

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 89**

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**Introduced by Assembly Member Travis Allen**

January 7, 2015

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An act to ~~amend Section 20~~ *add and repeal Section 6361.3* of the Revenue and Taxation Code, relating to ~~taxation~~ *taxation, to take effect immediately, tax levy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 89, as amended, Travis Allen. ~~Taxation—Sales and use taxes: exemptions: public schools.~~

*Existing sales and use tax laws impose 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. Those laws provide various exemptions from those taxes.*

*This bill would, on and after January 1, 2016, and before January 1, 2021, exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, any items purchased by a K-12 public school or a K-12 public school district for use by that school or district.*

*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 conformity 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.*

*This bill would specify that the above-described exemption does not apply to local sales and use taxes, transactions and use taxes, and specified state taxes from which revenues are deposited into the Fiscal Recovery Fund, the Local Public Safety Fund, the Education Protection Account, the Local Revenue Fund, and the Local Revenue Fund 2011.*

*This bill would take effect immediately as a tax levy.*

~~Existing law defines the term “board” to mean the State Board of Equalization for purposes of the Revenue and Taxation Code.~~

~~This bill would make a technical, nonsubstantive change to that law.~~

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

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

1     SECTION 1. Section 6361.3 is added to the Revenue and  
2     Taxation Code, to read:  
3     6361.3. (a) On and after January 1, 2016, there are exempted  
4     from the taxes imposed by this part, the gross receipts from the  
5     sale in this state of, and the storage, use, or other consumption in  
6     this state of, any items purchased by a K-12 public school or a  
7     K-12 public school district for use by that school or district.  
8     (b) (1) Notwithstanding the Bradley-Burns Uniform Local Sales  
9     and Use Tax Law (Part 1.5 (commencing with Section 7200)) and  
10    the Transactions and Use Tax Law (Part 1.6 (commencing with  
11    Section 7251)), the exemption established by this section shall not  
12    apply with respect to any tax levied by a county, city, or district  
13    pursuant to, or in accordance with, either of those laws.  
14    (2) Notwithstanding subdivision (a), the exemption established  
15    by this section shall not apply with respect to any tax levied  
16    pursuant to Section 6051.2, 6051.5, 6201.2, or 6201.5, pursuant  
17    to Section 35 and subdivision (f) of Section 36 of Article XIII of  
18    the California Constitution, or any tax levied pursuant to Section  
19    6051 or 6201 that is deposited in the State Treasury to the credit  
20    of the Local Revenue Fund 2011 pursuant to Section 6051.15 or  
21    6201.15.  
22    (c) This section shall remain in effect only until January 1, 2021,  
23    and shall be repealed on January 1, 2022.

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

3     ~~SECTION 1. Section 20 of the Revenue and Taxation Code is~~  
4     ~~amended to read:~~

5     ~~20. "Board" shall mean the State Board of Equalization.~~

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