

AMENDED IN SENATE APRIL 18, 2013

**SENATE BILL**

**No. 446**

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**Introduced by Senator Cannella**  
*(Principal coauthor: Assembly Member Alejo)*

February 21, 2013

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An act to add Section 96.24 to the Revenue and Taxation Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 446, as amended, Cannella. Local government finance: property tax revenue allocations: County of San Benito.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing law provides for the computation, on the basis of these allocations, of apportionment factors that are applied to actual property tax revenues in each county in order to determine actual amounts of property tax revenue received by each recipient jurisdiction.

This bill would deem to be correct those property tax revenue apportionment factors that were applied in allocating property tax revenues in the County of San Benito for each fiscal year through the ~~2001-02~~ 2000-01 fiscal year. This bill would, ~~however,~~ *notwithstanding specified audit requirements, require the county auditor to make the allocation adjustments identified in the State Controller's audit of the County of San Benito for the 2001-02 fiscal year. The bill would*

*additionally* require property tax apportionment factors applied in allocating property tax revenue in the County of San Benito for the 2002–03 fiscal year and each fiscal year thereafter to be determined on the basis of apportionment factors for prior fiscal years that have been corrected or adjusted as would be required if those prior apportionment factors were not deemed correct by this bill.

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

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

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

1 SECTION 1. Section 96.24 is added to the Revenue and  
 2 Taxation Code, to read:  
 3 96.24. Notwithstanding any other ~~provision of law~~, the property  
 4 tax apportionment factors applied in allocating property tax  
 5 revenues in the County of San Benito for each fiscal year through  
 6 the ~~2001–02~~ 2000–01 fiscal year, inclusive, are deemed to be  
 7 correct. ~~However, for~~ *Notwithstanding the audit time limits*  
 8 *specified in paragraph (3) of subdivision (c) of Section 96.1, the*  
 9 *county auditor shall make the allocation adjustments identified in*  
 10 *the State Controller’s audit of the County of San Benito for the*  
 11 *2001–02 fiscal year pursuant to the other provisions of paragraph*  
 12 *(3) of subdivision (c) of Section 96.1. For the 2002–03 fiscal year*  
 13 *and each fiscal year thereafter, property tax apportionment factors*  
 14 *applied in allocating property tax revenues in the County of San*  
 15 *Benito shall be determined on the basis of property tax*  
 16 *apportionment factors for prior fiscal years that have been fully*  
 17 *corrected and adjusted, pursuant to the review and recommendation*  
 18 *of the Controller, as would be required in the absence of the*  
 19 ~~preceding sentence~~ *sentences.*  
 20 SEC. 2. The Legislature finds and declares that a special law  
 21 is necessary and that a general law cannot be made applicable  
 22 within the meaning of Section 16 of Article IV of the California  
 23 Constitution because of the uniquely severe fiscal difficulties being  
 24 suffered by the County of San Benito.

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