

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1388

Introduced by Assembly Member ~~Aanestad~~ Members *Aanestad, Ashburn, Bates, Briggs, Cox, Dickerson, Leslie, Pescetti, Strickland, and Wyman*

(Coauthors: Senators Battin, Costa, Haynes, Johannessen, Knight, Monteith, and Oller)

February 23, 2001

An act to add Section ~~6353~~ 6353.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1388, as amended, Aanestad. Sales and use taxes: gas.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax, including an exemption for gas, electricity, and water, when delivered to consumers, as specified.

This bill would *establish the California Propane Accessibility Act* to additionally exempt propane gas from that tax.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but its operative date would depend upon its effective date.

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 6353.1 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 6353.1. (a) *This section shall be known and may be cited as*
- 4 *“The California Propane Accessibility Act.”*
- 5 (b) There are exempted from the taxes imposed by this part the
- 6 gross receipts from the sale in this state of, and the storage, use, or
- 7 other consumption in this state of, propane gas.
- 8 SEC. 2. Notwithstanding Section 2230 of the Revenue and
- 9 Taxation Code, no appropriation is made by this act and the state
- 10 shall not reimburse any local agency for any sales and use tax
- 11 revenues lost by it under this act.
- 12 SEC. 3. This act provides for a tax levy within the meaning of
- 13 Article IV of the Constitution and shall go into immediate effect.
- 14 However, the provisions of this act shall become operative on the
- 15 first day of the first calendar quarter commencing more than 90
- 16 days after the effective date of this act.

