

AMENDED IN SENATE MAY 10, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1008

Introduced by Assembly Member Block

February 27, 2009

~~An act to add Section 78217 to the Education Code, relating to community colleges.~~ *An act to add and repeal Article 11.3 (commencing with Section 18810) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxpayer contributions.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1008, as amended, Block. ~~Community colleges: student assessment.~~ *Taxpayer contributions: California National Guard Education Assistance Fund.*

Provisions relating to the administration of personal income taxes allow individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds.

This bill would allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California National Guard Education Assistance Fund, which would be created by this bill. However, the bill would provide that a voluntary contribution designation for this fund may not be added on the tax return until another voluntary contribution designation is removed from that return.

This bill would require that all moneys contributed to the fund pursuant to these provisions, upon appropriation by the Legislature, be allocated to the Franchise Tax Board and to the Controller for

allocation to the California National Guard Education Assistance Fund, as provided.

This bill would provide that these voluntary contribution provisions are repealed on January 1 of the 5th taxable year following the taxable year the fund first appears on the tax return. The bill would further provide that these provisions are repealed for taxable years beginning on or after January 1 of the calendar year in which the Franchise Tax Board estimates by September 1 that the contributions made on returns filed in that calendar year will be less than \$250,000, or an adjusted amount for subsequent taxable years.

~~Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state:~~

~~Existing law requires the board to implement matriculation services in as many community colleges as funds appropriated for that purpose allow. Among the matriculation services to be provided is the assessment and counseling of students upon enrollment. Under existing law, assessment includes the administration of assessment tests to determine competency in certain skill areas, identification of aptitudes, and evaluation of study and learning skills, among other things:~~

~~Existing law prohibits a district or college from using an assessment instrument without authorization of the board and requires the board to establish an advisory committee to review and make recommendations concerning all assessment instruments used by the districts and colleges. Existing law provides that these requirements are only operative if funds are specifically appropriated for these purposes:~~

~~This bill would require the board to convene a working group including representatives of the Legislative Analyst's Office, the Academic Senate for California Community Colleges, and the California Community Colleges Consultation Council to make findings and recommendations regarding assessments that can be utilized to test basic skills of students entering community college. The bill would require the working group to present its findings to the Legislature and Governor on or before July 1, 2010:~~

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. This bill shall be known and may be cited as the*
2 *San Diego State University Students Act of 2010.*

3 *SEC. 2. Article 11.3 (commencing with Section 18810) is added*
4 *to Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation*
5 *Code, to read:*

6
7 *Article 11.3. California National Guard Education Assistance*
8 *Fund*
9

10 *18810. (a) Any individual may designate on the tax return that*
11 *a contribution in excess of the tax liability, if any, be made to the*
12 *California National Guard Education Assistance Fund established*
13 *by Section 18811. That designation is to be used as a voluntary*
14 *contribution on the tax return.*

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

17 *(c) A designation shall be made for any taxable year on the*
18 *initial return for that taxable year and once made is irrevocable.*
19 *If payments and credits reported on the return, together with any*
20 *other credits associated with the taxpayer’s account, do not exceed*
21 *the taxpayer’s liability, the return shall be treated as though no*
22 *designation has been made. If no designee is specified, the*
23 *contribution shall be transferred to the General Fund after*
24 *reimbursement of the direct actual costs of the Franchise Tax*
25 *Board for the collection and administration of funds under this*
26 *article.*

27 *(d) The Franchise Tax Board shall revise the form of the return*
28 *to include a space labeled the “California National Guard*
29 *Education Assistance Fund” to allow for the designation permitted.*
30 *The form shall also include in the instructions information that*
31 *the contribution may be in the amount of one dollar (\$1) or more*
32 *and that the contribution shall be used to supplement the California*
33 *National Guard Education Assistance Award Program, established*
34 *in Article 20.7 (commencing with Section 69999.10) of Chapter 2*
35 *of Part 42 of Division 5 of Title 3 of the Education Code.*

36 *(e) Notwithstanding any other law, a voluntary contribution*
37 *designation for the California National Guard Education*

1 *Assistance Fund may not be added on the tax return until another*
2 *voluntary contribution designation is removed.*

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

6 *18811. There is hereby established in the State Treasury the*
7 *California National Guard Education Assistance Fund to receive*
8 *contributions made pursuant to Section 18810. The Franchise Tax*
9 *Board shall notify the Controller of both the amount of money paid*
10 *by taxpayers in excess of their tax liability and the amount of refund*
11 *money that taxpayers have designated pursuant to Section 18810*
12 *to be transferred to the California National Guard Education*
13 *Assistance Fund. The Controller shall transfer from the Personal*
14 *Income Tax Fund to the California National Guard Education*
15 *Assistance Fund an amount not in excess of the sum of the amounts*
16 *designated by individuals pursuant to Section 18810 for payment*
17 *to that fund.*

18 *18812. All moneys transferred to the California National Guard*
19 *Education Assistance Fund, upon appropriation by the Legislature,*
20 *shall be allocated as follows:*

21 *(a) To the Franchise Tax Board and the Controller for*
22 *reimbursement of all costs incurred by the Franchise Tax Board*
23 *and the Controller in connection with their duties under this article.*

24 *(b) To the Student Aid Commission to provide supplemental*
25 *funds for the California National Guard Education Assistance*
26 *Award Program, established in Article 20.7 (commencing with*
27 *Section 69999.10) of Chapter 2 of Part 42 of Division 5 of Title 3*
28 *of the Education Code.*

29 *18813. It is the intent of the Legislature that this article create*
30 *an additional funding source for the California National Guard*
31 *Education Assistance Award Program and shall be used to*
32 *supplement, not supplant, other funding sources for the awards*
33 *granted pursuant to that program.*

34 *18814. (a) Except as otherwise provided in subdivision (b),*
35 *this article shall remain in effect only until January 1, 2020, and*
36 *as of that date is repealed, unless a later enacted statute, that is*
37 *enacted before January 1, 2020, deletes or extends that date.*

38 *(b) (1) By September 1 of the second calendar year, and by*
39 *September 1 of each subsequent calendar year that the California*

1 *National Guard Education Assistance Fund appears on a tax*
2 *return, the Franchise Tax Board shall do all of the following:*

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

7 *(B) Provide written notification to the Student Aid Commission*
8 *of the amount determined in subparagraph (A).*

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

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

22 *(3) For purposes of this section, the minimum contribution*
23 *amount for a calendar year means two hundred fifty thousand*
24 *dollars (\$250,000) for the second calendar year after the first*
25 *appearance of the California National Guard Education Assistance*
26 *Fund on the personal income tax return.*

27 *(c) Notwithstanding the repeal of this article, any contribution*
28 *amounts designated pursuant to this article prior to its repeal shall*
29 *continue to be transferred and disbursed in accordance with this*
30 *article as in effect immediately prior to that repeal.*

31 ~~SECTION. 1. Section 78217 is added to the Education Code,~~
32 ~~to read:~~

33 ~~78217. (a) The Board of Governors of the California~~
34 ~~Community Colleges shall convene a working group that includes,~~
35 ~~but is not limited to, representatives of the Legislative Analyst's~~
36 ~~Office, the California Community Colleges Consultation Council,~~
37 ~~and the Academic Senate for California Community Colleges, to~~
38 ~~make findings and recommendations to the Legislature and the~~
39 ~~Governor regarding statewide assessments that can be utilized to~~

- 1 test the basic skills of students as they enter the community college
- 2 system.
- 3 ~~(b) The working group shall present its findings and~~
- 4 ~~recommendations to the Legislature and the Governor on or before~~
- 5 ~~July 1, 2010.~~