

# State of California

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**Legislative Change No.****02-18**Bill Number: AB 2783Author: Strom-MartinChapter Number: 02-594Laws Affecting Franchise Tax Board: Revenue and Taxation Code Sections 18741, 18742, 18743, and 18744Date Filed with the Secretary of the State: September 16, 2002

**SUBJECT:** Endangered & Rare Fish, Wildlife, & Plant Species Conservation & Enhancement Account/  
Reestablish Fund

**Assembly Bill 2783 (Strom-Martin), as enacted on September 16, 2002, made the following changes to California law:**

Section 18741 of the Revenue and Taxation Code is added.

This act allows taxpayers to designate their own money, not tax liability, to the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account (fund). Contributions must be made in full dollar amounts. Each signatory on a joint return may make the contributions individually. The designations for any taxable year must be made on the initial return for the taxable year and, once made, are irrevocable. If an individual designates to more than one fund and an insufficient amount is available to satisfy the total amount designated, the contribution will be allocated among the designees on a pro rata basis. A deduction will be allowed for any contribution made.

This act requires Franchise Tax Board (FTB) to include a designation space for the fund on the individual tax return.

Section 18742 of the Revenue and Taxation Code is added.

This act requires FTB to notify the Controller of both the amount of money paid by taxpayers in excess of their tax liability and the amount of refund money taxpayers have designated to the fund.

This act requires the Controller to transfer money designated for this fund by taxpayers from the Personal Income Tax Fund to the fund. The amount shall not be in excess of the amounts reported by FTB.

This act requires that all money transferred to the fund be allocated, upon appropriation by the Legislature, first to FTB and the Controller for reimbursement of costs incurred performing their duties related to the fund. The remaining money will be allocated to the Department of Fish and Game to support programs for endangered and rare animals and native plant species, related conservation and enhancement programs, and programs that may be candidates for determination as endangered or rare.

Bureau Director

Roger Lackey for Brian Putler

Date

October 4, 2002

Section 18743 of the Revenue and Taxation Code is added.

This act provides that it is the intent of the Legislature to create an additional funding source for programs supporting endangered and rare animals and native plant species and will be used to supplement, not supplant, other funding sources for these programs.

Section 18744 of the Revenue and Taxation Code is added.

The article established by this act will remain in effect until January 1, 2008, and is repealed as of that date, unless a later enacted statute, enacted prior to January 1, 2008, deletes or extends that date.

If FTB estimates in any calendar year that contributions made to the fund on returns filed in that calendar year will be less than \$250,000 for taxable years beginning in 2002, or the adjusted amount for subsequent years, this article is repealed for taxable years beginning on or after January 1 of that calendar year. FTB is required to estimate the annual contribution amount by September 1 of each year using actual amounts contributed and an estimated contribution amount for the remainder of the year.

For each calendar year beginning with 2003, the minimum estimated contribution amount for the calendar year is adjusted for inflation based on the figures for the percentage change in the California Consumer Price Index received on or before August 1<sup>st</sup> of the calendar year.

Any contribution amounts designated prior to the repeal of the article must continue to be transferred and disbursed pursuant to the article as it was in effect immediately preceding its repeal.

This act is effective and operative January 1, 2003.

This act will not require any reports by the department to the Legislature.