

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 28**

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**Introduced by Assembly Member Huffman**

*(Coauthors: Assembly Members Adams, Benoit, Caballero, Davis, DeSaulnier, DeVore, Horton, Krekorian, Laird, Lieu, Ma, Mendoza, Mullin, Portantino, Solorio, and Sharon Runner)*

*(Coauthor: Senator Romero)*

December 4, 2006

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An act to amend Section 18796 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, Huffman. Personal income taxes: contributions: California Breast Cancer Research Fund.

The Personal Income Tax Law allows taxpayers, until January 1, 2008, to designate on their tax returns that a specified amount in excess of their tax liability be contributed to the California Breast Cancer Research Fund.

This bill would extend the operation of those provisions until January 1, 2013.

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

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

1 SECTION 1. Section 18796 of the Revenue and Taxation Code  
2 is amended to read:

1 18796. (a) This article shall remain in effect only until January  
2 1, 2013, and as of that date is repealed, unless a later enacted  
3 statute, which is enacted before January 1, 2013, deletes that date.

4 (b) (1) By September 1, 2006, and by September 1 of each  
5 subsequent calendar year that the California Breast Cancer  
6 Research Fund appears on a tax return, the Franchise Tax Board  
7 shall do all of the following:

8 (A) Determine the minimum contribution amount required to  
9 be received during the next calendar year for the fund to appear  
10 on the tax return for the taxable year that includes that next calendar  
11 year.

12 (B) Provide written notification to the University of California  
13 of the amount determined in subparagraph (A).

14 (C) Determine whether the amount of contributions estimated  
15 to be received during the calendar year will equal or exceed the  
16 minimum contribution amount determined by the Franchise Tax  
17 Board for the calendar year pursuant to subparagraph (A). The  
18 Franchise Tax Board shall estimate the amount *of* the contributions  
19 to be received by using the actual amounts received and an estimate  
20 of the contributions that will be received by the end of that calendar  
21 year.

22 (2) If the Franchise Tax Board determines that the amount of  
23 contributions estimated to be received during a calendar year will  
24 not at least equal the minimum contribution amount for the calendar  
25 year, this article is repealed with respect to taxable years beginning  
26 on or after January 1 of that calendar year.

27 (3) For purposes of this section, the minimum contribution  
28 amount for a calendar year means two hundred fifty thousand  
29 dollars (\$250,000) for the 1997 calendar year or the minimum  
30 contribution amount adjusted pursuant to subdivision (c).

31 (c) For each calendar year, beginning with calendar year 1998,  
32 the Franchise Tax Board shall adjust, on or before September 1 of  
33 that calendar year, the minimum contribution amount specified in  
34 subdivision (b) as follows:

35 (1) The minimum contribution amount for the calendar year  
36 shall be an amount equal to the product of the minimum  
37 contribution amount for the prior calendar year multiplied by the  
38 inflation factor adjustment as specified in paragraph (2) of  
39 subdivision (h) of Section 17041, rounded off to the nearest dollar.

1 (2) The inflation factor adjustment used for the calendar year  
2 shall be based on the figures for the percentage change in the  
3 California Consumer Price Index that are received on or before  
4 August 1 of the calendar year pursuant to paragraph (1) of  
5 subdivision (h) of Section 17041.

6 (d) Notwithstanding the repeal of this article, any contribution  
7 amounts designated pursuant to this article prior to its repeal shall  
8 continue to be transferred and disbursed in accordance with this  
9 article as in effect immediately prior to that repeal.

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