

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2102**

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**Introduced by Assembly Member Hill**

February 23, 2012

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An act to ~~amend Section 6563 of the Revenue and Taxation Code, relating to taxation.~~ *add Section 15819.405 to, and to add Chapter 3.2.3 (commencing with Section 15819.42) to Part 10b of Division 3 of Title 2 of, the Government Code, relating to county jail construction, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2102, as amended, Hill. ~~State Board of Equalization: determination.~~ *Revenue bond financing of prison construction: Phase III.*

*Existing law authorizes the Department of Corrections and Rehabilitation, participating counties, and the State Public Works Board (SPWB) to acquire, design, and construct local jail facilities approved by the Board of State and Community Corrections. Existing law authorizes the SPWB to issue revenue bonds, notes, or bond anticipation notes in specified amounts to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities, as specified.*

*This bill would require funds dispersed to counties pursuant to Phase I of the program to be returned to the department by August 1, 2013, if the funds have not been encumbered and if specified conditions, including identification and purchase of the jail site, have not been met by June 1, 2013. The bill would appropriate the funds returned to the*

*department to be used to fund county facilities and would give priority for those awards to counties that have met the specified criteria.*

~~The State Board of Equalization, if not satisfied with a return or the amount of tax, may compute and determine the amount required to be paid, as specified. A person against whom a determination is made may petition for a redetermination. The board may decrease or increase the amount of the determination, as provided.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 *SECTION 1. Section 15819.405 is added to the Government*  
2 *Code, to read:*

3 *15819.405. A county that has been awarded funds pursuant to*  
4 *this chapter shall return those funds by August 1, 2013, if the funds*  
5 *have not been encumbered and the following conditions are not*  
6 *met by June 1, 2013:*

7 *(a) The county has established a jail planning unit and a project*  
8 *development team.*

9 *(b) The county has completed a jail needs assessment.*

10 *(c) A functional plan has been completed for the proposed jail.*

11 *(d) The jail site has been identified and purchased.*

12 *(e) An environmental impact report has been completed.*

13 *(f) The county board of supervisors has approved the jail*  
14 *functional plans and the scope of the jail.*

15 *SEC. 2. Chapter 3.2.3 (commencing with Section 15819.42) is*  
16 *added to Part 10b of Division 3 of Title 2 of the Government Code,*  
17 *to read:*

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19 *CHAPTER 3.2.3. REVENUE BOND FINANCING OF PRISON*  
20 *CONSTRUCTION—PHASE III*

21

22 *15819.42. (a) Moneys returned to the Department of*  
23 *Corrections and Rehabilitation pursuant to Section 15819.405 are*  
24 *hereby appropriated to the Department of Corrections and*  
25 *Rehabilitation to be used to fund county facilities pursuant to this*

1 *chapter. Funds shall be awarded pursuant to the criteria*  
2 *established in Chapter 3.2.1 (commencing with Section 15819.40).*

3 *(b) A county that has met the criteria in Section 15819.405 and*  
4 *that was awarded funding under Chapter 3.2.1 (commencing with*  
5 *Section 15819.40) shall be given priority for funding under this*  
6 *chapter.*

7 ~~SECTION 1. Section 6563 of the Revenue and Taxation Code~~  
8 ~~is amended to read:~~

9 ~~6563. (a) The board may decrease or increase the amount of~~  
10 ~~the determination before it becomes final, but the amount may be~~  
11 ~~increased only if a claim for the increase is asserted by the board~~  
12 ~~at or before the hearing. Unless the penalty imposed by Section~~  
13 ~~6485 or Section 6514 applies to the amount of the determination~~  
14 ~~as originally made or as increased, the claim for increase must be~~  
15 ~~asserted during either of the following applicable periods:~~

16 ~~(1) In the case of a taxpayer whose reported gross receipts and~~  
17 ~~total sales price of property sold or purchased by him or her is less~~  
18 ~~than ten million dollars (\$10,000,000) in each calendar quarter of~~  
19 ~~the period or periods to which the determination applies, within~~  
20 ~~three years after the first deficiency determination or within three~~  
21 ~~years after the time tax records requested by the board were made~~  
22 ~~available, whichever is later.~~

23 ~~(2) In the case of any other taxpayer, within eight years after~~  
24 ~~the first deficiency determination or within eight years after the~~  
25 ~~time tax records requested by the board were made available,~~  
26 ~~whichever is later.~~

27 ~~(b) If the taxpayer and the board mutually agree, the time limits~~  
28 ~~specified in subdivision (a) may be waived.~~

29 ~~(c) The board shall specify the information on which it bases~~  
30 ~~its increase.~~