



505.0680

STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

July 28, 1952

REDACTED TEXT

Dear Mr. REDACTED TEXT:

In accordance with our recent telephone discussion I am enclosing herewith Opinions of Attorney General NS2129, November 21, 1939, NS4618, November 27, 1942, and NS4717, February 8, 1943, all dealing with the application of the State sales tax with respect to sales to State agencies to which Federal funds were allotted for the purchase of supplies.

Opinion NS4717 deals particularly with the right of the retailer to obtain reimbursement for the tax. In Opinion NS2129 note particularly the next to the last paragraph. Also enclosed is an additional copy of Decision A-88689, January 31, 1942, Comptroller General of the United States.

These opinions cite the various decisions holding the California sales tax to be imposed upon the retailer and, therefore, in so far as the purchaser is concerned, a part of the price and nothing else. Other decisions are also cited in support of the position of the State that the tax is applicable notwithstanding that the State agency making the purchase used Federal funds allotted to it for that purpose.

There have been no cases since those cited in the enclosed opinions that I could mention which I believe would be of further assistance to you. The matter having been quite definitely settled by the authorities mentioned in these opinions, there seems to have been no further litigation in which the particular point in question has been discussed. If, however, I can be of any further assistance to you, I shall be glad to do so in any way that I can.

Very truly yours

E. H. Stetson
Tax Counsel