



SCA-6 Local transportation measures: special taxes: voter approval. (2017-2018)

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AMENDED IN SENATE MARCH 29, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**SENATE CONSTITUTIONAL
AMENDMENT**

No. 6

Introduced by Senator Wiener

February 13, 2017

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, and by amending Section 2 of Article XIII C thereof, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SCA 6, as amended, Wiener. Local transportation measures: special taxes: voter approval.

The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities.

This measure would require that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation purposes, as specified, be submitted to the electorate and approved by 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.

The California Constitution provides that a proposed amendment of the constitution, upon submission to, and approval by, the voters takes effect the day after the election unless the measure provides otherwise.

This measure would provide that the amendments of the constitution in this measure shall take effect on the date of the election.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its ~~2016-17~~ **2017-18** Regular Session commencing on the fifth day of December 2016, two-thirds of the membership of

each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First— That Section 4 of Article XIII A thereof is amended to read:

SEC. 4. Except as otherwise provided by Section 2 of Article XIII C, a city, county, or special district, by a two-thirds vote of its voters voting on the proposition, may impose a special tax within that city, county, or special district, except an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property within that city, county, or special district.

Second— That Section 2 of Article XIII C thereof is amended to read:

SEC. 2. Notwithstanding any other provision of this Constitution:

(a) A tax imposed by any local government is either a general tax or a special tax. A special district or agency, including a school district, has no authority to levy a general tax.

(b) A local government shall not impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax is not deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to November 6, 1996, may continue to be imposed only if that general tax is approved by a majority vote of the voters voting in an election on the issue of the imposition, which election is held no later than November 6, 1998, and in compliance with subdivision (b).

(d) (1) Except as otherwise provided in paragraph (2), a local government shall not impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by two-thirds of the voters voting on the proposition. A special tax is not deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(2) The imposition, extension, or increase of a special tax, as may otherwise be authorized by law, by a local government for the purpose of providing funding for transportation purposes requires the submittal of the tax to the electorate and approval of 55 percent of the voters voting on the proposition. A tax provides funding for transportation purposes if 100 percent of the net revenues from the tax, after collection and administrative expenses, is dedicated to transportation programs and projects.

Third— *That the amendments to Section 4 of Article XIII A and Section 2 of Article XIII C of the California Constitution made by this measure shall take effect on the date of the election at which they are approved by the voters.*