

AMENDED IN ASSEMBLY JUNE 13, 1995  
AMENDED IN ASSEMBLY MARCH 27, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1191**

**Introduced by Assembly Member Takasugi**

February 23, 1995

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An act to amend Sections 30053 and 30054 of the Government Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1191, as amended, Takasugi. Local government finance: sales and use tax revenues: allocation.

Existing law continuously appropriates state sales and use tax revenues deposited in the Local Public Safety Fund to the Controller for allocation, as provided, to each qualified county, as defined. It generally requires the auditor of each qualified county, in each fiscal year, to allocate that county's share of those revenues to the county and each city located therein in accordance with certain requirements and formulas.

This bill would modify those *general* requirements and formulas to require the auditor to allocate those revenues on a monthly basis, and to establish a new *general* formula for allocations in the ~~1994–95~~ 1995–96 fiscal year and each fiscal year thereafter. By imposing new allocation duties on county

auditors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 30053 of the Government Code  
2 is amended to read:

3 30053. (a) On or before the 27th day of each month,  
4 the Controller shall allocate to each qualified county the  
5 amounts deposited and remaining unexpended and  
6 unresolved in the Local Public Safety Fund on the 15th  
7 day of each month as provided in Section 30052.

8 (b) On or before the seventh day of each month, the  
9 county auditor shall, as provided in Section 30054, allocate  
10 to the county and to each city within the county those  
11 amounts allocated to the county in the previous month  
12 pursuant to subdivision (a).

13 SEC. 2. Section 30054 of the Government Code is  
14 amended to read:

15 30054. (a) The amounts allocated pursuant to  
16 Sections 30052 and 30053 shall be available only for public  
17 safety services, and shall be allocated in each qualified  
18 county to local agencies as provided in subdivision (b).

19 (b) (1) Each county shall create a Public Safety  
20 Augmentation Fund that shall consist of all revenues  
21 received by the county as a result of the allocations  
22 pursuant to Sections 30052 and 30053.



1 (2) Except as otherwise provided in paragraph (3) or  
2 (4), for the 1993–94 fiscal year and each fiscal year  
3 thereafter, the augmentation fund described in  
4 paragraph (1) shall be allocated among the county and  
5 each city in the county that provides public safety  
6 services as follows:

7 (A) For purposes of allocations for the 1993–94 ~~fiscal~~  
8 ~~year and 1994–95 fiscal years~~, the auditor shall multiply  
9 the monthly amount allocated to the county pursuant to  
10 subdivision (a) of Section 30053 by an allocation factor for  
11 each city within the county, the numerator of which shall  
12 be the amount of revenue shifted from that city to the  
13 Educational Revenue Augmentation Fund pursuant to  
14 Section 97.035 of the Revenue and Taxation Code for the  
15 1993–94 fiscal year less the amount of vehicle license fee  
16 revenues allocated to the city pursuant to Section 11005.4  
17 of the Revenue and Taxation Code for the 1993–94 fiscal  
18 year and the denominator of which shall be the amount  
19 of revenue shifted from all cities in the county and from  
20 the county to the Educational Revenue Augmentation  
21 Fund pursuant to Section 97.035 of the Revenue and  
22 Taxation Code for the 1993–94 fiscal year less the amount  
23 of vehicle license fee revenues allocated to the county  
24 and all cities in the county pursuant to Section 11005.4 of  
25 the Revenue and Taxation Code for the 1993–94 fiscal  
26 year.

27 (B) For the ~~1993–94 fiscal year~~ *each of the 1993–94 and*  
28 *1994–95 fiscal years*, the total allocation of revenues to any  
29 city shall not exceed 50 percent of the difference between  
30 the following:

31 (i) The amount by which the city’s allocation of  
32 property tax revenues was reduced pursuant to Section  
33 97.035 of the Revenue and Taxation Code for the 1993–94  
34 fiscal year.

35 (ii) The amount of vehicle license fee revenues  
36 allocated to the city pursuant to Section 11005.4 of the  
37 Revenue and Taxation Code for the 1993–94 fiscal year.

38 (C) For purposes of allocations for the ~~1994–95~~ *1995–96*  
39 *fiscal year* and each fiscal year thereafter, the auditor shall  
40 multiply the monthly amount allocated by the Controller



1 to the county pursuant to subdivision (a) of Section 30053  
 2 by an allocation factor for each city, the numerator of  
 3 which shall be the limitation amount determined with  
 4 respect to that city pursuant to subparagraph (B), and the  
 5 denominator of which shall be the total amount of  
 6 revenue allocated to the county for the 1993–94 fiscal year  
 7 by the Controller pursuant to Sections 30052 and 30053.

8 (D) Notwithstanding any other provision of this  
 9 section, allocation amounts determined pursuant to ~~this~~  
 10 ~~section~~ *subparagraph (C)* for each fiscal year shall equal  
 11 those allocation amounts that would be determined  
 12 under this section if those amounts were calculated based  
 13 on sales tax as allocated by the Controller for the  
 14 applicable fiscal year on an accrual basis. On or before  
 15 November 15 of each fiscal year, the auditor shall  
 16 reconcile the amounts actually allocated pursuant to ~~this~~  
 17 ~~section~~ *subparagraph (C)* for the previous fiscal year with  
 18 the allocation amounts required for that fiscal year by the  
 19 preceding sentence.

20 (3) Notwithstanding paragraph (2), for the 1993–94  
 21 fiscal year and each fiscal year thereafter, the amount in  
 22 the augmentation fund established pursuant to  
 23 paragraph (1) of each county described in subparagraph  
 24 (C) shall be allocated to the cities in the county that  
 25 provide public safety services as follows:

26 (A) The auditor shall determine an allocation factor  
 27 for each city within the county, the numerator of which  
 28 shall be the amount of the revenue shifted from that city  
 29 to the Educational Revenue Augmentation Fund  
 30 pursuant to Section 97.035 of the Revenue and Taxation  
 31 Code for the 1993–94 fiscal year, and the denominator of  
 32 which shall be the amount of revenue shifted from all  
 33 cities in the county to the Educational Revenue  
 34 Augmentation Fund pursuant to Section 97.035 of the  
 35 Revenue and Taxation Code for the 1993–94 fiscal year.

36 (B) The auditor shall multiply 5 percent of the amount  
 37 in the augmentation fund established pursuant to  
 38 paragraph (1) by the allocation factor determined in  
 39 subparagraph (A). The amount so computed shall be  
 40 allocated to each respective city.



1 (C) This paragraph applies only to the Counties of  
2 Fresno, Kings, Merced, San Bernardino, San Diego, San  
3 Joaquin, Solano, and Yolo.

4 (D) This paragraph shall apply to a particular county  
5 described in subparagraph (C) only if the total amount  
6 allocated under this paragraph to all of the cities therein  
7 that provide public safety services is less than the amount  
8 that would otherwise be allocated to all of those cities  
9 pursuant to paragraph (2).

10 (4) Notwithstanding paragraph (2), for the 1993–94  
11 fiscal year and each fiscal year thereafter, the amount in  
12 the augmentation fund established pursuant to  
13 paragraph (1) for the County of Alameda shall be  
14 allocated to the cities in the County of Alameda that  
15 provide public safety services as follows:

16 (A) The auditor shall determine an allocation factor  
17 for each city within the county, the numerator of which  
18 shall be the amount of the revenue shifted from that city  
19 to the Educational Revenue Augmentation Fund  
20 pursuant to Section 97.035 of the Revenue and Taxation  
21 Code for the 1993–94 fiscal year, and the denominator of  
22 which shall be the amount of revenue shifted from all  
23 cities in the County of Alameda to the Educational  
24 Revenue Augmentation Fund pursuant to Section 97.035  
25 of the Revenue and Taxation Code for the 1993–94 fiscal  
26 year.

27 (B) The auditor shall multiply 6.1 percent of the  
28 amount in the augmentation fund established pursuant to  
29 paragraph (1) by the allocation factor determined in  
30 subparagraph (A). The amount so computed shall be  
31 allocated to each city.

32 (5) All moneys in the Public Safety Augmentation  
33 Fund not allocated to any city within the county pursuant  
34 to paragraph (2), (3), or (4) shall be allocated to the  
35 county.

36 SEC. 3. Notwithstanding Section 17610 of the  
37 Government Code, if the Commission on State Mandates  
38 determines that this act contains costs mandated by the  
39 state, reimbursement to local agencies and school  
40 districts for those costs shall be made pursuant to Part 7



1 (commencing with Section 17500) of Division 4 of Title  
2 2 of the Government Code. If the statewide cost of the  
3 claim for reimbursement does not exceed one million  
4 dollars (\$1,000,000), reimbursement shall be made from  
5 the State Mandates Claims Fund.

6 Notwithstanding Section 17580 of the Government  
7 Code, unless otherwise specified, the provisions of this act  
8 shall become operative on the same date that the act  
9 takes effect pursuant to the California Constitution.

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