

State of California

Franchise Tax Board-Legislative Services Bureau
PO Box 1468
Sacramento, CA 95812-1468

Telephone: (916) 845-4326
ATSS: 468-4326
FAX: (916) 845-5472

Legislative Change No.

04-27

Bill Number: AB 658

Author: Nakano

Chapter Number: 04-562

Laws Affecting Franchise Tax Board: Revenue and Taxation Code Sections 18845, 18845.1, 18845.2, and 18845.3

Date Filed with the Secretary of the State: September 16, 2004

SUBJECT: California Prostate Cancer Research Fund

Assembly Bill 658 (Nakano), as enacted on September 16, 2004, made the following changes to California law:

Section 18845 of the Revenue and Taxation Code is added.

This act allows taxpayers to designate their own money, not tax liability, to the California Prostate Cancer Research Fund ("fund"). The contributions would 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 the Franchise Tax Board (FTB) to include a designation space for the fund on the individual tax return.

This act specifies that the California Prostate Cancer Research Fund designation may not be added to the income tax return until another voluntary contribution designation is removed.

Section 18845.1 of the Revenue and Taxation Code is added.

This act establishes the California Prostate Cancer Research Fund in the State Treasury to receive contributions made pursuant to this act.

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.

The Controller is required to transfer from the Personal Income Tax Fund to the fund an amount not in excess of the amounts reported by FTB.

Bureau Director

Jana Howard for Brian Putler

Date

10/14/04

Section 18845.2 of the Revenue and Taxation Code is added.

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 is then allocated to the State Department of Health Services to allocate to the California Coalition to Cure Prostate Cancers for the award of grants to support prostate cancer research.

This act specifies that the funds must not be used for the administrative costs of the State Department of Health Services.

Section 18845.3 of the Revenue and Taxation Code is added.

This act specifies that the provisions authorizing the fund shall remain in effect until January 1 of the fifth taxable year following the first appearance of the California Prostate Cancer Research Fund on the return. As of that date, the act will be repealed unless a later enacted statute, enacted prior to the applicable date, deletes or extends that date.

If FTB estimates in the second calendar year after the fund first appears on the return that contributions made to the fund on returns filed in that calendar year will be less than \$250,000 for the taxable year, 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 the third calendar year, 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 1st of the calendar year.

This act is effective January 1, 2005.

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