



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-1349 Transactions and use taxes: County of Contra Costa. (2019-2020)

SHARE THIS:  

Date Published: 10/02/2020 02:00 PM

Senate Bill No. 1349

CHAPTER 369

An act to amend Section 29140 of the Public Utilities Code, and to amend Section 7291 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, Glazer. Transactions and use taxes: County of Contra Costa.

Existing law authorizes various specified cities and counties, subject to certain limitations and approval requirements, to levy a transactions and use tax for general or specific purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law. A provision of the Transactions and Use Tax Law prohibits the combined rate of all taxes that may be imposed in accordance with that law in a county from exceeding 2%.

Existing law authorizes the Contra Costa Transportation Authority to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5% that, in combination with other transactions and use taxes, exceeds the above-described combined rate limit of 2%, if certain requirements are met, including a requirement that the ordinance proposing the transactions and use tax be submitted to, and approved by, the voters. Existing law repeals this authorization on December 31, 2020, if an ordinance proposing a transactions and use tax has not been approved by that date.

Existing law, the San Francisco Bay Area Rapid Transit District Act, creates the San Francisco Bay Area Rapid Transit District, which comprises a territory that includes the County of Contra Costa, and, among other things, authorizes the board of directors of the district to impose transactions and use taxes in conformity with the Transactions and Use Tax Law for specified purposes, subject to periodic legislative review and amendment, as provided.

This bill would provide that, notwithstanding the combined rate limit under the Transactions and Use Tax Law, neither a transaction and use tax rate imposed in the County of Contra Costa by the transportation authority under the above-described authority nor a transactions and use tax rate imposed by the San Francisco Bay Area Rapid Transit District, as specified, will be considered for purposes of that combined rate limit within the County of Contra Costa. The bill would declare that the changes made with regard to taxes imposed by the Contra Costa Transportation Authority for countywide transportation programs are declaratory of existing law.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Contra Costa.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 29140 of the Public Utilities Code is amended to read:

29140. (a) The board shall, by ordinance, impose transactions and use taxes in conformity with Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code for the purposes specified in Sections 29142 and 29142.2, subject to periodic legislative review and amendment.

(b) (1) Notwithstanding Section 7251.1 of the Revenue and Taxation Code, a transactions and use tax rate imposed pursuant to subdivision (a) on or before January 1, 2020, that applies within the County of Alameda shall not be considered for purposes of the combined rate limit within the County of Alameda established by that section.

(2) Notwithstanding Section 7251.1 of the Revenue and Taxation Code, a transactions and use tax rate imposed pursuant to subdivision (a) on or before the effective date of the act adding this subdivision that applies within the County of Contra Costa shall not be considered for purposes of the combined rate limit within the County of Contra Costa established by that section.

SEC. 2. Section 7291 of the Revenue and Taxation Code is amended to read:

7291. (a) Notwithstanding any other law, the Contra Costa Transportation Authority may impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5 percent that would, in combination with all taxes imposed pursuant to Part 1.6 (commencing with Section 7251), exceed the limit established in Section 7251.1, if all of the following requirements are met:

(1) The Contra Costa Transportation Authority adopts an ordinance proposing the transactions and use tax by any applicable voting approval requirement.

(2) The ordinance proposing the transactions and use tax is submitted to the electorate and is approved by the voters voting on the ordinance pursuant to Article XIII C of the California Constitution.

(3) The transactions and use tax conforms to the Transactions and Use Tax Law, Part 1.6 (commencing with Section 7251), other than Section 7251.1.

(b) (1) Notwithstanding Section 7251.1, a transactions and use tax rate imposed pursuant to subdivision (a) shall not be considered for purposes of the combined rate limit established by Section 7251.1.

(2) This subdivision does not constitute a change in, but is declaratory of, existing law.

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique fiscal pressures being experienced in the County of Contra Costa.