May 28, 2009
Agenda Item 6.4.6

BILL NUMBER: SB 406 AMENDED
BILL TEXT

AMENDED IN SENATE APRIL 13, 2009

INTRODUCED BY Senator DeSaulnier

FEBRUARY 26, 2009

An act to amend Section 65040.6 of, and to add ~~and repeal~~ Section 65083 ~~of~~ *to* , the Government Code, to amend Section 75125 of the Public Resources Code, and to add ~~and repeal~~ Section 9250.6 ~~of~~ *to* the Vehicle Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 406, as amended, DeSaulnier. Land use: environmental quality.

The Planning and Zoning Law establishes the Planning Advisory and Assistance Council in the Office of Planning and Research, and prescribes the membership and duties of the council. Existing law authorizes the Department of Motor Vehicles to collect a surcharge imposed on vehicle registration fees by ordinance or resolution of a local entity.

This bill would change the designated membership, as specified, of the Planning Advisory and Assistance Council and would require that the council work with the Strategic Growth Council *, regional agencies, and cities and counties to facilitate the implementation of regional blueprint projects* , as specified. The bill would also require the council to report to the Legislature on specified regional performance measures and on the manner in which state agencies are implementing the 5-year infrastructure plan *, as specified* . The bill would authorize a municipal planning organization *, as defined,* ~~or~~ *a* council of governments *, as defined, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy* to adopt a resolution to impose a *surcharge of up to* $2 ~~motor vehicle registration surcharge~~ on *motor* vehicles registered *to an owner with an address* in the entity's *or entities'* jurisdiction that would be collected by the Department of Motor Vehicles and, after deducting its administrative costs, would be transmitted to the entity *or entities* imposing the surcharge. The bill would require that the surcharge revenue be expended to develop and implement a regional blueprint plan and would specify that 5% of the surcharge revenue be transmitted to the council for performance of its functions. The bill would provide that the council is to perform specified new functions only when the council has received sufficient revenue from this source.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares the following:

(1) Uncoordinated and unplanned growth together with a lack of

common goals to effect the public's interest in the conservation and wise use of our lands ~~,~~ pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.

(2) The enactment of Senate Bill 375 of the 2007-08 Regular Session (Chapter 728 of the Statutes of 2008) and the establishment of requirements for regional transportation plans to address greenhouse gases can only be successfully implemented if regional and local governments have the tools they need to collaboratively plan for the type of growth that can achieve these goals, and if that collaborative planning is coordinated with the efforts of the Governor's Strategic Growth Council and other state agencies as required by the enactment of Senate Bill 732 of the 2007-08 Regular Session (Chapter 729 of the Statutes of 2008).

~~(2)~~

(3) Therefore, it is in the public interest that state residents, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive, sustainable land use planning.

(b) It is the intent of the Legislature to update the duties and composition of the Planning Advisory and Assistance Council to assist in the state's land use planning processes by providing funding to support the development and implementation for regional blueprints and related planning and to work with state agencies providing funding for resource protection and local infrastructure to facilitate coordination between state planning and funding decisions and regional blueprints.

SEC. 2. Section 65040.6 of the Government Code is amended to read:

65040.6. (a) The Planning Advisory and Assistance Council is hereby created within the office, the membership of which shall be as follows: three city representatives; three county representatives; seven representatives of regional planning organizations; one member of the State Air Resources Board; *one member of the California Transportation Commission;* one member of the State Energy Resource Conservation and Development Commission; one member appointed by *the* Speaker of Assembly; one member appointed by the Senate Committee on Rules; and one representative of Indian tribes and bands which have reservations or rancherias within California. The city and county representatives appointed pursuant to this subdivision shall be selected by the director from nominees submitted by the League of California Cities and by the California State Association of Counties. Representatives of regional planning organizations appointed pursuant to this subdivision shall be selected by the director from nominees submitted by the regional planning organizations set forth in paragraphs (1) to (5), inclusive, of subdivision (b) and from nominees submitted by the California Association of Councils of Governments for the representatives of organizations set forth in paragraphs (6) and (7) of subdivision (b). The representative of Indian tribes and bands shall be a member of one tribe or band, and shall be selected by the director.

Appointment to the advisory council shall be for a term of two years, provided that the members of the first council shall classify themselves by lot so that one-half shall serve an initial term of one year and one-half shall serve an initial term of two years. Vacancies shall be filled in the same manner provided for the original appointment.

(b) Seven of the council's members shall be from the governing body of each of the following:

(1) The Southern California Association of Governments.

(2) The Metropolitan Transportation Commission or the Association of Bay Area Governments. The person appointed to the council pursuant to this paragraph shall be a member of the governing body for both the Metropolitan Transportation Commission and the Association of Bay Area Governments.

(3) The San Diego Association of Governments.

(4) The Sacramento Area Council of Governments.

(5) The San Joaquin Valley Regional Policy Council.

(6) A metropolitan planning organization ~~of~~ *or* council of governments that is not identified in paragraphs (1) to (5), inclusive.

(7) A regional transportation planning agency, as defined in Section 65080, that is neither a metropolitan planning organization nor a council of governments.

(c) The council shall provide such advice as may be necessary to assist the office in discharging the requirements of Sections 65040 to 65040.4, inclusive. In particular, the council shall:

(1) Assist the office in the preparation of the state long-range goals and policies, in the manner specified in subdivision (a) of Section 65040.

(2) Evaluate the planning functions of the various state agencies involved in planning, in the manner specified in subdivision (c) of Section 65040.

(3) Make appropriate decisions and provide such advice and assistance as may be required by federal statute or regulation in connection with any federal program administered by the office.

(4) Work with the Strategic Growth Council, created pursuant to Section 75121 of the Public Resources Code, regional agencies, such as metropolitan planning organizations or councils of governments, and with cities and counties to facilitate the implementation of regional blueprint projects.

(5) Develop recommendations to the Strategic Growth Council, created pursuant to Section 75121 of the Public Resources Code, ~~to the Department of General Services, to the State Allocation Board, to the Department of Housing and Community Development, to the California Transportation Commission, to~~ *the Department of General Services, the State Allocation Board, the Department of Housing and Community Development, the California Transportation Commission,* the California Housing and Finance Agency, and ~~to any other state agencies to facilitate the~~ *any other state agencies in order to facilitate* coordination between regional blueprint plans and state growth and infrastructure funding plans.

(6) Receive reports, including, but not limited to, a copy of the five-year infrastructure plan described in Section 13102.

(7) Report to the Legislature, in consultation and coordination with the Strategic Growth Council, created pursuant to Section 75121 of the Public Resources Code, on the manner in which state agencies are implementing the requirements of Chapter 1016 of the Statutes of 2002.

(8) Report to the Legislature on regional performance measures, evaluating the progress of each region of the state in improving results for its residents in employment, environmental protection, education, housing, mobility, and other criteria as determined by the council. The council shall provide the Legislature with updates to the report periodically, as the council determines is required.

(d) The council shall meet on call of the director of the office, who shall convene at least two council meetings during each year.

(e) Council members shall serve without compensation, but they may be reimbursed for actual expenses incurred in connection with their duties.

(f) The council shall begin to perform the functions and other duties set forth in paragraphs (4) to (8), inclusive, of subdivision (c) when sufficient funding, as determined by the council, exists from the revenue transmitted to it by ~~the metropolitan planning organization or council of governments~~ *metropolitan planning organizations, councils of governments, or county transportation commissions and subregional councils of governments jointly preparing subregional sustainable communities strategies* pursuant to subdivision (b) of Section 65083.

SEC. 3. Section 65083 is added to the Government Code, to read:

65083. (a) A metropolitan planning organization, as defined in Section 134 of Title 23 of the United States Code, ~~or~~ a council of governments, as defined in Section 65582, *or a county transportation commission and a subregional council of governments jointly preparing a subregio nal sustainable communities strategy pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 65080* may impose a surcharge of up to two dollars ($2) pursuant to Section 9250.6 of the Vehicle Code, on a motor vehicle registered to an owner with an address in its jurisdiction. The surcharge may be imposed only if the metropolitan planning organization ~~or~~ , the council of governments *or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy* adopts a resolution authorizing the surcharge. A resolution by the Metropolitan Transportation Commission or the Association of Bay Area Governments to impose the surcharge shall be jointly adopted by resolution of both of those entities, and the revenue from the surcharge shall be divided in accordance with an agreement between these two entities. *A resolution by a county transportation commission or a subregional council of governments within the jurisdiction of the Southern California Association of Governments shall be jointly adopted by resolution of both of the entities, and the revenue from the surcharge shall be divided in accordance with an agreement between the two entities.*

(b) All revenue received pursuant to this section shall be used by the metropolitan planning organization ~~or by~~ , the council of governments ~~solely to develop and implement~~ *, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy solely to develop and implement a sustainable communities strategy or* a regional blueprint plan to identify land use strategies to reduce the use of motor vehicles in its jurisdiction and thereby reduce emissions into the environment from motor vehicles. *If the surcharge exceeds one dollar ($1), all amounts above one dollar ($1) in a jurisdiction with a population greater than 300,000 shall be used to provide grants to cities, counties, and cities and counties for planning and projects related to the implementation of a regional blueprint plan.* The metropolitan planning organization ~~or the council of governments~~ *, the council of governments, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy* shall transmit 5 percent of all surcharge revenue it receives pursuant to Section 9250.6 of the Vehicle Code to the Planning Advisory and Assistance Council created pursuant to Section 65040.6.

(c) For purposes of this section, a sustainable communities strategy and an alternative planning strategy shall both be considered to be a regional blueprint.

~~(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.~~

SEC. 4. Section 75125 of the Public Resources Code is amended to read:

75125. The council shall do all of the following:

(a) Identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. At a minimum, the council shall review and comment on the five-year infrastructure plan developed pursuant to Article 2 (commencing with Section 13100) of Chapter 2 of Part 3 of Division 3 of the Government Code and the State Environmental Goals and Policy Report developed pursuant to Section 65041 of the Government Code.

(b) Recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety, and is consistent with subdivisions (a) and (c) of Section 75065.

(c) Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities.

(d) Manage and award grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129. To implement this subdivision, the council may do all of the following:

(1) Develop guidelines for awarding financial assistance, including criteria for eligibility and additional consideration.

(2) Develop criteria for determining the amount of financial assistance to be awarded. The council shall award a revolving loan to an applicant for a planning project, unless the council determines that the applicant lacks the fiscal capacity to carry out the project without a grant. The council may establish criteria that would allow the applicant to illustrate an ongoing commitment of financial resources to ensure the completion of the proposed plan or project.

(3) Provide for payments of interest on loans made pursuant to this article. The rate of interest shall not exceed the rate earned by the Pooled Money Investment Board.

(4) Provide for the time period for repaying a loan made pursuant to this article.

(5) Provide for the recovery of funds from an applicant that fails to complete the project for which financial assistance was awarded. The council shall direct the State Controller to recover funds by any available means.

(6) Provide technical assistance for application preparation.

(7) Designate a state agency or department to administer technical and financial assistance programs for the disbursing of grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129.

(e) No later than July 1, 2010, and every year thereafter, provide

a report to the Legislature that shall include, but is not limited to, all of the following:

(1) A list of applicants for financial assistance.

(2) Identification of which applications were approved.

(3) The amounts awarded for each approved application.

(4) The remaining balance of available funds.

(5) A report on the proposed or ongoing management of each funded project.

(6) Any additional minimum requirements and priorities for a project or plan proposed in a grant or loan application developed and adopted by the council pursuant to subdivision (c) of Section 75216.

(7) In making recommendations pursuant to subdivisions (a) and (b) and in providing data and information pursuant to subdivision (c), the council shall consult with and coordinate its recommendations with the Planning Advisory and Assistance Council created pursuant to Section 65040.6 of the Government Code.

SEC. 5. Section 9250.6 is added to the Vehicle Code, to read:

9250.6. (a) (1) In addition to any other fees specified in this code, the Health and Safety Code, and the Revenue and Taxation Code, a surcharge of up to two dollars ($2) may be imposed by a metropolitan planning organization ~~or by a council of governments~~ *, a council of governments, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 65080,* and shall be paid to the department as follows:

(A) Upon initial registration on or after the date the department begins collecting the fee ~~of~~ *for* a motor vehicle not previously registered in this state that is registered to an owner with an address in the jurisdiction of the metropolitan planning organization ~~or~~ *, the* council of governments *, or the county transportation commission and the subregional council of governments jointly preparing a subregional sustainable communities strategy* requesting imposition of the surcharge.

(B) Upon renewal of registration of a motor vehicle to an owner with an address in the jurisdiction of the metropolitan planning organization ~~or council of governments~~ *, the council of governments, or the county transportation commission and the subregional council of governments jointly preparing a subregional sustainable communities strategy* requesting imposition of the surcharge for which the registration period expires after the date the department begins collecting the fee.

(2) This subdivision applies to a motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, except a vehicle that is expressly exempted under this code from the payment of registration fees. The department shall begin collecting the fee on January 1 of the year immediately following the date the department receives the request to do so from the metropolitan planning organization or council of governments.

(b) Prior to the adoption of a surcharge pursuant to this section, the metropolitan planning organization ~~or council of governments~~ *, the council of governments, or the county transportation commission and the subregional council of governments jointly preparing a subregional sustainable communities strategy* shall approve the imposition of the surcharge through the adoption of a resolution, as specified in Section 65083 of the Government Code.

(c) The metropolitan planning organization or council of

governments shall pay for the costs identified by the department to administer the surcharge. After deducting those costs, the department shall transmit the surcharge revenue quarterly to the metropolitan planning organization ~~or council of governments~~ *, the council of governments, or the county transportation commission and the subregional council of governments jointly preparing a subregional sustainable communities strategy* .

~~(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.~~

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