

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1376

Introduced by Assembly Member Nestande
(Coauthors: Assembly Members Jeffries and Silva)
(Coauthor: Senator Harman)

February 18, 2011

An act to add Section 6356.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, as amended, Nestande. Sales and use taxes: exemption: renewable energy facility.

The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state.

This bill would exempt from those taxes the sale of, or the storage, use, or other consumption of, tangible personal property purchased for use by a person for the construction of a facility that will use solar, biomass, wind, and geothermal energy to generate electricity of ~~10 megawatts~~ *one megawatt* or greater.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing law authorizes districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which conforms to the Sales and Use Tax Law. Exemptions from state sales and use taxes are

incorporated into these laws. 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 specify that this exemption does not apply to local sales and use taxes or to transactions and use taxes.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Section 6356.7 is added to the Revenue and
2 Taxation Code, to read:

3 6356.7. (a) There are exempted from the taxes imposed by
4 this part the gross receipts from the sale of, and the storage, use,
5 or other consumption in this state of, tangible personal property
6 purchased for use by a person for the construction of a facility that
7 will use solar, biomass, wind, and geothermal energy to generate
8 electricity of ~~10 megawatts~~ *one megawatt* or greater.

9 ~~SEC. 2. Notwithstanding Section 2230 of the Revenue and~~
10 ~~Taxation Code, no appropriation is made by this act and the state~~
11 ~~shall not reimburse any local agency for any sales and use tax~~
12 ~~revenues lost by it under this act.~~

13 (b) *Notwithstanding any provision of the Bradley-Burns Uniform*
14 *Local Sales and Use Tax Law (Part 1.5 (commencing with Section*
15 *7200)) or the Transactions and Use Tax Law (Part 1.6*
16 *(commencing with Section 7251)), the exemption established by*
17 *this section shall not apply with respect to any tax levied by a*
18 *county, city, or district pursuant to, or in accordance with, either*
19 *of those laws.*

20 ~~SEC. 3.~~

21 SEC. 2. This act provides for a tax levy within the meaning of
22 Article IV of the Constitution and shall go into immediate effect.

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