

AMENDED IN SENATE JUNE 9, 2011

CALIFORNIA LEGISLATURE—2011–12 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 34

Introduced by Assembly Member Blumenfield

May 19, 2011

An act relating to the Budget Act of 2011. An act to amend Section 16213 of, and to repeal and add Section 16180 of, the Government Code, and to amend and repeal Section 20623 of the Revenue and Taxation Code, relating to state government, making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, as amended, Blumenfield. ~~Budget Act of 2011.~~ *State Controller: property tax postponement.*

(1) The Senior Citizens and Disabled Citizens Property Tax Postponement Law, until February 20, 2009, authorized a claimant, as defined, to file a claim with the Controller to postpone the payment of ad valorem property taxes, where household income, as defined, did not exceed specified amounts. Existing law authorized the Controller, upon approval of the claim, to either make payment directly to specified entities, or to issue the claimant a certificate of eligibility that constituted a written promise of the state to pay the amount specified on the certificate, as provided. Existing law required these payments to be made out of specified funds appropriated to the Controller, as specified, and also required repaid property tax postponement payments to be paid into an impound account and transferred, as specified, to the General Fund.

Existing law, on and after February 20, 2009, prohibits a person from filing a claim for postponement, and prohibits the Controller from

accepting applications for postponement, under the Senior Citizens and Disabled Citizens Property Tax Postponement Law.

This bill would repeal the prohibition against a person filing a claim for postponement and the Controller from accepting applications for postponement, under the program as of July 1, 2012.

This bill would create in the State Treasury a Senior Citizens and Disabled Citizens Property Tax Postponement Fund. The bill would require that repaid property tax postponement payments be transferred from the impound account to, or be directly deposited into, the newly created fund. The bill would continuously appropriate these funds to the Controller for purposes of administering the property tax postponement program, as specified.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

(3) This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

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

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

1 SECTION 1. Section 16180 of the Government Code is
2 repealed.

3 16180. ~~Out of the amount appropriated to the Controller by~~
4 ~~Section 16100, the sum of twelve million seven hundred thousand~~
5 ~~dollars (\$12,700,000) for the 1977–78 fiscal year and each fiscal~~
6 ~~year thereafter is hereby made available to the Controller to pay~~
7 ~~the face amount of all certificates of eligibility for the~~
8 ~~postponement of property taxes submitted to the Controller which~~
9 ~~are signed and countersigned in the manner specified in Sections~~
10 ~~20602, 20603, 20639.6, 20640.6, and 20640.7 of the Revenue and~~
11 ~~Taxation Code.~~

12 SEC. 2. Section 16180 is added to the Government Code, to
13 read:

14 16180. (a) There is hereby created in the State Treasury a
15 Senior Citizens and Disabled Citizens Property Tax Postponement
16 Fund. Subject to subdivision (b) and notwithstanding Section
17 13340, the fund is continuously appropriated to the Controller,
18 commencing July 1, 2011, for purposes of administering this
19 chapter, including, but not limited to, necessary administrative
20 costs and disbursements relating to the postponement of property
21 taxes pursuant to the Senior Citizens and Disabled Citizens
22 Property Tax Postponement Law (Chapter 2 (commencing with
23 Section 20581) of Part 10.5 of Division 2 of the Revenue and
24 Taxation Code).

25 (b) The Controller shall transfer any moneys in the fund in
26 excess of ten million dollars (\$10,000,000) to the General Fund.

27 (c) Any loan repayments relating to the Senior Citizens and
28 Disabled Citizens Property Tax Postponement Law that are not
29 deposited into an impound account, as described in Section 16210
30 or 16211.5, shall be deposited into the Senior Citizens and
31 Disabled Citizens Property Tax Postponement Fund.

32 SEC. 3. Section 16213 of the Government Code is amended to
33 read:

34 16213. At the end of the six-month period specified in Section
35 16210 or the six-month period specified in Section 16211.5, all
36 funds remaining in an impound account shall be transferred to the
37 ~~General Fund~~ Senior Citizens and Disabled Citizens Property Tax
38 Postponement Fund, established pursuant to Section 16180.

1 SEC. 4. Section 20623 of the Revenue and Taxation Code is
2 amended to read:

3 20623. (a) No person shall file a claim for postponement under
4 this chapter on or after the effective date of the act adding this
5 section, and the Controller shall not accept applications for
6 postponement under this chapter on or after that date.

7 (b) This section shall become inoperative on July 1, 2012, and,
8 as of January 1, 2013, is repealed, unless a later enacted statute
9 that is enacted before January 1, 2013, deletes or extends the dates
10 on which it becomes inoperative and is repealed.

11 SEC. 5. This act addresses the fiscal emergency declared and
12 reaffirmed by the Governor by proclamation on January 20, 2011,
13 pursuant to subdivision (f) of Section 10 of Article IV of the
14 California Constitution.

15 SEC. 6. This act is a bill providing for appropriations related
16 to the Budget Bill within the meaning of subdivision (e) of Section
17 12 of Article IV of the California Constitution, has been identified
18 as related to the budget in the Budget Bill, and shall take effect
19 immediately.

20 SECTION 1. It is the intent of the Legislature to enact statutory
21 changes relating to the Budget Act of 2011.

22 SEC. 2. This act addresses the fiscal emergency declared and
23 reaffirmed by the Governor by proclamation on January 20, 2011,
24 pursuant to subdivision (f) of Section 10 of Article IV of the
25 California Constitution.

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