

ASSEMBLY BILL

No. 163

Introduced by Assembly Member Atkins

January 23, 2013

An act to amend Section 6363.4 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 163, as introduced, Atkins. Sales and use tax exemption: military thrift store.

Existing law, until January 1, 2014, exempts from sales and use taxes, the sale of, and the storage, use, or other consumption of, tangible personal property by a designated entity that operates a thrift store on a military installation, whose purpose is to assist members of the Armed Forces of the United States, eligible family members, and survivors.

This bill would extend this provision indefinitely.

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 the Transactions and Use Tax Law authorizes districts, as specified, to impose transactions and use taxes in conformity with the Sales and Use Tax Law. Exemptions from state sales and use taxes are incorporated in 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 take effect immediately as a tax levy.

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 6363.4 of the Revenue and Taxation
2 Code is amended to read:

3 6363.4. (a) There are exempted from the taxes imposed by
4 this part, the gross receipts from the sale in this state of, and the
5 storage, use, or other consumption in this state of, tangible personal
6 property sold by a thrift store located on a military installation and
7 operated by a designated entity that, in partnership with the United
8 States Department of Defense, provides financial, educational, and
9 other assistance to members of the Armed Forces of the United
10 States, eligible family members, and survivors that are in need.

11 (b) For purposes of this section, “designated entity” means a
12 military welfare society described in Section 1033 of Chapter 53
13 of Part II of Subtitle A of Title 10 of the United States Code.

14 ~~(c) This section shall remain in effect only until January 1, 2014.~~

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

17 SEC. 3. This act provides for a tax levy within the meaning of
18 Article IV of the Constitution and shall go into immediate effect.