

Introduced by Senator Correa

February 24, 2012

An act to amend Section 13943.1 of the Government Code, relating to the State Board of Equalization.

LEGISLATIVE COUNSEL'S DIGEST

SB 1419, as introduced, Correa. State Board of Equalization: discharge from accountability.

Existing law authorizes the State Board of Control to discharge any state agency or employee from accountability for the collection of taxes, licenses, fees, or money owing to the state if the debt is uncollectible or the amount of the debt does not justify the cost of its collection. Existing law authorizes the Franchise Tax Board to extinguish an outstanding liability for the payment of any tax, fee, or other liability deemed uncollectible that is due and owing to the state, if certain conditions are met.

This bill would authorize the State Board of Equalization to extinguish an outstanding liability for the payment of any tax, fee, or other liability deemed uncollectible that is due and owing to the state, if certain conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 13943.1 of the Government Code is
- 2 amended to read:
- 3 13943.1. (a) Except as provided in subdivision (b), a discharge
- 4 granted pursuant to this chapter to a state agency or employee does

1 not release any person from the payment of any tax, license, fee,
2 or other money that is due and owing to the state.

3 (b) A discharge granted pursuant to this chapter to the Franchise
4 Tax Board *or the State Board of Equalization* shall release a person
5 from a liability for the payment of any tax, fee, or other liability
6 deemed uncollectible that is due and owing to the state and
7 extinguish that liability, if at least one of the following conditions
8 is met:

9 (1) The liability is for an amount less than five hundred dollars
10 (\$500).

11 (2) The liable person has been deceased for more than four years
12 and there is no active probate with respect to that person.

13 (3) The Franchise Tax Board *or the State Board of Equalization*,
14 *respectively*, has determined that the liable person has a permanent
15 financial hardship.

16 (4) The liability has been unpaid for more than 30 years.