

AMENDED IN SENATE JUNE 10, 2008

AMENDED IN SENATE MAY 5, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1935**

---

---

**Introduced by Assembly Member Fuller  
(Principal coauthors: Assembly Members De Leon and Parra)  
(Coauthors: Assembly Members Horton, Huffman, Lieber, and  
Wolk)**

February 12, 2008

---

---

An act to add and repeal Article ~~17~~ 8.5 (commencing with Section ~~18881~~ 18797) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1935, as amended, Fuller. Taxpayer contributions: California Ovarian Cancer Research Fund.

Existing law, relating to the administration of personal income taxes, authorizes individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds or accounts.

This bill would additionally allow taxpayers to designate on their tax returns, that a specified amount in excess of their tax liability be transferred to the California Ovarian Cancer Research Fund, which would be created by this bill. This bill would provide that all moneys contributed to the fund pursuant to these provisions, upon appropriation by the Legislature, be allocated to the Franchise Tax Board and the Controller for reimbursement of costs, as provided, and to the University of California for the support of ovarian cancer research, as provided.

This bill would provide that these voluntary contribution provisions are repealed on either January 1 of the 5th taxable year following the taxable year the fund first appears on the personal income tax return, or on January 1 of an earlier calendar year, if the Franchise Tax Board estimates that the annual contribution amount will be less than \$250,000, or an adjusted amount for subsequent taxable years.

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. ~~Article 17 8.5 (commencing with Section 18881)~~  
2 ~~18797~~) is added to Chapter 3 of Part 10.2 of Division 2 of the  
3 Revenue and Taxation Code, to read:

4  
5 Article ~~17~~: 8.5. California Ovarian Cancer Research Fund

6  
7 ~~18881~~.  
8 ~~18797~~. The Legislature finds and declares all of the following:

9 (a) Ovarian cancer is a devastating health condition that will  
10 affect one out of 50 American women during their lifetimes.  
11 Ovarian cancer accounts for 4 percent of all cancers among women,  
12 and ranks fifth as a cause of death for women with cancer. There  
13 are approximately 25,000 new cases and over 16,000 deaths each  
14 year caused by ovarian cancer. The death rate for this disease has  
15 not changed much in the last 50 years. Unfortunately, almost 70  
16 percent of women with the common epithelial ovarian cancer are  
17 not diagnosed until the disease is advanced in stage. The five-year  
18 survival rate for these women is only 15 to 20 percent.

19 (b) There is no known cause, cure, or prevention at this time  
20 for ovarian cancer. Women are encouraged to listen to their bodies  
21 by heeding the following early warning signs:

- 22 (1) Unexplained change in bowel habits or bladder habits,  
23 including constipation, urinary frequency, and incontinence.
- 24 (2) Gastrointestinal upset, including gas, indigestion, or nausea.
- 25 (3) Unexplained weight loss or weight gain.
- 26 (4) Pelvic or abdominal pain or discomfort.
- 27 (5) Pelvic or abdominal bloating or swelling.
- 28 (6) A constant feeling of fullness.
- 29 (7) Fatigue.

1 (8) Abnormal or postmenopausal bleeding.

2 (9) Pain during intercourse.

3 (c) The state of ovarian cancer screening must be dramatically  
4 improved to identify tumors.

5 (d) It is the intent of the Legislature, in enacting this article, to  
6 establish a systematic program to conduct research regarding the  
7 cause, cure, and prevention of ovarian cancer. The outcome of this  
8 research may have direct effects on and consequences for the  
9 development of a comprehensive system that may identify the  
10 cause of, means of preventing, and a cure for, ovarian cancer, as  
11 well as improving the screening, diagnosis, and treatment of  
12 victims of ovarian cancer. This program shall award grants to  
13 eligible physicians, hospitals, laboratories, educational institutions,  
14 and other organizations and persons for the purpose of enabling  
15 those entities and persons to conduct research.

16 ~~18882.~~

17 *18797.1.* For the purpose of this article, “research” shall  
18 include, but not be limited to, expenditures to develop and advance  
19 the understanding, techniques, and methods effective in the  
20 prevention, cure, screening, and treatment of ovarian cancer.

21 ~~18883.~~

22 *18797.2.* (a) Any individual may designate on the tax return  
23 that a contribution in excess of the tax liability, if any, be made to  
24 the California Ovarian Cancer Research Fund, pursuant to Section  
25 ~~18884~~ *18797.3.*

26 (b) The contributions shall be in full dollar amounts and may  
27 be made individually by each signatory on a joint return.

28 (c) A designation under subdivision (a) shall be made for any  
29 taxable year on the individual return for that taxable year, and once  
30 made shall be irrevocable. In the event that payments and credits  
31 reported on the return, together with any other credits associated  
32 with the individual’s account, do not exceed the individual’s  
33 liability, the return shall be treated as though no designation has  
34 been made.

35 (d) The Franchise Tax Board shall revise the forms of the return  
36 to include a space labeled the “California Ovarian Cancer Research  
37 Fund” to allow for the designation permitted under subdivision

38 (a). The forms shall also include in the instructions information  
39 that the contribution may be in the amount of one dollar (\$1) or

1 more and that the contribution shall be used to conduct research  
 2 relating to the cure, screening, and treatment of ovarian cancer.

3 (e) Notwithstanding any other provision of law, a voluntary  
 4 contribution designation for the California Ovarian Cancer  
 5 Research Fund may not be added to the tax return until another  
 6 voluntary contribution is removed.

7 (f) A deduction shall be allowed under Article 6 (commencing  
 8 with Section 17201) of Chapter 3 of Part 10 for any contribution  
 9 made pursuant to subdivision (a).

10 ~~18884.~~

11 *18797.3.* There is hereby established in the State Treasury the  
 12 California Ovarian Cancer Research Fund to receive contributions  
 13 made pursuant to Section ~~18883~~ *18797.2*. The Franchise Tax  
 14 Board shall notify the Controller of both the amount of money  
 15 paid by taxpayers in excess of their tax liability and the amount  
 16 of refund money which taxpayers have designated pursuant to  
 17 Section ~~18883~~ *18797.2*. to be transferred to the California Ovarian  
 18 Cancer Research Fund. The Controller shall transfer from the  
 19 Personal Income Tax Fund to the California Ovarian Cancer  
 20 Research Fund an amount not in excess of the sum of the amounts  
 21 designated by individuals pursuant to Section ~~18883~~ *18797.2*. for  
 22 payment into that fund.

23 ~~18885.~~

24 *18797.4.* All money transferred to the California Ovarian  
 25 Cancer Research Fund, upon appropriation by the Legislature,  
 26 shall be allocated as follows:

27 (a) To the Franchise Tax Board and the Controller for  
 28 reimbursement of all costs incurred by the Franchise Tax Board  
 29 and the Controller in connection with their duties under this article.

30 (b) To the University of California for the support of ovarian  
 31 cancer research. The University of California may use up to 5  
 32 percent of the money allocated to it for costs associated with  
 33 administering the ovarian cancer research program.

34 ~~18886.~~

35 *18797.5.* (a) Except as otherwise provided in subdivision (b),  
 36 this article shall remain in effect only until January 1 of the fifth  
 37 taxable year following the first appearance of the California  
 38 Ovarian Cancer Research Fund on the personal income tax return,  
 39 and as of that date is repealed, unless a later enacted statute, that  
 40 is enacted before the applicable date, deletes or extends that date.

1 (b) (1) By September 1 of the second calendar year, and by  
2 September 1 of each subsequent calendar year that the California  
3 Ovarian Cancer Research Fund appears on a tax return, the  
4 Franchise Tax Board shall do all of the following:

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

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

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

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

24 (3) For purposes of this section, the minimum contribution  
25 amount for a calendar year means two hundred fifty thousand  
26 dollars (\$250,000) for the second calendar year after the first  
27 appearance of the California Ovarian Cancer Research Fund on  
28 the personal income tax return or the adjusted minimum  
29 contribution amount adjusted pursuant to subdivision (c).

30 (c) For each calendar year, beginning with the third calendar  
31 year after the first appearance of the California Ovarian Cancer  
32 Research Fund on the personal income tax return, the Franchise  
33 Tax Board shall adjust, on or before September 1 of that calendar  
34 year, the minimum contribution amount specified in subdivision  
35 (b) as follows:

36 (1) The minimum estimated contribution amount for the calendar  
37 year shall be an amount equal to the product of the minimum  
38 estimated contribution amount for the calendar year multiplied by  
39 the inflation factor adjustment as specified in subparagraph (A) of

1 paragraph (2) of subdivision (h) of Section 17041, rounded off to  
2 the nearest dollar.

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

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

O