

Introduced by Senator Perata

April 9, 2002

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 36 to Article XIII thereof, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SCA 12, as introduced, Perata. Sales and use tax: munitions: trauma centers.

The Sales and Use Tax Law imposes a sales and use 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 based on a specified percentage of the gross receipts from the sale of, or the sales price of, that property.

This measure, in addition, would, for the privilege of selling munitions at retail, impose a tax upon retailers at the rate of 5¢ for each munition, as defined, sold at retail in this state on or after January 1, 2003. It would also impose a comparable excise tax on the storage, use, or other consumption in this state of each munition for which the tax was not paid by a retailer. The tax would be collected, administered, and enforced in the same manner as the tax imposed under the Sales and Use Tax Law, to the extent that the tax imposed by this measure is not inconsistent with that law.

This measure would require that revenues collected pursuant to the additional tax be deposited in the Trauma Center Fund, which the measure would create. Moneys in the fund would be continuously appropriated to the State Board of Equalization to pay specified costs of the board and for purposes of making refunds, and to counties in the



state for allocation to medical emergency rooms, to be expended exclusively for trauma care.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2001–02 Regular
3 Session commencing on the fourth day of December 2000,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended by adding Section 36 to
7 Article XIII thereof, to read:

8 SEC. 36. (a) In addition to any sales and use taxes otherwise
9 imposed by law, the following sales and use taxes are hereby
10 imposed:

11 (1) For the privilege of selling munitions at retail there is
12 hereby imposed a tax upon all retailers at the rate of 5 cents (\$0.05)
13 for each munition sold at retail in this state on or after January 1,
14 2003.

15 (2) An excise tax is hereby imposed on the storage, use, or other
16 consumption in this state of each munition purchased from any
17 retailer on or after January 1, 2003, for the storage, use, or other
18 consumption in this state at the rate of 5 cents (\$0.05) for each
19 munition that is so stored, used, or consumed.

20 (b) The taxes imposed by this section shall be administered and
21 enforced in a manner consistent with the Sales and Use Tax Law
22 (Part 1 (commencing with Section 6001) of Division 2 of the
23 Revenue and Taxation Code), including any amendments made
24 thereto on or after the effective date of this section, to the extent
25 that the tax imposed by this section is not inconsistent with that
26 law.

27 (c) For purposes of this section, “munition” means a projectile
28 with its fuse, propelling charge, or primer fired from a weapon, or
29 any of the individual components thereof. “Munition” does not
30 include a BB or a pellet commonly used in an air rifle or pistol.

31 (d) The tax provided for in this section may not be imposed
32 upon any munition purchased by any peace officer required to
33 carry a firearm while on duty, or by any governmental law
34 enforcement agency employing that officer.



1 (e) All amounts required to be paid to the state under this
2 section shall be paid to the State Board of Equalization in the form
3 of remittances that are payable to that board and are separate from
4 the remittance of any other tax. The board shall transmit the
5 payments to the Treasurer to be deposited in the State Treasury to
6 the credit of the Trauma Center Fund, which is hereby created.

7 (f) The Trauma Center Fund is hereby continuously
8 appropriated, without regard to fiscal years, as follows:

9 (1) To the State Board of Equalization for both of the
10 following:

11 (A) To pay for the board's cost of implementation and
12 administration of this section.

13 (B) To pay refunds in accordance with this section.

14 (2) The balance to the Controller for apportionment among all
15 counties in this State in shares proportionate to each county's share
16 of the State's total population, for allocation by each county to
17 medical emergency rooms located in the county. Any amounts
18 allocated to a county under this paragraph shall be expended
19 exclusively for trauma care.

