17 (2) *Funds allocated pursuant to paragraph (1) shall*
18 *also be used to provide technical assistance to cities*
19 *receiving funds pursuant to subdivision (b). That*
20 *technical assistance shall include, but not be limited to,*
21 *workshops and direct assistance to individual cities on*
22 *how to develop and implement programs to reduce air*
23 *pollution from motor vehicles.*

24 (b) (1) Forty cents (\$0.40) of every dollar subvned
25 shall be distributed by the district to cities and counties
26 located in the south coast district, based upon their
27 prorated share of population, to be used to implement
28 programs to reduce air pollution from motor vehicles
29 which are authorized by, or necessary to implement, the
30 Clean Air Act Amendments of 1990, the California Clean
31 Air Act of 1988, or the plan prepared pursuant to Article
32 5 (commencing with Section 40460) of Chapter 5.5 of Part
33 3. No city or county may receive funds pursuant to this



1 subdivision unless, on or before April 1, 1992, or, for a
2 newly incorporated city, within 90 days of the date of
3 incorporation, the city or county has adopted and
4 transmitted to the south coast district an ordinance which
5 does all of the following:

6 (A) Expresses support for the adoption of motor
7 vehicle registration fees to be used to reduce air pollution
8 from motor vehicles pursuant to the Clean Air Act
9 Amendments of 1990, the California Clean Air Act of 1988,
10 or the plan prepared pursuant to Article 5 (commencing
11 with Section 40460) of Chapter 5.5 of Part 3.

12 (B) Expressly requires all fee revenues distributed to
13 the city or county pursuant to this subdivision or
14 subdivision (c) to be spent to reduce air pollution from
15 motor vehicles pursuant to the Clean Air Act
16 Amendments of 1990, the California Clean Air Act of 1988,
17 or the plan prepared pursuant to Article 5 (commencing
18 with Section 40460) of Chapter 5.5 of Part 3.

19 (C) Establishes an air quality improvement trust fund
20 into which all fee revenues distributed to the city or
21 county shall be deposited, and out of which expenditures
22 shall be made to reduce air pollution from motor vehicles
23 pursuant to the Clean Air Act Amendments of 1990, the
24 California Clean Air Act of 1988, or the plan prepared
25 pursuant to Article 5 (commencing with Section 40460)
26 of Chapter 5.5 of Part 3.

27 (2) If a city or county fails to adopt an ordinance
28 pursuant to this subdivision, the fee revenues which
29 would be distributed to that city or county shall instead
30 be distributed to the other cities and counties within the
31 south coast district which have adopted an ordinance
32 pursuant to this subdivision, based upon their prorated
33 share of registered motor vehicles.

34 (c) Thirty cents (\$0.30) of every dollar subvented shall
35 be deposited by the district in an account to be used,
36 pursuant to Section 44244, to provide grants to fund
37 projects for the exclusive purpose of reducing air
38 pollution from motor vehicles that are authorized by, or
39 necessary to implement, the Clean Air Act Amendments
40 of 1990, the California Clean Air Act of 1988, or the plan



1 prepared pursuant to Article 5 (commencing with
2 Section 40460) of Chapter 5.5 of Part 3.

3 SEC. 2. No reimbursement is required by this act
4 pursuant to Section 6 of Article XIII B of the California
5 Constitution because a local agency or school district has
6 the authority to levy service charges, fees, or assessments
7 sufficient to pay for the program or level of service
8 mandated by this act, within the meaning of Section 17556
9 of the Government Code.

10 Notwithstanding Section 17580 of the Government
11 Code, unless otherwise specified, the provisions of this act
12 shall become operative on the same date that the act
13 takes effect pursuant to the California Constitution.

