



**STATE BOARD OF EQUALIZATION
STAFF LEGISLATIVE ENROLLED BILL ANALYSIS**

Date Amended:	Enrolled	Bill No:	SB 314
Tax:	Transactions and Use	Author:	Murray
Board Position:		Related Bills:	SB 402 (Florez) SB 566 (Scott) SCA 2 (Torlakson) AB 1412 (Wolk) ACA 7 (Dutra)

BILL SUMMARY

This bill would authorize the Los Angeles County Metropolitan Transportation Authority, with the approval of the voters in Los Angeles County, as required by law, to levy a transactions and use tax at a rate of 0.50 percent for 6 1/2 years or less for the funding of specified transportation-related capital projects and programs.

ANALYSIS

Current Law

The **Transactions and Use Tax Law** (Parts 1.6 and 1.7, Division 2, Revenue and Taxation Code) authorizes counties to impose a transactions and use tax at a rate of 0.25 percent, or multiple thereof, if the ordinance imposing that tax is approved by the voters. Under all sections of the Transactions and Use Tax Law, the maximum allowable combined rate of transactions and use taxes levied in any county may not exceed 1.50 percent, with the exception of the City and County of San Francisco and the County of San Mateo, whose combined rates may not exceed 1.75 and 2 percent, respectively.

Section 7285 of the Transactions and Use Tax Law additionally allows counties to levy a transactions and use tax at a rate of 0.25 percent, or multiple thereof, for general purposes with the approval of a majority of the voters. Section 7285.5 permits the board of supervisors of any county to levy a transactions and use tax at a rate of 0.25 percent, or multiple thereof, for specific purposes with the approval of two-thirds of the voters.

Counties are required to contract with the Board to perform all functions in the administration and operations of the ordinances imposing the transactions and use taxes.

Senate Bill 147 (Chapter 786, Statutes of 1987, Deddeh) added Division 19 (commencing with Section 180000) to the Public Utilities Code. This division is known as the Local Transportation Authority and Improvement Act (LTAIA). The LTAIA authorizes a county board of supervisors to create an authority within the county or designate a transportation planning agency pursuant to Section 29532 of the Government Code, and to impose a transactions and use tax with a majority approval of the voters. However, subsequent court decisions held that a transportation sales tax measure is a special tax that requires approval by a two-thirds vote. Additionally,

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Proposition 218 (passed by the voters on November 5, 1996) requires, among other things, that (1) any tax imposed for specific purposes must be approved by two-thirds of the voters; and (2) any tax imposed for a specific purpose is a "special tax," even if the funds are placed into a general fund.

The LTAIA also provides that a transactions and use tax shall remain in effect for not longer than 20 years, or any lesser period of time as specified in the tax ordinance. The revenues from these taxes may be allocated by the authority for the construction, maintenance, improvement, and operation of local streets, roads, and highways, and the construction, improvement, and operation of public transit systems. The authority shall contract with the Board of Equalization to perform all functions incidental to the administration and operation of the ordinance.

Proposed Law

This bill would add Section 130350.5 to the Public Utilities Code to authorize the Los Angeles County Metropolitan Transportation Authority (MTA) to impose a transactions and use tax at a rate of 0.50 percent, with a majority voter approval of the entire membership of the authority and approval by the voters of the incorporated and unincorporated areas of Los Angeles County, as required by law. The tax would be imposed for a period of 6 1/2 years or less.

This bill would require that the tax revenues be used exclusively for the purposes of "Capital Projects" and "Capital Programs," as specified.

- "Capital Projects" include the following: Exposition Boulevard Light Rail Transit Project from downtown Los Angeles to Santa Monica; Crenshaw Metro Rapidway from Wilshire Boulevard to Los Angeles International Airport along Crenshaw Boulevard; San Fernando Valley North-South Rapidways; Metro Gold Line Light Rail Transit Extension (Pasadena to Claremont); Metro Center Connector; Metro Red Line Extension to Fairfax Avenue; State Highway Route 5 Carmenita Road Interchange Improvement; State Highway Route 5 Capacity Enhancement (State Highway Route 134 to State Highway Route 170, including access improvement for Empire Avenue); State Highway Route 5 Capacity Enhancement (State Highway Route 605 to the Orange County line, including improvements to the Valley View Interchange); State Highway Route 5/State Highway Route 14 Capacity Enhancement; and Capital Project Contingency Fund.
- "Capital Programs" include the following: Alameda Corridor East Grade Separations; MTA and Municipal Regional Clean Fuel Bus Capital (Facilities and Rolling Stock); Countywide Soundwall Construction (MTA Regional List and Monterey Park/State Highway Route 60); Metrolink Capital Improvements; Eastside Light Rail Access; local return for major street resurfacing, rehabilitation, and reconstruction; and Capital Program administration.

This bill would require, prior to submitting the ordinance to the voters, the MTA to adopt an expenditure plan for the tax revenues. The expenditure plan would describe the specified projects and programs, the estimated cost for each project and program, funds other than the tax revenues that the MTA anticipates will be expended on the projects

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and programs, and the schedule during which the MTA anticipates funds will be available for each project and program.

This bill would require the MTA to establish and administer the Capital Project Development Fund and require that the revenues derived from this tax be deposited into this fund.

The tax would be levied pursuant to Chapter 2 (commencing with Section 7261) to Chapter 4 (commencing with Section 7275) of the Transactions and Use Tax Law (Part 1.6 of Division 2 of the Revenue and Taxation Code). This bill would provide that the tax would not be subject to the combined rate limitation under Section 7251.1 (Chapter 1 of Part 1.6) of the Revenue and Taxation Code.

This bill would also provide that the MTA may not: (1) incur bonded indebtedness for funding of the projects as specified in the provisions of this bill; and (2) use revenues derived from bonded indebtedness to fund the projects specified in this bill.

In General

Currently, Los Angeles County has three transactions and use taxes being levied within its borders. The Los Angeles County Metropolitan Transportation Authority (created in February 1993 as a result of the merger between Southern California Rapid Transit District and Los Angeles County Transportation Commission) imposes two transactions and use taxes at a rate of 0.50 percent each (1/2 percent) for a total county-wide transactions and use tax rate of 1 percent. The combined state and local tax rate throughout Los Angeles County, with the exception of the City of Avalon, is 8.25 percent. The City of Avalon in Los Angeles County imposes a 0.50 percent (1/2 percent) transactions and use tax, for a total combined state and local tax rate within the City of Avalon of 8.75 percent. Because the City of Avalon imposes a 0.50 percent (1/2 percent) tax and the Los Angeles County Metropolitan Transportation Authority imposes a countywide 1 percent tax, Los Angeles County has reached the maximum allowable rate of 1.5 percent and, therefore, is prohibited from imposing any additional countywide transactions and use taxes.

Senate Bill 566 (Scott) of 2003 proposes to increase the combined maximum transactions and use tax rate in Los Angeles County from 1.5 percent to 2 percent.

COMMENTS

1. **Sponsor and purpose.** This bill is sponsored by the Los Angeles County Metropolitan Transportation Authority in an effort to provide additional funding for specific transportation projects, both highway and transit oriented. According to the author's staff, Los Angeles County has many transportation projects and improvements which have insufficient or no funding or are years away from being funded.
2. **Key amendments.** The **September 5 amendments** changed the amounts to be spent on the following Capital Projects: Exposition Boulevard Light Rail Transit Project from downtown Los Angeles to Santa Monica, Crenshaw Metro Rapidway from Wilshire Boulevard to Los Angeles International Airport along Crenshaw Boulevard, and Metro Gold Line Light Rail Transit Extension (Pasadena to

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Irwindale). The **September 2 amendments**: (1) increased the time period of the transactions and use tax from 5 years to 6 1/2 years or less; (2) established the Capital Project Development Fund and required that the revenues derived from the tax be deposited into this fund; and (3) clarified that the revenues will be used to fund specified transportation-related capital projects and programs. The **June 2 amendments** addressed technical concerns raised in the previous Board staff analysis. Specifically, that analysis recommended that the language "except as inconsistent with this section" be deleted from the bill, and as an alternative, language could be added to exclude certain provisions of the Transactions and Use Tax Law that would not be applicable to this tax. The June 2 amendments added clarifying language to provide that the tax ordinance shall comply with Chapter 2 through Chapter 4 of Part 1.6, Division 2 of the Revenue and Taxation Code. Based on the June 2 amendments, the Board staff does not foresee any administrative problems with this bill.

The **March 27 amendments** amended sections in the Public Utilities Code, Revenue and Taxation Code, Street and Highways Code, and the Vehicle Code, related to transportation. The **April 30 amendments** authorized the Los Angeles County Metropolitan Transportation Authority to impose a transactions and use tax at a rate of 0.50 percent for 5 years or less, for the funding of specified transportation-related projects. The amendments also provided that the tax would be subject to approval of the voters in Los Angeles County, as required by law. The **May 13 amendments** would prohibit the Los Angeles County Metropolitan Transportation Authority from either incurring bonded indebtedness for the funding of the projects specified in the bill or expending revenues derived from bonded indebtedness to fund the projects specified in the bill.

3. **This bill contains an exclusion from the rate limitation in Section 7251.1 of the Transactions and Use Tax Law.** As previously stated, Los Angeles County is currently prohibited from imposing an additional county-wide transactions and use tax (City of Avalon tax pushes Los Angeles County to the 1.5 percent cap). However, this bill contains a provision which excludes this tax from the 1.5 percent cap.
4. **Related Legislation.** Two bills introduced during 2003 would authorize a special district or cities to impose a transactions and use tax. **SB 402 (Florez)** would authorize the City of Coalinga and the City of Huron, with the approval of two-thirds of the voters, to levy a transactions and use tax at a rate not less 0.25 percent, but not to exceed 0.50 percent, for recreation and park services by the Coalinga-Huron Recreation and Park District within the boundaries of the cities of Coalinga and Huron. **AB 1412 (Wolk)** would authorize the cities of Albany, American Canyon, Benicia, Berkeley, Beverly Hills, Calistoga, Capitola, Colton, Culver City, El Cerrito, Emeryville, Fairfield, Fontana, Hollister, King City, Lafayette, Los Angeles, Malibu, Monterey, Monterey Park, Morro Bay, Napa, Pacific Grove, Pleasant Hill, Port Hueneme, Rialto, Richmond, Rio Vista, Rohnert Park, San Bernardino, San Carlos, San Fernando, San Juan Bautista, San Pablo, Sand City, Santa Cruz, Santa Maria, Santa Monica, Santa Rosa, Scott's Valley, Soledad, St. Helena, Suisun City, Vacaville, Vallejo, West Hollywood, Winters, and Yountville, subject to either a two-thirds or majority voter approval, depending on how the revenues will be spent, to

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levy a transactions and use tax at a rate of 0.25 or 0.50 percent. This bill would also authorize the City of Petaluma, subject to either two-thirds or majority voter approval, depending on how the revenues will be spent, to levy a transactions and use tax at a rate of 0.25, 0.50, 0.75, or 1 percent. This bill would also repeal the statutes authorizing the County of Stanislaus to impose a transactions and use tax at a rate of 0.125 percent for the funding of library programs.

Additionally, two bills introduced in 2003 would place on the ballot a constitutional amendment to lower the voter approval requirement for special purpose transportation taxes. **SCA 2 (Torlakson)** would constitutionally authorize counties, cities and counties, local transportation agencies, and regional transportation agencies, with the approval of a majority of the voters in the jurisdiction, to impose a transactions and use tax to be used exclusively for funding transportation projects and services and related smart growth planning. **ACA 7 (Dutra)** would constitutionally authorize local transportation agencies and regional transportation agencies, with the approval of 55 percent of the voters in the jurisdiction, to impose a transactions and use tax for a period of 20 to 30 years, as specified, at a rate of 0.50 percent to be used exclusively for transportation purposes.

Finally, **SB 566 (Scott)** would provide that, the combined rate of transactions and use taxes imposed in any county may not exceed 2 percent. This bill also authorizes cities to impose a transactions and use tax, subject to voter approval, for general or special purposes.

Of all the bills described, only SB 566 was enrolled.

COST ESTIMATE

This bill does not increase administrative costs to the Board because it only authorizes the MTA to impose a tax. However, if the voters of Los Angeles County approve the county initiative imposing the tax, the authority would be required to contract with the Board for its preparation costs, as well as the ongoing costs for the Board's services in actually administering the ordinance.

Assembly Bill 836 (Sweeney, Chapter 890, Statutes 1998) required the Board to cap administrative costs based on the lesser of the ratio during the first full year the tax is in effect, or a predetermined amount based on the tax rate and applied to the revenues generated in the special taxing jurisdiction. The maximum administrative costs for a special taxing jurisdiction imposing a transactions and use tax of 0.25 percent (1/4 percent) is capped at 3 percent of the revenue generated, while the maximum for a tax of 0.50 percent (1/2 percent) or greater is capped at 1.5 percent.

If the MTA were to impose a tax, the maximum amount that the Board could charge would be \$8,040,000 (1.5% X \$536,000,000). Currently, there are two transactions and use taxes each at a rate of 0.50 percent (1/2 percent) being imposed by the MTA (formerly Los Angeles County Transportation Commission). For these taxes, the Board's estimated assessment of administrative costs for the fiscal year 2002-03 was 6.5 million each. Based on this information, the Board does not anticipate that the administrative costs would exceed the cap.

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REVENUE ESTIMATE

Taxable sales in the County of Los Angeles during fiscal year 2001-02 was \$107.2 billion. A 0.50 percent transactions and use tax in Los Angeles County would raise an estimated \$536 million annually.

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Attachment 1
California Sales, Transactions and Use Tax Rates by County
Effective 01/01/03

01 Alameda	
State	6.00
Local	1.25
ACTA#	0.50
ACTI#	0.50
BART	0.50
	<hr/>
	8.25

02 Alpine	
State	6.00
Local	1.25
	<hr/>
	7.25

03 Amador	
State	6.00
Local	1.25
	<hr/>
	7.25

04 Butte	
State	6.00
Local	1.25
	<hr/>
	7.25

05 Calaveras	
State	6.00
Local	1.25
	<hr/>
	7.25

06 Colusa	
State	6.00
Local	1.25
	<hr/>
	7.25

07 Contra Costa	
State	6.00
Local	1.25
CCTA	0.50
BART	0.50
	<hr/>
	8.25

08 Del Norte	
State	6.00
Local	1.25
	<hr/>
	7.25

09 El Dorado	
State	6.00
Local	1.25
PLPS*	0.25
	<hr/>
	7.50

10 Fresno	
State	6.00
Local	1.25
FCTA	0.50
FCPL	0.125
CCPS*	0.30
	<hr/>
	8.175

11 Glenn	
State	6.00
Local	1.25
	<hr/>
	7.25

12 Humboldt	
State	6.00
Local	1.25
	<hr/>
	7.25

13 Imperial	
State	6.00
Local	1.25
IMTA	0.50
CXHD*	0.50
	<hr/>
	8.25

14 Inyo	
State	6.00
Local	1.25
INRC	0.50
	<hr/>
	7.75

15 Kern	
State	6.00
Local	1.25
	<hr/>
	7.25

16 Kings	
State	6.00
Local	1.25
	<hr/>
	7.25

17 Lake	
State	6.00
Local	1.25
CLPS*	0.50
	<hr/>
	7.75

18 Lassen	
State	6.00
Local	1.25
	<hr/>
	7.25

19 Los Angeles	
State	6.00
Local	1.25
LATC	0.50
LACT	0.50
AMHC*	0.50
	<hr/>
	8.25

20 Madera	
State	6.00
Local	1.25
MCTA	0.50
	<hr/>
	7.75

21 Marin	
State	6.00
Local	1.25
	<hr/>
	7.25

22 Mariposa	
State	6.00
Local	1.25
MCHA	0.50
	<hr/>
	7.75

23 Mendocino	
State	6.00
Local	1.25
	<hr/>
	7.25

24 Merced	
State	6.00
Local	1.25
	<hr/>
	7.25

25 Modoc	
State	6.00
Local	1.25
	<hr/>
	7.25

26 Mono	
State	6.00
Local	1.25
	<hr/>
	7.25

27 Monterey	
State	6.00
Local	1.25
	<hr/>
	7.25

28 Napa	
State	6.00
Local	1.25
NCFP	0.50
	<hr/>
	7.75

29 Nevada	
State	6.00
Local	1.25
NVPL	0.125
TRSR*	0.50
	<hr/>
	7.875

30 Orange	
State	6.00
Local	1.25
OCTA	0.50
	<hr/>
	7.75

31 Placer	
State	6.00
Local	1.25
	<hr/>
	7.25

32 Plumas	
State	6.00
Local	1.25
	<hr/>
	7.25

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California Sales, Transactions and Use Tax Rates by County
Effective 01/01/03

33 Riverside	
State	6.00
Local	1.25
RCTC	0.50
	<u>7.75</u>

34 Sacramento	
State	6.00
Local	1.25
STAT	0.50
	<u>7.75</u>

35 San Benito	
State	6.00
Local	1.25
	<u>7.25</u>

36 San Bernardino	
State	6.00
Local	1.25
SBER	0.50
	<u>7.75</u>

37 San Diego	
State	6.00
Local	1.25
SDTC	0.50
	<u>7.75</u>

38 San Francisco	
State	6.00
Local	1.25
SFTA	0.50
SFPF	0.25
BART	0.50
	<u>8.50</u>

39 San Joaquin	
State	6.00
Local	1.25
SJTA	0.50
	<u>7.75</u>

40 San Luis Obispo	
State	6.00
Local	1.25
	<u>7.25</u>

41 San Mateo	
State	6.00
Local	1.25
SMTA	0.50
SMCT	0.50
	<u>8.25</u>

42 Santa Barbara	
State	6.00
Local	1.25
SBAB	0.50
	<u>7.75</u>

43 Santa Clara	
State	6.00
Local	1.25
SCCT	0.50
SCGF	0.50
	<u>8.25</u>

44 Santa Cruz	
State	6.00
Local	1.25
SCMT	0.50
SZPL	0.25
	<u>8.00</u>

45 Shasta	
State	6.00
Local	1.25
	<u>7.25</u>

46 Sierra	
State	6.00
Local	1.25
	<u>7.25</u>

47 Siskiyou	
State	6.00
Local	1.25
	<u>7.25</u>

48 Solano	
State	6.00
Local	1.25
SLPL	0.125
	<u>7.375</u>

49 Sonoma	
State	6.00
Local	1.25
SCOS	0.25
SEGR	0.25
	<u>7.75</u>

50 Stanislaus	
State	6.00
Local	1.25
STCL	0.125
	<u>7.375</u>

51 Sutter	
State	6.00
Local	1.25
	<u>7.25</u>

52 Tehama	
State	6.00
Local	1.25
	<u>7.25</u>

53 Trinity	
State	6.00
Local	1.25
	<u>7.25</u>

54 Tulare	
State	6.00
Local	1.25
	<u>7.25</u>

55 Tuolumne	
State	6.00
Local	1.25
	<u>7.25</u>

56 Ventura	
State	6.00
Local	1.25
	<u>7.25</u>

57 Yolo	
State	6.00
Local	1.25
WOGT*	0.50
WSTU	0.50
	<u>8.25</u>

58 Yuba	
State	6.00
Local	1.25
	<u>7.25</u>

#ACTA expired 3/31/02 and ACTI became operative 4/1/02. The tax rate remained unchanged at 8.25%.
The tax in this district is not imposed throughout the county; it is a citywide tax. The county total includes the citywide district tax.