

ASSEMBLY BILL

No. 1277

Introduced by Assembly Member Evans

February 22, 2005

An act to amend Sections 183 and 2101 of, and to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1277, as introduced, Evans. Highway Users Tax Account: State Highway Account: appropriation of funds.

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

above-described transportation purposes, but also generally provides that the money in the State Highway Account may not be expended until appropriated by the Legislature.

This bill would, notwithstanding any other provision of law, provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund and in the State Highway Account in the State Transportation Fund are continuously appropriated and may be encumbered in any year in which a Budget Act has not been enacted by July 1 for the fiscal year beginning on July 1. The bill would thereby make an appropriation. The bill would authorize the Controller to make estimates in order to implement these provisions.

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

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

1 SECTION 1. Section 183 of the Streets and Highways Code
2 is amended to read:

3 183. (a) All money in the State Highway Account in the State
4 Transportation Fund derived from federal sources or from
5 appropriations to other state agencies, or deposited in the account
6 by local agencies or by others, is continuously appropriated to,
7 and shall be available for expenditure by, the department for the
8 purposes for which the money was made available.

9 Unless otherwise expressly provided for by law, none of the
10 balance of the money in the State Highway Account shall be
11 expended until it has been specifically appropriated by the
12 Legislature or made available pursuant to Section 13322 of the
13 Government Code.

14 The Budget Act appropriations shall be made on a program
15 basis only and shall not identify the specific capital outlay
16 projects to be funded. The commission shall be responsible for
17 allocating the funds to specific projects within the budget
18 program categories, except that all funds described in Chapter 5
19 (commencing with Section 2200) of Division 3 shall be allocated
20 on a program basis to the department for allocation pursuant to
21 that chapter.

22 (b) Notwithstanding subdivision (a), commencing with the
23 1985–86 Budget, the department shall submit with its budget
24 requests a detailed description of the acquisition, improvement,

1 and construction of office building projects to the Legislature for
 2 review. The total amount appropriated for those projects shall be
 3 identified as a separate line item in the Budget Act. Funds
 4 appropriated for those projects shall be allocated by the
 5 commission only for projects which have been approved by the
 6 Legislature. Minor projects are to be defined consistent with
 7 Section 167. The commission may substitute for approved minor
 8 projects, if the total sum of minor projects is within the amount
 9 approved by the Legislature.

10 (c) Notwithstanding any other provision of law, the
 11 Department of Finance may establish the accounting and
 12 reporting system used to determine the expenditures, cash needs,
 13 and balance of the State Highway Account.

14 (d) *Notwithstanding subdivision (a), Section 13340 of the*
 15 *Government Code, or any other provision of law, in any year in*
 16 *which a Budget Act has not been enacted by July 1 for the fiscal*
 17 *year beginning on July 1, all moneys in the State Highway*
 18 *Account that are otherwise subject to appropriation pursuant to*
 19 *subdivision (a) are hereby continuously appropriated and may be*
 20 *encumbered for the purposes specified in this chapter.*

21 SEC. 2. The heading of Chapter 3 (commencing with Section
 22 2100) of Division 3 of the Streets and Highways Code is
 23 amended to read:

24
 25 CHAPTER 3. HIGHWAY USERS TAX ~~FUND~~ ACCOUNT
 26

27 SEC. 3. Section 2101 of the Streets and Highways Code is
 28 amended to read:

29 2101. (a) All moneys in the Highway Users Tax Account in
 30 the Transportation Tax Fund and hereafter received in the
 31 account are appropriated for all of the following:

32 (a)
 33 (1) The research, planning, construction, improvement,
 34 maintenance, and operation of public streets and highways (and
 35 their related public facilities for nonmotorized traffic), including
 36 the mitigation of their environmental effects, the payment for
 37 property taken or damaged for such purposes, and the
 38 administrative costs necessarily incurred in the foregoing
 39 purposes.

40 (b)

1 (2) The research and planning for exclusive public mass transit
2 guideways (and their related fixed facilities), the payment for
3 property taken or damaged for such purposes, and the
4 administrative costs necessarily incurred in the foregoing
5 purposes.

6 ~~(e)~~

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

19 ~~(d)~~

20 (4) The payment of principal and interest on voter-approved
21 bonds issued for the purposes specified in ~~subdivision (e)~~
22 *paragraph (3)*.

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